DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1906

REPORTED AND EDITED BY

HOLLAND BROS.

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SECOND SESSION—TENTH PARLIAMENT



OTTAWA
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1906

SENATORS OF CANADA

ALPHABETICAL LIST

2nd SESSION, 10th PARLIAMENT, 6th EDWARD VII.

1906.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
BAIRD, G. T	Victoria	Perth Centre, N.B.
BAKER, G. B	Bedford	Sweetsburg, Que.
BÉIQUE, F. L	De Salaberry	Montreal.
BERNIER, T. A	St. Boniface	St. Boniface, Man.
BOLDUC, J	Lauzon	St. Victor de Tring, Que.
BOSTOCK, H	Kamloops	Monte Creek, B.C.
BOUCHERVILLE, DE, C.E., C.M.G	Montarville	Boucherville, Que.
BOWELL, (Sir Mackenzie), K.C.M.G.	Hastings	Belleville, Ont.
CARLING, (Sir John), K.C.M.G	London	London, Ont.
CARTWRIGHT, (Sir Richard), G.C.M.G	Oxford	Ottawa.
CASGRAIN, J. P. B	De Lanaudière	Montreal.
CASGRAIN, C. E	Windsor	Windsor, Ont.
CHOQUETTE, P. A	Grandville	Quebec.
CLORAN, H. J.	Victoria	Montreal.
COFFEY, T	London	London, Ont.
COX, G. A	Toronto	Toronto.
DANDURAND, R. (Speaker)	De Lorimier	Montreal.
DAVID, L. O	Mille Iles.	Montreal.
DAVIS, T. O	Prince Albert.	Prince Albert, Saskatchewan.
DE VEBER, L. G	Lethbridge	Lethbridge, Alberta.
DOBSON, J	Lindsay	Lindsay, Ont.
DOMVILLE, J	Rothesay	Rothesay, N.B.
DOUGLAS, J. M	Tantallon	Tantallon, Sask.
DRUMMOND, (Sir G. A.), K.C.M.G	Kennebec	Montreal.
EDWARDS, W. C	Russell	Rockland, Ont.
ELLIS, J. V	St. John	St. John, N.B.
FERGUSON, D	Queen's	Charlottetown, P.E.I.
FISET, J. B. R	Gulf	Rimouski, Que.
FORGET, L. J	Sorel	Montreal.
FROST, F. T	Leeds and Grenville.	Smith's Falls.
GIBSON, W	Lincoln	Beamsville, Ont.
GODBOUT, J	La Salle	St. François, Beauce, Que.
GOWAN, (Sir James R.), K.C.M.G	Barrie	Barrie, Ont.
HINGSTON, (Sir William), Kt	Rougemont	Montreal.
JAFFRAY, R	Toronto	Toronto, Ont.
JONES, L. MELVIN	Toronto	Toronto, Ont.
KERR, W	Northumberland	Cobourg, Ont.
KERR, J. K	Toronto	Toronto, Ont.
KING, G. G	Queen's.	Chipman, N.B.
KIRCHHOFFER, J. N	Selkirk	Brandon, Man.
LANDRY, P	Stadacona	Candiac, Que.
LEGRIS, J. H	Repentigny	Louiseville, Que.
LOUGHEED, J. A	Calgary	Calgary, Alberta.
LOVITT, J	Yarmouth	Yarmouth, N.S.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
MACDONALD, A. A	Charlottetown	Charlottetown, P.E.I.
MACDONALD, W. J	Victoria	Victoria, B.C.
MACKAY, R	Alma	Montreal.
MACKEEN, D	Cape Breton	Halifax.
MCDONALD, W	Cape Breton	Little Glace Bay, N.S.
MCGREGOR, J. D	New Glasgow	New Glasgow, N.S.
MCHUGH, G	Victoria, O.	Lindsay, Ont.
MCKAY, T	Truro	Truro, N.S.
MCLAREN, P	Perth	Perth, Ont.
MCMILLAN, D	Alexandria	Alexandria, Ont.
MCMULLEN, J	North Wellington	Mount Forest, Ont.
MCSWEENEY, P	Northumberland	Moncton, N.B.
MERNER, S	New Hamburg	Berlin, Ont.
MILLER, W	Richmond	Arichat, N.S.
MITCHELL, W	Wellington	Drummondville, Que.
MONTPLAISIR, H	Shawinegan	Three Rivers, Que.
OWENS, W	Inkerman	Montreal.
PERLEY, W. D	Wolseley	Wolseley, Saskatchewan.
POIRIER, P	Acadie	Shediac, N.B.
POWER, L. G	Halifax	Halifax, N.S.
RILEY, G	Victoria, B.C.	Victoria, B.C.
ROBERTSON, J. E	P. E. Island	Montague, P.E.I.
ROSS, J. H	Regina	Moose Jaw, Saskatchewan.
ROSS, W	Victoria, N.S.	Halifax, N.S.
ROY, P	Edmonton	Edmonton, Alberta.
SCOTT, R. W	Ottawa	Ottawa.
SHEHYN, J	Laurentides	Quebec.
SULLIVAN, M	Kingston	Kingston, Ont.
TALBOT, P	Lacombe	Lacombe, Alberta.
TESSIER, JULES	De la Durantaye	Quebec.
THIBAUDEAU, A. A	De la Vallière	Montreal.
THIBAUDEAU, J. R	Rigaud	Montreal.
THOMPSON, F. P	Fredericton	Fredericton, N.B.
VIDAL, A	Sarnia	Sarnia, Ont.
WATSON, R	Portage la Prairie	Portage la Prairie, Man.
WILSON, J. H	St. Thomas	St. Thomas, Ont.
WOOD, J	Westmoreland	Sackville, N.B.
YEO, J	East Prince	Port Hill, P.E.I.
YOUNG, F. M	Killarney	Killarney, Man.

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

SECOND SESSION OF THE TENTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR THE DESPATCH OF BUSINESS ON THURSDAY, THE EIGHTH DAY OF MARCH, IN THE SIXTH YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD VII.

SENATE.

OTTAWA, Thursday, March 8, 1906.

The Senate met at 2 p.m.

Prayers.

NEW SENATOR.

The following newly-appointed senator was introduced :

Hon. Peter Talbot, of Lacombe, Alta.

THE SPEECH FROM THE THRONE.

His Excellency the Right Honourable Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the County of Northumberland, in the Peerage of the United Kingdom, and a Baronet ; Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, &c., &c., Governor General of Canada, being seated on the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House that—"It is His Excellency's pleasure that they attend him immediately in the Senate."

Who being come, with their Speaker,

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

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

In again summoning you to meet for the despatch of business, I am glad to be able to congratulate you on the prosperity prevailing throughout the Dominion.

The severe bereavement which Queen Alexandra has sustained through the death of her father, the King of Denmark, has occasioned much sorrow throughout the empire, and I am satisfied that the warm sympathy of the people of Canada will be readily extended to Her Majesty.

It afforded me much pleasure as the representative of His Majesty to take part in the inauguration of the provinces of Alberta and Saskatchewan as constituent members of the confederation. The universal rejoicing on the assumption of provincial autonomy everywhere visible was gratifying to witness, and I venture to say that in no part of the world could a more contented population be found. The universal sentiment was one of abounding confidence in the future.

The bountiful harvest with which we have been blessed in the past season, together with the continued development of our industries and transportation facilities, have so stimulated business in all parts of Canada and have given such an impetus to our exports and imports that the trade both with the United Kingdom and foreign countries for the current

fiscal year gives promise of being the largest on record.

The flow of immigrants seeking homes in the three prairie provinces still continues, and from the present outlook the number will be in excess of any previous year, and it is gratifying to note the increasing proportion from the British Isles.

A treaty on behalf of Canada has now been concluded between the United Kingdom and Japan which it is confidently hoped will largely increase our trade with the people of that progressive empire. When the formal documents have been received they will be laid before you.

The rapid destruction of our forests now going on will, unless the operations of the lumbermen be prudently regulated in the future, and a system of reforestation adopted, result in grave consequences—affecting the uniform flow of our rivers and limiting our valuable water powers to a few months in the year. A Bill will be submitted for your consideration empowering the government to set apart forest reserves on lands under its control.

In accordance with the offer made by my ministers to the government of the United Kingdom, the imperial treasury has now been relieved from the cost of garrisoning Halifax, and arrangements are in progress for taking over the defence of Esquimalt, and hereafter detachments from the Permanent Force of Canada will have charge of both those important stations.

You will be invited to consider the propriety of making such a change in the fiscal year as will bring it more in harmony with the active business season.

The result of the investigation into the administration of leading life insurance companies in the neighbouring Republic has naturally created some uneasiness in the public mind as to the condition of Canadian companies. A commission has therefore been issued to inquire into and report on the management and financial standing, not only of companies holding Canadian charters, but also of all companies doing business under license in Canada.

Satisfactory progress is being made in the exploration and surveys of the Eastern Division of the National Transcontinental Railway, and it is expected that contracts for the construction of two important sections embracing together about 400 miles will shortly be executed.

The interim report of the Canadian section of the International Waterway Commission will be laid before you. The work of the joint commission has been somewhat delayed owing to a doubt as to the jurisdiction of the American section. The great development of commerce on the waters dividing the two countries and the opportunities for the generating of electric power at many points necessarily evolve questions which can only be dealt with by international arrangement or by treaty. At Niagara the commission will have to consider how best to preserve the scenic effect of the falls, while not unduly restricting the use of the flow of the Niagara river so valuable for power purposes.

A report has been received from the Transportation Commission containing several important recommendations; the document will be laid before you.

The legal experts appointed to revise, classify and consolidate the public general statutes passed since the revision in 1886 have completed their task, and it is expected that the volumes will be ready for distribution before July.

A measure for the better observance of the Lord's Day will be submitted for your consideration.

You will be invited to consider among other subjects Bills to amend the Railway Act, the Fruit Marks Act, an Act respecting Usury and also the Dominion Elections Act.

Gentlemen of the House of Commons:

The accounts for the past year will be laid before you; the estimates for the nine months embracing a portion of the proposed fiscal year terminating on the thirty-first of March, 1907, will be submitted for your approval at an early day.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I invite your earnest attention to the several subjets I have mentioned and to the general business that will come before you, and I trust your deliberations will be guided by wisdom and moderation.

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

The Senate adjourned until Monday next at 3 p.m.

SENATE.

OTTAWA, Monday, March 12, 1906.

The SPEAKER took the Chair at Three o'clock,

Prayers and routine proceedings.

NEW SENATOR.

The following newly appointed Senator was introduced;

Hon. L. Geo. DeVeber, of Lethbridge, Alberta.

THE ADDRESS.

MOTION.

The order of the day being called:

Consideration of His Excellency the Governor General's speech on the opening of the second session of the Tenth Parliament.

Hon. Mr. DeVEBER—In addressing you for the first time I wish to make acknowledgment of the very great compliment which has been paid to me as a resident of western Canada in allotting to me the task which now falls to me. I can assure you it is a very considerable undertaking to me. And in commencing my remarks I would ask that the House be lenient. I must confess to a certain indefinable feeling, the chief symptoms of which are fear, apprehension and timidity; and were some one other than myself the subject, I do not think I would have very much difficulty in diagnosing the case. I would probably term it a mild case of nervous prostration, easily recoverable as soon as the exciting cause was removed. I trust that the exciting cause in my case will be removed in a very short time. As a remedy, in the meantime I have the knowledge that this House, always kindly, welcomes any new man seeking entrance to its mysteries. I also have the knowledge that for the first day at least a new member can count upon an unusual degree of kindness, courtesy and consideration. The press, following out their usual custom of writing up everybody who has the honour to be summoned to this House, has given you my record. You probably have seen in it that for the last 25 years of my life I have lived in the west—the very far west—under the shadow of the Rockies. During that time I have visited the east but once, so if my language savors of westernism, if everything that I touch upon is viewed from the standpoint of the west, I hope I may stand excused, and that you will grant me your indulgence.

His Excellency, in his gracious speech from the Throne, has alluded to the severe bereavement which Queen Alexandra has sustained, through the death of her father, the King of Denmark. Death always carries sorrow in its train. We do not perhaps feel it so acutely unless it is brought home to us closely by the death of some one near and dear to us. In this case the loss is sustained by one who is known throughout the empire for her warm sympathy in distress, her kindly assistance and her womanly feeling towards those who may be suffering. In the present instance she is herself the sufferer. His Excellency states that he is satisfied that the warm sympathy of the people of Canada will be readily extended to her Majesty. Speaking for this House, I think I may safely speak for the Dominion at large—His Excellency may rest assured that the hearts of all Canadians have already gone out in a wave of sympathy in connection with the loss sustained by our beloved Queen.

His Excellency goes on to say—

It afforded me much pleasure as the representative of His Majesty to take part in the inauguration of the provinces of Alberta and Saskatchewan as constituent members of the confederation. The universal rejoicing on the assumption of provincial autonomy everywhere visible was gratifying to witness, and I venture to say that in no part of the world could a more contented population be found. The universal sentiment was one of abounding confidence in the future.

I can say, hon. gentlemen, that the pleasure afforded His Excellency was nothing to that experienced by the people of the territories. While speaking for myself, I can also safely say that I am voicing the feelings of the people of my own province, Alberta. As an evidence of this I have only to refer you to the emphatic way in which the territories last fall gave voice to their satisfaction. That the financial terms were considered generous, and that even the settlement of the very much discussed school question was not thought little of by the people of my province was amply demonstrated on that occasion; and their emphatic answer should be sufficient to convince every one, even the most sceptical, that the Autonomy Bill in its entirety was perfectly satisfactory to the people most concerned, namely, the residents of the ter-

ritories. The chief point of contention was, of course, the much-vexed school question. The word coercion was the battle-cry. Now the people of the west are thinkers. They do not become hysterical; they are not easily stampeded. Party lines are not as finely drawn as you have them here in the east. The people asked themselves can there be coercion where there is no coercion? Can it be called coercion to give us a School Act framed by our own legislature, and their answer was emphatically no. I had not the honour to be a member of the legislative assembly at the time that the school ordinance was first passed; but for the past eight years I have had the honour to be a member of that House, and I took a very great interest in the amendments that were passed from time to time to perfect that ordinance. Amendments were added from year to year until we, the representatives of the people, fondly imagined that we had evolved the most perfect school system in the universe. Yet it was contended that the inclusion of this in the Autonomy Bill, originally our own creation and our own perfection, was coercion.

His Excellency next says that:

> The bountiful harvest with which we have been blessed in the past season, together with the continued development of our industries and transportation facilities, have so stimulated business in all parts of Canada and have given such an impetus to our exports and imports that the trade both with the United Kingdom and foreign countries for the current fiscal year gives promise of being the largest on record.

In no part of the universe, I think, was the bounty of our Maker more in evidence than in this our own Dominion, and in no part of the Dominion was it more marked than in the western part of Canada, Manitoba, and the two new provinces. Our crops were immense last season, the yield was abundant, but, hon. gentlemen, it was nothing to what is coming. As our tillage improves and increases, so will our crops increase until in the near future our exports will not be counted by the hundreds of thousands, but by the millions. We in Alberta have strayed from the beaten path and solved a problem of our own. After experimenting with fall or winter wheat for some years, and having no failures, we decided that that was the grain for us. The yield is more abundant and it ripens earlier; the farmer gathers his grain so early that he has time to replough the soil and plant his seed for the ensuing year the same season.

Now, I wish to call your attention to the fact that what is our plenty is your plenty. Prosperity with us is your prosperity, and a full pocket with us is a full pocket for you. We raise our immense crops of grain, our huge herds of cattle. We find sale for them readily in outside countries. You get, to use a western expression, a rake off, in the transportation of our products to the seaboard. Again, the money upon being received by us is immediately returned to the east in payment of the machinery, food, wearing apparel and other commodities necessary to the maintenance and comfort of life. In the Lethbridge district, owing to the enterprise of the Alberta Railway and Irrigation Co., and to the foresight of the present government who passed the necessary legislation to enable and encourage them to do so, we have been able to establish a new industry, the manufacturing of beet sugar. The Knight Co. have been in operation for three years, and since the inception of that company they have annually paid a dividend of six per cent. Their output for the last year I think was somewhere in the vicinity of five million pounds of sugar. The success of this industry I feel sure will lead to the establishment of others of the same kind. I have no hesitation whatsoever in saying, from what I have seen, that it will not be many years before all the sugar used in Canada will not only be manufactured in Canada, but manufactured from the Canadian product, the sugar beet.

The next paragraph in the address is:—

> The flow of immigrants seeking homes in the three prairie provinces still continues, and from the present outlook the number will be in excess of any previous year, and it is gratifying to note the increasing proportion from the British Isles.

We in the west say let them come; the more the merrier. We have the land; send us the people. It may cost money—the expenditure may be large, but it is money well spent. It is a first class investment, and will return large dividends. The continued opening of the west means the continued prosperity of the west, and the prosperity of the west means the continued prosperity of Canada. What we want in the west is men—hale, hearty men, willing and able to work. A man, no matter where he comes from, as long as he has a pair of hands and is willing

and able to use them, will be no incubus to Canada. These are the men we want; we do not want those who wish to live by their wits alone. We can breed all that we want of those in the west. It is very pleasing to one who has lived in the west since the early days to note the advancement of the last eight or nine years. In the eighties we hoped, we feared, we doubted. The light would shine for a short time and then die out. In the early nineties we despaired—the long looked for—the long hoped for prosperity came not; and all was gloom and depression; but our day has come and, as His Excellency has remarked, we in the west are a happy and contented population. The construction of new railways is, to my mind, the important factor in our advancement. Transportation facilities are what we require. The first train of the Canadian Northern that entered Edmonton, transformed the country between Edmonton and Winnipeg. It lowered rates; it gave us better service, not only on its own line but over every existing line. With the advent of the Grand Trunk Pacific we shall, I hope, see a very much greater change. Railways are good servants, but very poor masters—so we consider in the west. They are not constructed for the health alone of the promoters. They are not operated exclusively for the convenience of their patrons. They are operated chiefly to declare dividends. They will give good service, and they would give fair rates when compelled so to do. Nothing will compel them but competition. Therefore we in the west say give us railway competition, and all that you can. In one way it was a happy choice of the House when it chanced on my hon. friend the hon. member from New Glasgow (Mr. McGregor) and my unworthy self to father this motion. He represents the extreme east, whilst I represent, I might almost say, the extreme west; he the lowest elevation, I very nearly the highest elevation. We from our extreme corners can stretch forth our arms and embrace all the immense territories between us and clasp hands and thank our Maker for the many mercies he has showered and is still showering upon our beloved Canada. I move, seconded by Hon. Mr. McGregor:

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

To His Excellency the Right Honourable Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the County of Northumberland, in the Peerage of the United Kingdom, and a Baronet; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada,

May it please Your Excellency:—

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

Hon. Mr. McGREGOR—The hon. mover of the address has announced that I am to follow him as seconder. I cannot plead youth and inexperience in this chamber and crave indulgence on that score. In the first place, let me thank the leader of the House for giving me the opportunity of seconding the address. I may tell the hon. gentleman from Lethbridge (Hon. Mr. DeVeber) that he will receive, as I have received on every occasion when I have attempted to address the House, the consideration of members on both sides. I remember the first time I had the honour of addressing the Senate, I was complimented on my attempt by the hon. leader of the opposition, a kindness I have never forgotten. On the few occasions that I have addressed the House since, I have never wearied them with long speeches, and I crave indulgence from that fact, having occupied so little time in the past, though I may say I do not intend to speak at any length at present. If in the remarks which I am about to make I follow in the same line as the hon. mover of the address, I ask your indulgence. My mind is not quick enough to enable me to shift my thoughts into new lines, and I had arranged my thoughts before hearing the speech of the hon. mover of the address.

Reference has been made, and the mover has also spoken of it, to the sad bereavement which Queen Alexandra has sustained by the death of her father, the King of Denmark. Many of us are old enough to remember the great rejoicing that took place in England and throughout the empire when our beloved Queen became Princess of Wales, and how she captured the hearts of the British people, and we all know that she has held them firmly ever since. Their love and admiration for her has deepened and increased as the years have gone by, and in no part of her vast dominions is the

sympathy for her greater or more sincere than in Canada.

His Excellency has been pleased to congratulate the country on the admission of the new provinces of Saskatchewan and Alberta as constituent members of the confederation, and it will add a chapter to the history of his distinguished family that His Excellency was present and took a part in the inauguration thereof. This was without doubt the greatest event of the past year, and its successful accomplishment is a source of great pride to the whole Canadian people.

The growth of the western provinces during recent years is phenomenal, and certainly most gratifying. Fifteen years ago we could not have believed it possible. We all remember the depressed and unsatisfactory condition these provinces were then in, and we cannot but contrast it with the buoyant and hopeful feeling that is met everywhere in the country to-day.

For many years before and during that period the best of our young people were turning their backs upon us and making homes for themselves across the border, but to-day the tide has turned, and with open arms we welcome our neighbours to the south, who are crossing the line by the thousand and settling in the new provinces.

The homestead entries in 1895 in Manitoba and the Northwest Territories were only 2,394 while in 1905 they were 30,819.

The people of the east can join with the west in congratulations and rejoicing for a bountiful harvest. Not only have our farmers had more than an average crop, but our fishermen never received such prices, and while the catch was not large the profits were above the average.

Our collieries were run to the full capacity, and the output largely increased.

And in many branches our manufacturers could not supply the increased demand. So that we can readily accept the statement that the current year, for both exports and imports, gives promise of being the largest on record.

It is most pleasing to note the flow of immigrants seeking homes continues ; it is certainly gratifying that the largest increase is from the British Isles. I find upon looking at the statistical returns for the year ending

		G. B.	U.S.
1903—			
of declared settlers....	128,364	32 p.c.	38 p.c.
1904—			
of declared settlers....	130,331	39 p.c.	35 p.c.
1905—			
of declared settlers....	146,266	45 p.c.	30 p c.

Loyalty and sentiment require us to have a preference, yet, as a matter of fact, the American settler is a great boon to the country. They know the conditions of the country so much better than the British people do. The American farmer is an object lesson from which the Englishman gets a practical education immediately on arrival, and it is an acknowledged axiom that observation is cheaper than experience.

I may be permitted to remark that it is extremely gratifying to the government that their policy in regard to the new provinces has been so emphatically endorsed by the people of the west in the recent local elections. When the Autonomy Bills were before parliament, the people of this country were led to believe that there was danger of revolution in the new provinces. The press of Ontario, and particularly the Toronto newspapers, condemned the educational clauses so vigorously that I was almost convinced that there was a dangerous excitement in the west. During the recess in May, I went up to the Northwest to learn for myself how far the reports were true. I travelled a considerable portion of the new province of Saskatchewan, and found scarcely a man who would give time to talk about the Autonomy Bill or the school question. Every man was so hopeful of the country that he would talk of nothing but the general advancement and progress everywhere in that region. I visited one of the separate schools. Brought up as I had been, I had a feeling almost of repulsion for such schools, but I had to acknowledge, after that visit, that my opinion was very much changed. I was not critical enough to know much about the teaching myself, but I was accompanied with one who, in his younger years had been an experienced teacher, and he said that he was very much pleased with the whole teaching in the separate schools of that country. We remained for the half hour where religious instruction is given and heard the priest giving the children their religious training. The subject that day was baptism, and I can conscientiously say

that, while I have often visited our own sabbath schools, I have never heard children answer questions better than the pupils did on that occasion. At the close of the school, the priest presented me with the catechism, and I found, on reading it, that it conveyed the fundamental doctrines which I had been taught.

When we recall with what vigour and strenuous opposition the educational clauses of the Autonomy Bill were resisted, we now have the verdict of the people of the west themselves, and that is an emphatic vindication of the policy of the government.

In respect to our great natural forest wealth, we have lived prodigally as a people. We have to some extent sold our birthright, and are not unlike the man who set his house on fire in order to cook a dinner; whereas the first lesson which civilization teaches is that man must not selfishly live wholly in the present, gratifying at any cost the needs of the moment, but that he must regard the rights of those who will come after him.

It will be said by some that we are locking the stable after the horse is stolen. Perhaps, however, it is not too late yet for us to preserve a large part of our once-magnificent forests. At all events public sentiment has been aroused. It is gratifying to see the interest which was manifested in this question at the Forestry Convention recently held in this city, and we are particularly fortunate in having had strong interest manifested therein by His Excellency the Governor General and by the right hon. the First Minister of this Dominion.

On account of the feeling of unrest which has recently characterized the public attitude towards life insurance, caused largely by the exposure of fraud and graft in the United States it is a source of the highest satisfaction to know that a Royal Commission composed of able men is now at work, clothed with the amplest powers necessary for bringing out the truth upon all material points of this important business. The amount of money which life insurance companies collect each year from the people for the fulfilment of future obligations is vast and rapidly increasing, and it is of great importance that such moneys shall be wisely invested.

That the present is a critical time in this regard, no one will deny. The system of inspection now exercised over the companies by the Insurance Department is extensive and thoroughly efficient as I understand. The head office of every company is visited each year, and its transactions subjected to the minutest scrutiny. Even if the law as it stands is well complied with, it may be advisable further to strengthen the hands of the department by a modification or extension of the present statutes.

We may be assured that the commission besides giving attention to the question of speculative investment of funds, if any such tendency exists, will in general be able to recommend amendments of the existing laws which will prove most valuable to parliament.

In a report published in the morning papers of the 8th inst., I notice that Judge MacTavish made an important announcement at the opening of the proceedings of the commission. He said:

> The secretary has read the terms of the commission directing this inquiry which, with the order in council already published, discloses the very wide scope of the investigation now proposed to be held. In must be apparent to every one that there is an absence of any restriction or limitation to the scope of the inquiry, nor is there anything omitted therefrom that can, at this stage at all events, be suggested or anticipated.

We may be sure, then, that the commission, besides giving attention to the evidence that will be submitted, will in general be able to recommend amendments to the existing laws which will be most valuable to parliament.

I also see reference made to the progress being made in the exploration and survey of the eastern division of the National Transcontinental Railway and that it is expected that contracts for the construction of two important sections embracing together about four hundred miles will shortly be executed. On inquiry to-day I find that at this very hour, while this House is sitting, tenders are being opened for two sections, one for one hundred and fifty miles east of Winnipeg, and one for one hundred and fifty miles west of Quebec, and that contracts will be let immediately.

It is satisfactory to know that the report of the Transportation Commission will soon be forthcoming, for it is not too much to say that the problem of transportation, or in other words, distribution of the products of field and factory among those most in need of them, is the key of the whole econo-

mic situation. Without a proper solution of this province, our bountiful harvests and successful industries alike fail to produce their best results.

The measure for the better observance of the Lord's Day is sure to receive serious consideration at the hands of hon. gentlemen, whatever the form of religion to which they are attached may be. The question is a far reaching one. It affects in the most wide-spread manner the welfare of our population at large, and reaches out to every home in the land. To my mind, however, the privilege of one day's rest in seven carries with it the obligation of faithful service on the other six days. If the two principles could be combined and made universal, a very large proportion of the vice and poverty of the world would vanish.

While it is true that all men cannot be expected to have their religious convictions cast in the same mould, the present question may be entirely separated from religion, since all men of experience and earnest purpose must agree as to the desirableness of one day of rest in seven.

Skilled mechanics tell us that even the most strongly built machine needs rest, for if worked ceaselessly it will break down and wear out prematurely,—much sooner than if allowed its stated time of rest.

How much more then, must the same principle hold true in the case of man? Scientists are unanimous in asserting that the mental and physical powers absolutely demand their periods of relaxation.

Since, therefore, both revelation and nature unite in teaching the same truths, we should do our utmost, I think, to extend to the humblest citizen the blessing of one day's rest in seven.

It is also brought to our notice that we will be invited to consider, among other subjects, bills to amend the Railway Act, the Fruit Marks Act, 'An Act respecting Usury,' and also the Dominion Elections Act. These will all, I have no doubt, receive due consideration; but there is one remark I would like to make—I would not like to say that I would be bound to support all these measures until we have seen them. The only one I would refer to at present is the bill relating to usury. I do not know how far the government intend to go, or how far I myself would follow the government in the matter of usury. We know that the Old Testament denounced the usurer, but at the same time the Great Teacher Himself in his parable of the talents, condemned the man who hid his one talent in the earth, and asked him why he did not go to the exchangers, so that when his lord returned the money might have been repaid with usury. The point to my mind is, where can the line be drawn? What may be usury in one part of this country would not be usury in another. Money is worth more in the west than it is in the east, and I can hardly see where a distinction can be made. I may have two thousand dollars to invest; I may buy a house with one thousand dollars, and lend the other thousand to some one else taking a mortgage as security. If you frame a law so that I must not charge more than six per cent on my mortgage, why do you not confine me to the same figure in the case of rent. I may receive a return of twelve or fifteen per cent for the thousand dollars invested in the house. I cannot myself see any difference, and I cannot see where the government can interfere; but when the matter comes before the House I am sure it will receive our best consideration.

The speech goes on to say:

> The accounts for the past year will be laid before you; the estimates for the nine months, embracing a portion of the proposed fiscal year terminating on the thirty-first of March, 1907, will be submitted for your approval at an early day.

This implies, I suppose, that whatever the estimates for the nine months may be, they will be larger in proportion than for three-quarters of an ordinary year because the expenditures will be largely of an annual nature.

In conclusion I may say that in the course of my whole parliamentary experience I do not think I have ever seen a speech from the Throne which contained more that was valuable and less that was objectionable, and I have no doubt that the address which has been moved will be adopted without very much debate, either in this House or in the other. I have now very much pleasure in seconding the motion of the hon. gentleman from Lethbridge.

Hon. Sir MACKENZIE BOWELL—It may seem strange to some hon. gentlemen who heard my utterances at the close of the last

session of parliament that I should be occupying the position I am in at the present moment. I have simply to say that I am here from duty and for duty. The time will soon arrive when some other hon. gentleman who is more able and a better parliamentarian than I am will occupy the position that I now hold. And the duties which devolve upon me to-day will devolve in the future upon some one who is younger, more energetic, more talented and better able to deal with public questions than I am. Be that as it may, I will endeavour so long as I do occupy this position to perform the duties pertaining to it with what little ability I possess and from the standpoint which I believe to be in the public interest. When I first read the speech which is now before us for consideration, I came to the conclusion that there was some master-hand behind the scene who was an adept at using a great many words, saying them very nicely and conveying very little thereby. However, upon re-reading it there are many points at which one can read between the lines and we must, I think, come to this conclusion that the gentleman who wrote this speech and those for whom he wrote it, were in a state of perfect satisfaction with the position which they hold themselves and that they hoped that others who would read the address would come to the same conclusion. However, we will try and deal in as short a manner as possible with the subjects that are presented to our notice.

No one will disagree with the first paragraph. We all rejoice at the prosperity of the country, arising as it does from various causes which I shall not weary the House by enumerating just now. I would merely say, parenthetically, that while the prosperity undoubtedly exists, I do not lay the credit for it exclusively at the door of the hon. gentlemen who control the destinies of the Dominion at present. I am under the impression that there is a higher and a stronger—an omnipotent power—who has given us that prosperity—higher and stronger even than the distinguished gentlemen who are sitting before me. The next portion of the address invites us to express sympathy with Queen Alexandra at the death of her father. That sympathy undoubtedly exists, and is shared by every member of the British race no matter in what part of the world he may live. We not only sympathize with the daughter of the King of Denmark but we regret the death of the King himself. He was perhaps the most eminent among the rulers of the smaller principalities or countries of the world, and no sovereign outside of our own empire who has been reigning for such a long time was more universally beloved than the King of Denmark. He occupied a most distinguished position, and his family occupied most distinguished positions; he was a man of exemplary philanthropy, and we all believe that it was a loss to his country when he died and we deeply sympathize with our Queen in her bereavement.

Next we come to the paragraph to which my hon. friend, if I may so term him, who moved the address, paid somewhat particular attention. The Governor General in the course of the year visited the western country and saw a great deal of it. I believe that no one can pay a visit for the first time to the Northwest Territories and reflect upon its immense possibilities without coming to the conclusion at which His Excellency arrived.

When he said that there was universal rejoicing in Alberta and in Saskatchewan at becoming constituent parts of the confederation, and that they were happy and contented he stated what is very true. How could His Excellency come to any other conclusion, surrounded as he was by a people contented so far as their own interests are concerned. But he might have gone further and said there was latent discontent in the minds of the people, that seed of discord had been sown which would grow and ripen in the future. He was surrounded by all that would lead him to the conclusion that happiness and contentment prevail throughout the country; there was no one there to present the other side of the question, and consequently he could come to but one conclusion, and that is the conclusion which has been put in his mouth by the ministers, that universal rejoicing exists. The hon. gentleman who moved the answer to the address told us that the vote which was cast in the province was, to use his own language, an emphatic approval by the people not only of the Autonomy Bill, but of those sections of it which had created so much difficulty. He followed that immediately by telling the House that he had been in the Northwest Council for eight years—

that he had devoted much time and attention to the enactment of the school law, which he declared, was the most perfect school Bill in the universe. Now, I should like to ask my hon. friend in all sincerity if they had in the Northwest a Bill framed and placed on the statute-book which was the most perfect and best in the world, why should any clause of the Autonomy Bill be enacted which interfered with that perfect legislation? Why not be content with that legislation? We were quite willing, so far as the opposition were concerned, to leave things precisely as they were. Then my hon. friend would have had his perfect legislation without any interference. He may say there is no interference.

Hon. Mr. WATSON.—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman who seconded this motion gave us a glowing account of what is called a separate school in that country. If I have any recollection of the declarations made by those who framed the Bill, they denied emphatically that they were giving any separate schools. If we turn to the speech delivered by the Premier at that grand demonstration in Toronto the other day—magnificent no doubt it was, and a credit to the people of that city—what did he say when dealing with this question of the Autonomy Bill. He evidently was labouring under a good deal of depression. No one can read that speech without coming to the conclusion that he felt he was talking to an audience adverse to the principles contained in that Bill, and he made this bold declaration that he gave to the people of Saskatchewan and Alberta only the provisions that are contained in the Constitutional Act.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Who said hear, hear ?

Hon. Mr. SCOTT—I did.

Hon. Mr. WILSON—We all say it.

Hon. Sir MACKENZIE BOWELL—I am very surprised that he acquiesces in that statement. When the motion was made in the House of Commons by the leader of the opposition confining the educational clause exclusively to the terms of the Confederation Act, my hon. friend the Premier, and the hon. Secretary of State himself, I have no doubt would have, had he been there, voted it down. If he turns to the speech made by the Minister of Justice, the Hon. Mr. Fitzpatrick, he will find that he made this bold statement, that the reason they framed the clause in the Autonomy Bill affecting education as they did, was because he did not believe that the provisions of the Confederation Act gave the people of the west that which the government intended to give them, and did give them under the Autonomy Bill. There are their own utterances, and their votes giving emphatic denial to the statement made by the Premier. The answer of the Minister of Justice was equally strong on that point. They made the provision for fear the Confederation Act did not make the concession which they desired to give to those people, and yet my hon. friend opposite declares that all they did was to leave to them the provisions in reference to schools that are contained in the Confederation Act. My hon. friend said that the people of Alberta and Saskatchewan are quite content, and that the vote declaring they are content was an emphatic one. I know that the vote in some sections was emphatic. It is very easy to elect members and give large majorities of a very emphatic character, when you take the ballot box into a section of the country outside of the electoral division, never open the polls, and return the box full of ballots marked for the government candidate by the returning officer himself. I commend the simplicity of that plan in the west, in comparison with the trouble taken in the section of the country that I live in There they sent to the United States and had bogus ballot boxes constructed, and with these attempted to defraud the electors. It is much easier to take the ordinary ballot box to a quiet place and fill it with bogus ballots. I have no doubt that kind of voting was done in more places than one, and thus the elections were won. But let us see how far the statement of the hon. gentleman is correct. I have no doubt he has read the letter that was written by the Premier of Saskatchewan, to Mr. McInnes, the editor of a paper published in Regina. Some portions of it are interesting. I shall read a paragraph in which he gives the reasons why the people of the west should consent to these provisions of the law which a majority of the people were decidedly opposed

to, if we are to judge them at present by their actions in the past. Mr. Scott in writing to Mr. McInnes giving his reasons why he on behalf of the people of Saskatchewan accepted the school clauses in the Autonomy Bill says:

> Laurier had induced Quebec to swallow twice —in 1896 and again in 1899 over the South African business. Neither Manitoba nor Ontario thanked him very emphatically on either occasion.

What he means is that the people of Quebec swallowed the position he (Sir Wilfrid Laurier) took as against the Remedial Bill which was introduced by the government of which I was at the time the head, and in the other case the people of Quebec, he intimates by this, disapproved of raising the contingent to be sent to South Africa, but in both cases, at the instance of Sir Wilfrid Laurier, so says this Premier, they swallowed these objectionable measures. Then he goes on :

> In the present case the hierarchy would have too much reason behind their contention. I do not for a moment think that the case for separate schools is legally or constitutionally binding, but morally the case is pretty strong, and in my view it would be simply now beyond all reason to expect Sir Wilfrid Laurier to induce Quebec to swallow a third time—with the weight of the moral argument so strongly against them.

What does that mean ? It means that as the Premier induced his friends in Quebec to swallow the views he took on the Remedial Bill and to swallow their convictions against sending a contingent to South Africa, ergo the people of the Northwest must swallow the objections that they had to the school clauses in that Bill. That is the position that they take, or in other words we might ask in the name of common sense, what had one position to do with the other. They virtually say 'you sent contingents to South Africa against our wish—that is the wish of the people of Quebec—therefore to please us you must establish separate schools in Alberta and Saskatchewan. Ontario got its way in regard to the South African war ; we must now have our way in regard to separate schools in the Northwest.' Now, that is the position of the Liberal premier in one of the provinces of the Northwest. I am sure my hon. friend who moved this address must regret that himself. No one in the public position he has occupied in the Northwest, taking the active part that he did at the late elections, could by any possibility have overlooked so important a document as that emanating from the premier of one of the provinces. There may be a certain satisfaction at the granting of autonomy. My hon. friend who seconded the address says that in travelling through the country one hears very little of the Autonomy Bill. I have heard that before, and believe the statement to be correct. They were too much engrossed with their own prosperity at that time, and they talked of very little else. They were delighted, as His Excellency has said, at having been erected into provinces, and having to a certain extent, all the rights and privileges of the other provinces.

Passing from that, His Excellency rejoices at the bountiful harvest. He speaks of the development of industry, the impetus to exports, the English treaty with Japan and the increase of trade with Britain and foreign countries. The bountiful harvest is what has really contributed to the prosperity of the country, and as the honourable gentleman who moved the address properly said, the prosperity of the west, the filling of the pockets of the people of the west as the result of the bountiful harvest is to us an advantage almost as great as to the people of the west, and for this reason, they are not yet manufacturers; they have to come to the manufacturing centres of the eastern provinces to supply their wants, and we rejoice equally with them that the harvest has been bountiful and their pockets full, because we know that in central Canada and eastern Canada manufacturers will get a portion of the riches which they have acquired by supplying them with the necessaries of life. What His Excellency means when he speaks of the impetus to the export trade, requires explanation. There is no question that in proportion to the production, whether it be of the manufacturers or of the agriculturists, to the extent that we produce beyond what we require for our own consumption will we export; but the exports of the country during the past eight or nine months have been falling off. I do not know that that is any great evidence of a want of prosperity, because as the surplus products of the great Northwest were exported early in the season, in the latter part of the year the exports will necessarily decline. The trade and navigation returns show that the exports have falling off during the last fin-

ancial year, to the extent of some ten million dollars. I will not weary the House by pointing out what was the cause of this falling off in the export trade, but the exports as well as the imports increase and decrease just in proportion to the wants of the people and the supplies that they have over and above what are required for consumption. I am at a loss to know how the English treaty with Japan is going to affect us materially in our trade with that country. If the hon. gentlman read the Premier's Toronto speech to which I have already called attention, they will find that he boasted in eloquent language that he can use so well, that as a result of the construction of this Transcontinental Railway ere long the tea and products of the Orient would be flowing through this country to the east. One would suppose in reading that sentence that this had never been done before, and that we were just opening up a trade with the Orient. We all know that for ten or fifteen years, through the construction of the Canadian Pacific Railway the placing upon the Pacific ocean of Canadian steamships, the subsidizing of the Canadian Pacific Railway Steamships and of the Canadian-Australian Line, that the sugar, the rice, the tea and the coffee from the Orient have been rolling through the Rocky mountains down through the eastern portion of Canada even to the maritime provinces, for the last ten or fifteen years; yet when the Premier of this country spoke before an intelligent audience and announced that trade with the Orient would be opened up by the construction of the Transcontinental Railway, and they cheered. They would cheer anything he might say because of his eloquence and his admirable choice of language. No one could hear him speak without being pleased ; but they all knew just as well as we know, that that trade had already been created. I hope the construction of the Northern Railway on which we are now expending such an immense amount of money, will increase and develop that trade. As facilities are furnished so will trade increase, but when the present government arrogate to themselves praise and honour for having created that trade, I must be excused if I take exception to the statement.

Next His Excellency refers to the necessity for the preservation of our forests. Any one who knows the condition of the lumbering districts in eastern Canada will echo that opinion. Travelling as I have done through my old constituency where the fire has destroyed hundreds of thousands of dollars worth of timber, I am aware of the rapid destruction that is overtaking our forests. I am sure we all fully approve of that portion of the speech, but it contains one sentence which strikes me as rather peculiar—that is the proposition to establish a system of forest reserves, I should like to ask where that is to be done. The forest and timber in the old provinces belong to the local governments. All the valuable timber is to be found in those provinces where the Dominion have no more control over it than they have over the ordinary roads and bridges.

Hon. Mr. SCOTT—It says 'lands subject to its control.'

Hon. Sir MACKENZIE BOWELL—That does not change my position in the least. The only forests that are under the control of the Dominion are in the provinces of the Northwest Territories, and the timber in those provinces we all know is very limited.

Hon. Mr. CASGRAIN (De Lanaudière)—Ungava.

Hon. Sir MACKENZIE BOWELL—I feel inclined to ask where is Ungava ? The country east of Hudson bay and James bay known as Ungava is largely controlled by the province of Quebec and Newfoundland. There is, I admit, a considerable area which may belong to the Dominion, but until the question of jurisdiction is settled it is doubtful if the Dominion will take much trouble in dealing with the preservation of the forests in that region. I may add that from all I can learn there is very little timber of any value in all that district. The timber in the Northwest Territories on this side of the Rocky mountains, I agree with the government, should be preserved as far as possible, and I am very glad to know that it is intended to have forest reserves. But if the timber is to be preserved it will be of little benefit to the people of the Northwest until the trees grow to merchantable size. By forest reserves I presume plantations are meant.

The next paragraph in the address is one of very great importance. It calls attention to the fact that the garrisoning of

Halifax and Esquimalt are to be controlled in future by the Dominion of Canada. I have very grave doubts, as I said last session when discussing this question, of the propriety of the policy adopted by the government. My own impression is that it would have been much better, from an economic standpoint and from every other standpoint, that these garrisons should have remained under the control and management and at the expense of the imperial government, and that Canada should contribute one or two millions annually in aid of the British Navy, which is our navy as much as it is the navy of the British Islands, and let the imperial government continue to garrison and manage Halifax and Esquimalt. Very few who have not given some study and attention to military expenditure have the slightest conception of what it will cost this country to maintain those fortifications. Let us consider Esquimalt, examine the fortifications there and see what is necessary in order to maintain them and keep a force sufficient to be of any use, and then go down to Halifax and make the same examination there, and I think you will find ultimately that the expense to the country will far exceed any sum that the most sanguine of us have contemplated. I regret it for this reason; I think that the maintenance of these two military points in this country was a bond of union between the older portion of the empire and the outlying portions, stronger than can exist under any other circumstances. When I gave utterance to these views last year my honourable friend the Secretary of State cried out 'nonsense.' When we consider the views that have been expressed by the Premier of this country, leading the great party that he does, that he looks forward to the time at no distant date, when Canada will fall from the parent tree—meaning the older country—as a ripe apple falls from the stem—that you can look upon it that this is one of the first steps to prepare the Dominion for the separation from the mother country. Honourable gentlemen may say that is all nonsense—that we have all the autonomy and self-government under our system that we would have under the other, and that that will not affect us in the least. It is not at all likely that I shall live to see it, but my views are on record on that point, and I shall be very much mistaken if events do not verify the prediction I make on this point. I notice in a speech made by the mayor of Toronto, an active supporter of this government, when Prince Battenberg visited that city, he expressed strong views in favour of Canada making contributions to the navy. The Prince accepted them, coming from so eminent a source as the mayor of a large city of Toronto, as evidence of the will, desire, and opinion of the government of the day, and if you will read his speech you will find that that is indicated in the remarks that he made. I was in hopes when I read that speech that he indicated the intention of the government, but that is not their policy. The policy of the government is to grant no money except what we control ourselves. That is in the main sound enough, but if you grant the money in aid of the navy, the navy is to us what an insurance company is to the merchant who takes out a policy. It is as much our navy, or should be considered as much our navy, being the navy of Britain, as it is of those who live in England.

I do not think any one has any objection to the change in the fiscal year. I remember when my hon. friend, the present Minister of Trade and Commerce, advocated the same policy, that it was changed from the first of January till the last of June.

Hon. Sir RICHARD CARTWRIGHT—That was a good while ago.

Hon. Sir MACKENZIE BOWELL—That is true, but the hon. gentleman's memory is sufficiently active I know to remember it as well as mine. His suggestions were accepted at that time. At present our reports are delayed. We have now from June until March—about eight months, and the reports are not yet on the table. Some of them are. If parliament is to meet in November, I should like to know when we will get the reports if the same delay takes place in preparing them as there is at present, and we shall be in a worse position from that standpoint to consider the various questions which will be brought before parliament, with the delay in the reports which must necessarily arise. If they cannot be prepared now in six months after the close of the fiscal year, what delay may we not expect if there is only four months to intervene. However, that is not a matter of very great consequence.

The next item is a very important one. It relates to the commission for making an investigation into the workings of Life Insurance Companies in Canada. There have been strong objections taken to the appointment of a Royal Commission by the government. Many of their own friends and supporters think that the question should have been left for parliament to deal with, and that it was arrogating to themselves a power which they should not have exercised under the circumstances. Now I differ from the gentlemen who take that view. Speaking for myself and for those with whom I am associated in Life Insurance business, I express my gratification at the conduct of the government in this matter, and for this reason ;—after the exhibition of a parliamentary committee which we had two years ago, I came to the conclusion that if we want to get calmly and coolly at the bottom of the workings of Life Insurance Institutions in this country, we had better have a small commission of clever men with power to investigate to the fullest possible extent. I have seen it mentioned in one paper—I hope it is not correct—that the commissioners are to be confined in their investigations to the rules of a court. Now that will never accomplish the object which the dissatisfied, which the people of Canada have in view at the present moment.

Hon. Mr. CLORAN—It will accomplish nothing.

Hon. Sir MACKENZIE BOWELL—I have since seen other authoritative statements that this is not to be the case, we have a faint idea from experience of what the rules of a court are in reference to evidence. We know that in a parliamentary committee the principle laid down is that you can probe a question to the very bottom, and that you are not to be trammelled by the rules of a court as to the evidence to be produced. I should be glad to hear from the gentleman who is to reply to me that the commission is to have full powers. It has been argued —and there is a great deal of force in it— that the mere fact of appointing a commission inferentially indicates that something is wrong and therefore casts a reflection upon the honesty of the management of the different life companies in Canada. Those who have taken an interest in the question I think must come to the conclusion that the excitement throughout the country, created by the improper attacks—and I was going to say the improper motives of those who have raised this agitation—have created discontent and suspicion in the minds of the people on account of the exposures which took place in the United States, and hence it was necessary that a calm and judicious commission should be appointed to make the fullest investigation. So far as I know, the companies in this country court that investigation. That errors may have been committed by directors I do not think is at all improbable. We all commit errors in our own business, and we very often find out these errors afterwards and try to act differently in the future. That may be the case with some of the companies; but I venture this opinion, from some little study of the question, that it will be found that on the whole there has been none of that boodling which characterized the American companies. If there has been such, let the blame fall upon those who have committed it, and let them suffer the consequences. That is one portion at least of the government policy that I confess I approve of.

We are next told that the work in connection with the eastern division of the Grand Trunk Pacific is being proceeded with very satisfactorily and that it is hoped before long to have a report laid before parliament. I do not know how my hon. friend from Wellington (Hon. Mr. McMullen) has been able to undergo the strain which must have been upon his mind during the delay which has taken place in the last two or three years, for fear of that invasion which was to take place from the other side of the line in case we did not have this safe road over which to send westward, ammunition and guns. However, it is about three years since the Bill was passed and we have had no trouble yet. I think we are safe now. The Minister of Militia told the people a short time ago that we were under the protection of the Yankee Navy—that the Monroe doctrine was the safeguard of this country. As the gentleman to whom he addressed these remarks very aptly said, if that be the case, you had better contribute to the maintenance of the United States navy, because if they are protecting us we ought not to ask them to do it for nothing. I wonder if the Minister of

Militia thought for a moment that there was any possibility, in the case of any European difficulty, of the ships of a foreign navy entering our waters. The canals and the rapids, it seems to me, would be sufficient to stop them. I question very much whether our French confreres who 'swallowed' the objectionable measures to which reference has been made, would allow them to get past Quebec; and the fortifications at Halifax are quite sufficient to protect that part of the country. If it did come to a question of a naval invasion we would simply have to blow up one of the locks and the ships could get no further. If we are to have any menace against the peace of this country—if we are to be invaded—it must of necessity be by our neighbours across the line; and when that occurs I scarcely think the Yankee navy will come to our assistance. How the hon. gentleman got possessed of that idea is altogether incomprehensible, but he has a vivid imagination, and when he is driven to a stand on a question of this kind, he is sure to find some excuse for his utterances.

I would like to know, if possible; whether there has been any verification of the report made by Mr. Butler, the Deputy Minister of Railways and Canals. The Premier told us in the glowing speech which he made in reference to the short line from Moncton to Quebec, that they were going to save 140 miles. Now according to the interim report made by Mr. Butler, he makes the distance between Moncton and Quebec 11·5 miles longer by the projected line than it is by the Intercolonial. We are to spend millions of money to build a road to connect at Quebec with the Transcontinental road, the Grand Trunk Pacific, paralleling to a great extent the Intercolonial Railway and yet that road, if Mr. Butler's report be correct, will be eleven or twelve miles longer than the Intercolonial Railway itself.

We have our government road and we are paying interest upon the eighty millions which it cost to build it, and yet we are going to spend another twenty millions to build this new road, which, if the engineer's report be correct, will be eleven or twelve miles longer. Perhaps my hon. friend will be able to tell us when he rises to reply whether that statement of the engineer is correct or whether he has found a route that could be used which would be shorter than the Intercolonial.

Next we are informed that we shall have an interim report of the Waterways Commission and also a report upon the effect which the works now going on will have upon the Niagara Falls. That is an important matter to Canada. It is another evidence of the grasping character of our neighbours, particularly in any matter that pertains to trade. In the speech delivered by the vice-president of the United States at Niagara, when the commission met there, he indicated clearly that they were seeking to control the trade of the inland waters of this continent and that if they only looked to their own interests, they would soon control the whole of that trade. The United States have for years been utilizing the water-powers on their own side of the falls, building up factories of all kinds without uttering a single whimper about any interference with the scenic beauties which present themselves to the thousands of travellers who go there every year. Ontario has latterly been spending a large amount of money in beautifying Victoria Park. Canadian companies are beginning to utilize the electric power created by the construction of certain canals on this side of the river, but the moment they begin to do so we find the statesmen of the United States rise up in their might and begin to denounce any interference with the falls. Then the question comes up in Washington as to who has control of these waters. They ask, have we to treat with the English government and Colonial Secretary or with the government of Canada ? That question I believe is now under the consideration of the government. It is claimed that it is not a navigable stream because the falls interfere with navigation. If that be the case then the St. Lawrence is not a navigable stream. Because we have had to construct canals in order to navigate it, and reach the upper lakes. It is just the same with Niagara Falls. The Welland canal was built for the purpose of connecting Lake Ontario with Lake Erie, and to my mind the Niagara river is just as much under the Dominion's control as any other navigable water. At the same time Ontario will look with a good deal of jealousy upon any attempt to interfere with their autonomy in connection with their right to control the waters of the Niagara river, whether such attempt is made by England or by the Dominion government. I com-

mend the government for the course they have pursued in appointing this commission, and I trust the members of it will know how to deal properly with the question without allowing the American government to dictate to us as to how we shall utilize the power which is on our side of the line. Let the scenic beauties be protected to the fullest possible extent, but let it be done in the interests of Canada and not in those of the United States.

Next we have a reference to the interim report from the Transportation Commission. If there has been anything which has occurred in the political world during the past year or two which has confirmed the position taken by the leader of the opposition in the House of Commons when the question of the Grand Trunk Pacific scheme was under consideration, it is the character and nature of the reports which have been received from the Transportation Commission. The commission, according to their last report, regret that the government did not take possession of the Canada Atlantic Railway, thus making connections between Georgian bay and the maritime provinces via the Intercolonial Railway. This was the scheme propounded some years ago by the Hon. Mr. Tarte, when he was in the government, and it was fully approved of by the party led by Mr. Borden, in the House of Commons. Now we have the report of the Transportation Commission verifying and confirming the soundness of the position taken by the opposition at that time. The more one thinks of it, if government ownership is to have any place at all—I am not going to argue on that point now, because I am not altogether an admirer of government ownership in all its features—that is a scheme which should have been adopted by the government.

Next we are promised the Revised Statutes. They have been long enough at them; however, I suppose those who are doing the work are well paid, and the volume will be very handy when we get it. Next we have a promised amendment to the Railway Act. It would be folly to attempt to discuss that until we have the measure itself. Then we have an amendment of the Fruit Marks Act. If the government can make any amendment to that measure which will prevent the frauds which are being perpetrated, it will be most acceptable to the country. It is really amazing that fruit growers and packers should so far forget their own interests as to face their packages with fruit of good quality and put inferior fruit in the middle.

Then we have a most important clause relating to the usury law. Our hon. friend, the Speaker, will no doubt be fully in accord with that. When he occupied a seat on the floor of the House he attempted to procure legislation to regulate the rates of interest. The iniquities perpetrated by usurers in the province of Quebec and in the city of Toronto have been of such a character that restrictive legislation is demanded. I did not exactly catch the remarks of my hon. friend who seconded the address, but I understood him to be in favour of free trade in money, and that he gave arguments why it should not be interfered with. I am perhaps one of those old fogies who believe, as I have believed from boyhood, that there should be a usury law, for reasons which I shall not take the time of the House to give now, but what has occurred lately convinces me of the need of some such legislation. I do not believe, however, that it would be wise to give the judge discretion as to what interest should be paid. My view is that it should be a simple law fixing a certain maximum rate which money lenders might charge, and if any higher rate is demanded, proof of the fact should deprive him of the right to collect any interest at all. That is the only way you can get an effective usury law.

We are told that it is intended to amend the Dominion Elections Act. We cannot have it improved too soon, judging from events of recent occurrence. If the government will act upon the suggestion made by the leader of the opposition in another place in some recent speeches, and have a Crown prosecutor independent of all parties to prosecute violations of the Act, there will soon be an improvement. It should be taken out of the hands of the judges. I do not care how conscientious and honest a judge may be, parties on one side or the other are sure to accuse him of doing wrong, and when we look at the conflicting judgments which have been rendered of late in Quebec and Ontario and Saskatchewan, one shudders at the differences of opinion and

may be excused for questioning the wisdom of leaving such cases to judicial decision. I was going to discuss one case, but I shall confine myself to general principle. Let us hope that the proposed amendment, will be of such a character as will put a stop to these frauds. There should be no mincing of the matter. The man convicted of fraud in an election should be incarcerated, and not merely fined. A fine is of no consequence; the party comes to the rescue or gives bail, and if need be, pays the bail. If the bail bonds have been given by supporters of the government, then the government do not exact the bonds. It is only recently in Ontario, since the Whitney government came into power, that the bondsmen have been compelled to pay the penalties for having become surety for the appearance of one of the rascals who stuffed ballot boxes and perpetrated other villainous acts in the province of Ontario.

The address states that the accounts for the past year and the estimates for the past nine months of the proposed fiscal year will be laid before the House of Commons. I notice a singular omission in this paragraph. In old times the paragraph used to contain a sentence to the effect that the estimates would be prepared with due regard to economy. I wonder if the Minister of Trade and Commerce (Hon. Sir Richard Cartwright) insisted on that sentence being left out. If he did he used good sense, because it would be folly to add a sentence of that kind referring to any estimates which might be prepared by the present government. Economy is not a trait of their political character, as can be very well shown by a reference to the public accounts, and a study of the difference between the expenditure to-day and what it was when the present government assumed office.

There is one closing paragraph that must be not only of interest but one in which all will acquiesce. His Excellency says that he trusts our deliberations will be guided by wisdom and moderation. Let us all hope that they may; whether they will or not we may well doubt. The wisdom I question very much, but the admonition to deliberate with wisdom and moderation is very good.

There are one or two points outside of the address to which I should like to call the attention of the House. This is more particularly in the interest of the Senate itself. Last session my honourable friend from Wellington (Hon. Mr. McMullen) intimated that if important Bills were not brought down in the Senate at an earlier period in the session he would keep the House sitting until proper time was given for their consideration. Promises and threats of that kind coming from supporters of the government are not very apt to be adhered to when the time of trial arrives. But what I want to call the serious attention of the Senate to is this—the exhibition of legislation, for such it may be termed, of last session, I was going to say it was a disgrace to any legislative body. If honourable gentlemen do not like that word disgrace, I will withdraw it, and say it was of a character which should never occur again. What did you see first? Something which I never witnessed before in my thirty-nine or forty years of parliamentary experience. We had a Bill affecting a very important interest at Rainy river; there was great difference of opinion as to the propriety of granting the powers which were asked for in that Bill. We discussed it pro and con for a long time. It came from the committee, was referred to a committee of the whole in this House, and, strange to say, when that committee did meet to consider the question, the whole scope of the Bill was found to be changed. When I compared the original Bill with the one submitted to the committee, I found out where the trouble was. I called the attention of the Secretary of State to the fact that here was a Bill changed in its character, and in its clauses. A different Bill had been substituted and laid before the committee, and if attention had not been called to it, the substituted Bill would have passed without the slightest reference to the irregular and unparliamentary manner in which it was attempted to be carried through the House. There is a gentleman in this House who understands the rules as well as and better than perhaps any of his confreres. He at once knew how to get over the difficulty. He gave notice immediately of a motion to insert these clauses in substitution of the one which had been passed by the committee on the third reading, and moved the suspension of the rules

in order to have that accomplished. My hon. friend the Secretary of State, the custodian of the honour and dignity of this House, acquiesced in the suspension of the rules although personally I know in the committee, although I cannot speak of what took place in there, he did not altogether approve of it. That Bill was passed by a majority on the third reading in the manner I have indicated to the House. Now, I ask hon. gentlemen whether a deliberative body like this, which is supposed to be constituted for the purpose of revising and correcting the legislation coming from the other House, is worthy of that character, when Bills are rushed through in that way? I have spoken plainly on this case. I feel strongly upon it. It lowers the dignity of the Senate to such a degree that I have come to the conclusion that the press of the country was justified in denouncing the manner in which business has been done in the Senate. One day three or four other Bills of a most important character, increasing the salaries to judges, increasing the sessional indemnity, and what is called the Pension Bill all came to us in a hurry. My hon. friend the Secretary of State moved a suspension of all the rules so that they went through in a gallop. I was called out five minutes to speak to a gentleman at the end of the Chamber. On my return I asked what had become of such and such Bills. The hon. gentleman to whom I spoke said that they had passed through the three readings in my absence. That was the way legislation was pushed through the House last session, but not to such an extent as in previous sessions. I appeal to the common sense of this House, —probably this is the last time I shall ever speak from the position I now occupy—to consider this matter, and if they wish to maintain their own respect and the honour of the House of which they are members, put a stop to that practice in future.

Had proper consideration been given those Bills, do hon. gentlemen suppose that half the difficulty which has arisen in discussing these three questions to which I have called your attention, by the press and even among ministers would have occurred —because we find they did not agree. We find Mr. Fielding and Mr. Paterson at London, at one of those by-elections, addressing the people defended the legislation. We find the new Postmaster general and the Minister of Public Works (Mr. Hyman), telling different stories altogether, and we find even the premier intimating his intention to make certain changes. I do not know that anything has been discussed to a greater extent, and without knowledge of what they were talking about, than the measure, increasing the members indemnity. Have any hon. gentlemen looked at that question? On analyzing the figures I find that under the provisions of the new law, with its restrictions, as interpreted, the cost to the country will not be as great as under the old law. I shall give an illustration of what I mean. I have been looking into this question to a considerable extent, and I take this opportunity to lay before the Senators and the public the result, in order to prove that the newspapers and the members of parliament and others who have been discussing this question, were ignorant of the subject with which they were dealing. I have taken instances of ten senators—I shall not give their names, because whatever these gentlemen received was what the law gave them, but in laying this statement before the Senate I want to point out this fact, that the gentlemen who drew these large amounts for a few days attendance were strictly within the law as it then existed.

Hon. Mr. MILLER—That is not conceded. I was always of the very opposite opinion.

Hon. Mr. CLORAN—It is a minority opinion.

Hon. Sir MACKENZIE BOWELL—There are some portions of the opinion which I do not agree with myself. The old law made this provision, that if you came the first day of the session you were entitled to the full indemnity of $1,500, less the number of days that you were absent from the sittings of the House. You had included in the attendance all the holidays that took place. There is no question about that. You also had included fifteen days of non-attendance.

Hon. Mr. MILLER—No.

Hon. Sir MACKENZIE BOWELL—Yes, under the old law.

Hon. Mr. MILLER—I do not admit it.

Hon. Sir MACKENZIE BOWELL—We have all acted upon that interpretation of the law. We were entitled under the old law to count in the days of attendance, and days that we sat upon committee, though not in the House.

Hon. Mr. MILLER—I should like to ask my hon. friend if his contention is to this effect, that a member who has not been here thirty-one days can count in the fifteen days which he is allowed to be absent, in order to make the attendance thirty-one days?

Hon. Sir MACKENZIE BOWELL—That I believe has been the interpretation given to the law.

Hon. Mr. MILLER—That has not been my opinion, and I have never met a lawyer who holds that opinion either.

Hon. Sir MACKENZIE BOWELL—I never consulted a lawyer about it. My recollection is that the fifteen days has been included in all cases. If a member sat thirty-one days he would be entitled to it, less the days he was not here, and there would be less advantage in giving fifteen days. I am stating the interpretation which has been given to the old law, and how we were paid. I want to point out that if the interpretation put upon the present law is correct, it will be a saving to the country rather than an increase. I have commenced at British Columbia and gone down to the maritime provinces, and I take ten cases and read the result. In reading these first figures it must be remembered they include the mileage; hence it will be much larger in the case of people coming from the Pacific than it would be for the same number of days a member would sit coming from a constituency near the capital. One drew $3,003. He sat seventeen days, but he had the advantages to which I have called attention. Under the present law those advantages being taken from him, the mileage and other perquisites he would have drawn only $340. Another drew $2,191, though he sat in this House only four days. Under the new law he would have drawn $80. Another drew $2,243 for sixteen days attendance; under the present law as it has been interpreted he would have drawn only $320. Another drew $2,315 for twenty-three days attendance. His sessional allowance under the present law, for the same attendance, would be only $460, because he had not sat the thirty-one days which is provided for in the law. Another drew $2,203 and he sat thirteen days. Under the present law he would have been entitled to $260. Another, an Ontario senator, drew $2,215 for ten days sitting. Under the present law he would have drawn $200. Another drew $2,187 for ten days attendance; his allowance under the present law would be $200. Another in Ontario drew $2,259 for eleven days sitting. Under the present law he would draw $20 a day for the eleven days, making $220. The ninth senator drew $2,188 and he sat in the House twelve days. His allowance under the present law, with the interpretation placed on it, would be $240. Another drew $2,293 for eighteen days. Under the present law he would have been entitled to $360. The total amount that these ten members of the House drew for these attendances was $23,097, for one hundred and twenty-four days sitting. Under the present law they would have been entitled to only $2,680, plus their actual expenses in coming to Ottawa and returning home, not including railway fares. I have not given the amounts drawn by members of the House of Commons, but the same principle applies to the indemnity paid in that House. If this comparison applied to this House with its small number of members, shows such a result, how much greater would be that comparison if applied to members of the House of Commons ?

If the hon. gentleman will analyse these accounts they will find that what I have pointed out is strictly correct, that under the present law the payment of members would be less than if the previous law were in force and would cost the country less than it did under the old law. That was my opinion, and I took the trouble to look through the whole of the statement. I have all the particulars, and you can judge it from the file I have here. So much noise was made about it in the press and through the country, that I thought it a subject worthy of the consideration of every representative man, and my opinion has been verified by the fact. Amendments should be made to the present law. When the question comes up we can discuss them. It seems to be a jumble.

Scarcely any one can read that law and know what it means. I question whether my hon. friend, for whose opinion I have a profound respect, would, after reading that law, give us an opinion which he would himself call an intelligible opinion on the subject. As a layman perhaps it would be presumptuous to put my opinion against that of a lawyer, but when I looked at the incongruous character of the law itself, I came to the conclusion the government would change it themselves. One good point about the law is that the man who attends to his duty will get the largest amount of indemnity, and those who come at the beginning of the session and spend a few days here, taking advantage of the concessions made in the old law, will receive a smaller amount. If it has this effect, it will be gratifying, and I am sure every member who has been in the habit of attending to his sessional duties, will know that the man who remains at home is not going to fill his pockets to the same extent as the man who attends continuously and intelligently to the business of the country. I have other matters that I should refer to, but I have spoken already at much greater length than I intended. The questions will come up before the Senate, no doubt before it rises, and whether I occupy this seat or a seat somewhere else, I shall reserve for myself a right to take advantage of my position to discuss these questions as they present themselves to me. There are points in connection with other questions which are worthy of consideration of the whole of us, and I hope, in the language of the address itself, that these questions will be approached with wisdom and moderation. Let us forget in dealing with these questions which are not of a purely political character, that we are here for the purpose of trying to perfect legislation and let us put down, Grit or Tory, our foot firmly against the railroading through of Bills of a very important character involving millions of money in about ten or fifteen minutes under suspension of rules of the House. All I can say is, if health and strength permit, I am going to join my hon. friend—we do not pull together in harness very often—from Wellington, in protesting if we are here at the close of the session, against any such conduct as characterized the proceedings of this House at the close of last session of parliament. All I can say is that if health and strength permit I am going to join my hon. friend from Wellington in protesting at the close of the session if we are here, against any such conduct as last session of parliament. Let us deal with public questions as sensible men, with wisdom and moderation, and we shall be respected rather than condemned by the public and the press.

Hon. Mr. SCOTT.—I am quite sure I voice the opinions of hon. gentlemen on this side of the House in expressing our gratification at finding the hon. gentleman who has just taken his seat occupying his old position. He has filled that position with dignity and with the approval of this House generally for the past nine years. We are glad to note too that he is in good form and voice notwithstanding the years that are being added to the long term during which he has served the public. I sincerely hope that for many years to come we may have the opportunity of hearing from the hon. gentleman, who I believe is sincerely anxious to see that all measures which come before the Chamber shall receive proper attention, and if they are not, in his judgment, in the best interests of the public, he certainly will candidly give us his opinion to that effect.

I desire to congratulate the mover and seconder on the very excellent manner in which they have discharged the delicate task assigned to them. The hon. senator from Lethbridge (Hon. Mr. DeVeber) is evidently no novice in discussing public questions. He has had eight years experience in the local legislatures, and I have no doubt we will find from time to time that the opinions he has formed during his long experience there will be a very great advantage in discussing questions which may come up affecting that important part of the Dominion. My honourable friend from New Glasgow (Hon. Mr. McGregor) has been in this Chamber for some years. We have all learned to respect the dignified, frank and fair way in which he discusses all public questions. He does not give us long speeches, but what he does say is to the point and good sound sense.

The speech from the Throne, imitating the speech which was delivered a short time ago in the imperial parliament, pro-

ceeds on the lines of least resistance. It refers to subjects which are many of them not controversial in their nature, but which are just now being discussed in the public press. It will be of great advantage to have the views and opinions of both Houses freely expressed on the many important questions to which reference is made. My hon. friend the leader of the opposition, in criticising the observations made by the senator from Lethbridge in reference to the Autonomy Bills rather departed I think, from the sound sense which usually characterizes him. The question of whether we ought to leave an apple of discord in those two provinces was freely discussed here last session. I think the experience which my hon. friend has had of the terrible consequences of the mistake of the Privy Council in the Manitoba case ought to be sufficient to prove that we should not leave this important question to be settled by a court of law in an action which any Joe Martin might bring, in either Alberta or Saskatchewan.

It was one of the fundamental principles of confederation—I say it because I have personal knowledge of the fact—that wherever separate schools, whether Protestant or Catholic existed by law when any portion of this Dominion came into confederation, these schools were to be preserved. There was an exception, however. No school law had been enacted giving to Protestants in the province of Quebec those special privileges which they now enjoy. Sir Alexander Galt, in the session of 1866, called attention to that fact, and stated that unless parliament then and there made special provision for the minority in that province, he would not remain in the government. Sir George Cartier assured him he might trust to the honour of the parliament of Canada or he might trust the local legislature. Sir Alexander Galt was not satisfied, however, to do so ; and he went out of office. Now we have, as I may say, forced on the province of Quebec the schools desired by the minority. That is practically what we did. We did not force any measure of that kind upon Alberta or Saskatchewan. They had deliberately adopted a school law themselves. When the Northwest Territory Act was discussed in 1875 both Liberals and Conservatives in the parliament of Canada said then and there, 'we will settle this question for all time, and not allow any apple of discord to exist in the future.' What was done then was done by universal consent. Every man who has since settled in the Northwest knew the conditions of the constitution ; but when this government attempted to give force to what had been agreed to in 1875, a howl went up all over this country from parties who protested against any legislation of that kind. Finally we thought that it was infinitely better to make a compromise, if this country was to prosper and continue in the course of united advancement and so we were satisfied, those of us who supported the separate school idea, with a minimum of privileges. The schools were to be practically public schools until half past three in the afternoon ; and we have the evidence of my hon. friend who personally visited a school in the Northwest—strong opponent though he had been of the principle of separate schools—that he was rather pleased than otherwise at the prayer or religious instruction which was given between half past three and four o'clock. It does seem in my judgment to be a protest against Christianity, against God himself, when people say, 'we object to prayer in the schools ; we object to teaching the children to be devout ; all we have to consider is this world ; we do not care about the future.'

Now, to my mind we are in this world to prepare for the next, and surely that man must be lost to all sense of morality and Christianity who says, 'I object to an appeal to God to make us a better people.' I do think it is most regrettable that such an objection should be raised. This is a very broad subject, and I do not propose to follow it up; but it was most important that no firebrand should be in a position in the future to raise the question in either of these fair provinces of Alberta and Saskatchewan. The minority who believe in religious instruction were satisfied to make a compromise and to accept the least possible concession, which was a half-hour of religious instruction. Surely that could hurt no man. The schools were to be public schools until half-past three and after that religious instruction might be given to those who desired to receive it. There was no

compulsion—children could leave if they desired to do so. Special provision was made to avoid interference with the conscience of any who were not content to receive such instruction. My hon. friend imported into his controversy something which I was going to say was not in good taste—perhaps that is going a little too far—but it certainly did not comport with my notions of parliamentary etiquette. He brought up the question which has been before the court, of the suit between Mr. Scott, premier of Saskatchewan, and Mr. McInnes, and he read a letter that was produced from Mr. Scott. I quote from a gentleman who was for many years the colleague of the leader of the opposition, and who was counsel for Mr. McInnes in this suit—the Hon. Mr. Daly. Mr. Daly condemned most emphatically the conduct of his own client. I will read what he said from the report of the trial :

Mr. Daly began his speech to the jury. He spoke slightly over an hour and undoubtedly made the best of the case he had, although he was guilty in one instance of deliberately misstating the evidence given by Mr. Scott. Mr. Daly said he had no excuse to offer or defence to make of the conduct of J. K. McInnes in publishing private and confidential letters.

Hon. Sir. MACKENZIE BOWELL—That does not make their contents any the less true.

Hon. Mr. SCOTT—Nor had he any defence for Mr. Tom McInnes for having eavesdropped and spied upon his own father.

Hon. Mr. FERGUSON—What is the hon. gentleman reading from?

Hon. Mr. SCOTT—I am reading from a report, 'McInnes Found Guilty of Criminal Libel.'

Hon. Mr. FERGUSON—What paper?

Hon. Mr. SCOTT—The Manitoba 'Free Pres.'

Hon. Mr. FERGUSON—Does my hon. friend believe that that is a correct report?

Hon. Mr. SCOTT—I think so. I have faith enough in the public press for that. They could have no motive whatever in wilfully misstating the facts, it would be sure to be corrected the next day.

Hon. Sir MACKENZIE BOWELL—I read that statement as coming from Mr. Howell—I am not vouching for its truth—I read the statement as coming from Mr. Howell, who was defending Mr. Scott, in which he accused the son of McInnes of being an eavesdropper, and spoke of him in the most contemptuous manner.

Hon. Mr. SCOTT—The hon. gentleman, by way of trying to throw discredit on the statements made by the hon. gentleman from Lethbridge (Hon. Mr. DeVeber) who has been for eight years a member of the local legislature, as to the satisfaction with which the people received the inauguration of the new provinces—

Hon. Sir MACKENZIE BOWELL—Do not misquote me. I threw no discredit upon his statements. I merely quoted his own language, and asked if he had such a perfect law, what necessity was there for the government interfering with it.

Hon. Mr. SCOTT.—The hon. gentleman, by way of explaining the majority which was obtained for the government in the west, introduced the question of ballot-boxes. Now there were fifty constituencies, and in only one was an attempt made to perpetrate fraud. The gentleman who received the majority vote in that constituency declined to take the seat; but because there was one fraud in fifty elections, the hon. gentleman denounces the whole fifty seats practically as having been corruptly obtained, whereas in Alberta there were twenty-three seats for the government. Thirty days went by, and not a single protest was entered. Does any one believe that if there had been the opportunity to set aside even one of the elections, resort would not have been had to the courts. The very fact that the whole twenty-three seats were allowed to go unprotested is the best evidence that there was no general fraud, no general desire to evade the election law of the country. No charges were made of any sort and the inference is that the election was fairly and honestly carried on. I do not choose to go back in the past history of this country, or I might bring up elections in years gone by, but I am not going to do anything of the kind. There are men connected with both political parties who disgrace the party with which they profess to be allied. The hon. gentleman quoted an instance in his own neighbourhood in which the ballot-boxes were interfered with. What did the

government do in that case? The very hour that they found a fraud had been attempted they issued instructions to their prosecuting attorney, and as a result of their action, there is one man in the penitentiary now serving time in connection with that attempt at fraud. Another had to flee the country. And this goes to show that the government were no party to the attempt. This government has the moral fibre to utter its denunciation on all occasions where crimes of that kind are attempted. And now the government has taken the very best way to prevent such things happening in future. Notice has been given to parliament of a Bill which will improve the Election Act if possible. It is the duty of members on both sides to make every possible change to defeat the attempts made from time to time to steal seats in the manner which has disgraced the past history of Canada. It has not prevailed alone under this government, it prevailed under former governments. Every one knows very well that there were very much worse frauds under the Conservative administration. But we do not cast it up to them. As I said, there are men who disgrace both political parties, and it is our duty to defeat their intentions if we can.

Now, as it is six o'clock, and as it is not proposed to sit to-night, I move the adjournment of the debate until to-morrow.

Hon. Mr. DeBOUCHERVILLE—Allow me to ask a question. Perhaps I did not understand the hon. gentleman correctly. Did he say that when Mr. Galt retired from the government a law was passed obliging the province of Quebec to give separate schools?

Hon. Mr. SCOTT—I said the reverse. Sir Alexander Galt resigned because there was no law in the province of Quebec, giving the minority their rights, and therefore we forced on the province of Quebec, so to speak, a law—but I am using the word 'forced' in default of a better one, because the parliament of Canada was only too glad to do it, and if they had failed to do it, the majority in the province of Quebec would themselves have done it.

Hon. Mr. DeBOUCHERVILLE—I understand that the legislature of the day enforced on the province of Quebec the obligation to give separate schools.

Hon. Mr. SCOTT—I said that at the time of confederation Mr. Galt resigned because provision was not made in advance for the protection of the minority in the province of Quebec.

Hon. Sir MACKENZIE BOWELL—There is one remark to which I wish to take exception. The hon. gentleman said that Canada forced upon the province of Quebec the separate schools desired by the Protestant minority.

Hon. Mr. SCOTT—It was put into the Act of Union. The Act of Union read in this way: 'All the privileges granted to the minority in Upper Canada shall be granted to the minority in an equal degree in the province of Quebec.'

Hon. Sir MACKENZIE BOWELL—That is quite true; but there was no law at that time that the province should provide separate schools. Sir George Cartier afterwards pledged himself to give them, and he carried out his pledge.

The motion was agreed to, and the debate was adjourned until to-morrow to be the first Order of the Day.

Hon. Mr. CLORAN—Before the House adjourns I would ask leave of the Senate to give notice of the following questions:—

MUTUAL RESERVE FUND LIFE ASSOCIATION.

NOTICE OF INQUIRIES.

If the accounts of the attorney and of the insurance expert employed by the Special Committee, which was appointed by order of this House to investigate into the affairs in Canada of the Mutual Reserve Life Association of New York, and which have been certified to, as regular and legal, on order of the said committee, by its chairman, have been yet paid, either in full, or in part?

If not paid in full, why not?

If paid in part, when will the said attorney and expert receive the balance of their accounts?

Also, if the government is aware of the fact that the president of the said Mutual Reserve Life Association, Mr. Frederick A. Burnham, of New York, who refused to obey the summons of your Honourable Committee to give evidence during the said investigation, has since been arrested, and indicted by the grand jury, and arraigned in General Sessions of New York, on five indictments found against him, two for grand larceny in the first degree, and three for forgery in the second degree, all in connection with the administration of the affairs of the company, affecting the interests of Canadian policy-holders?

If the government is aware of the fact that George D. Eldridge, second vice-president of the said company, who appeared before the said committee, as the principal witness in the interests of the said company, during the said investigation, was also recently arrested, and indicted by the grand jury and arraigned in the General Sessions of New York on five indictments found against him, two for grand larceny in the first degree, and three for forgery in the second degree, all in connection with the administration of the affairs of the company affecting the interests of Canadian policy-holders ?

Also, if one George Burnham, brother of the president of the said company, also a director thereof, and counsel for the same, is held by the police and judicial authorities of New York under the same charges as mentioned above ?

If the government is aware that this executive action by the authorities of criminal justice in New York, against the said two Burnhams and the said Eldridge, was suggested by and is largely based upon the results of the parliamentary investigation, ordered by this honourable House two years ago ?

Hon. Mr. SCOTT—Many of these questions relate to matters entirely outside of Canada, and I do not know that the government has any connection with them.

Hon. Mr. CLORAN—We will see that later on, or know the reason why.

The Senate adjourned until three o'clock to-morrow.

SENATE.

OTTAWA, Tuesday, March 13, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

AUDITOR GENERAL'S REPORT.

Hon. Mr. SCOTT laid on the table the third volume of the Report of the Auditor General.

Hon. Sir MACKENZIE BOWELL—That is the third volume, is it not ?

Hon. Mr. SCOTT—Yes, it includes two of the most important spending departments, Railways and Public Works.

Hon. Sir MACKENZIE BOWELL—Are not the first and second volumes ready for distribution ?

Hon. Mr. CLORAN.

Hon. Mr. SCOTT—No, there is another volume which, I understand, will be ready to-day. It will be presented to-morrow, and there is still another to come. The report is being published in this form because Mr. Fraser, the new Auditor General, did not like to cut it down since it was Mr. McDougall's report. The delay of presenting it does not lie with the Department of Printing, but occurred in getting the material ready and reading the proofs.

Hon. Sir MACKENZIE BOWELL—It seems singular that we should have the third volume laid on the table before either the first or the second. Is it possible that the first and second volumes are not yet printed ?

Hon. Mr. SCOTT—It was found that the whole report could not be got out because some of the departments had not completed their portion. My hon. friend knows that the volume is made up in alphabetical order, A to Z. The two most important departments in regard to which parliament would desire to be informed are, of course, Railways and Canals and Public Works, and as these were ready they were included in the volume which is now presented. Another volume has been delayed because it happened to contain the Mounted Police expenditure, and there was some delay in obtaining the items. It will, however, be presented to-morrow or the day after, I believe.

THE RULES OF THE SENATE.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I would like to suggest to the hon. member form Halifax (Hon. Mr. Power), if he will take a suggestion from me—that the committee of which he was chairman reported certain amendments to the rules governing this House at the last session. It was deemed inadvisable so near the close of the session, to adopt them in bulk, and without further consideration. What I would suggest to the hon. gentleman, if he thinks it is a better way to proceed, is that he should put a notice on the order paper asking to refer the report which was presented to the House at the last session, to a Committee of the Whole House, so that we can consider calmly and cooly in Committee of the Whole; as we shall have very little to

do during the coming and probably the next week, so that we can take them up and consider them seriatim, clause by clause, and come to a much better decision as to what we shall adopt than we could do if it were done in a hurried manner. There are some of the rules with which I fully concurred last session. During the interim, however, on thinking the matter over I concluded that some improvements might be made in them, and it is very probable other gentlemen may have taken the same view. There is another reason; hon. gentlemen will remember that the rules governing the Divorce Committee were revised on the line of simplying the proceedings, not in any way, as I understand it, restricting the fullest investigation, but to do away with certain, if I may term it, red tapeism connected with the management of that committee, and as they will have a good deal of work to perform during the present session, there being some fifteen or twenty cases, it would be better if we could adopt the rules with such amendments as the House might deem it advisable to make in order that the committee might work under them during the present session. There is no reason why they should not be adopted before the other rules are considered. The time that will be at our disposal has induced me to make this suggestion, if the hon. gentleman from Halifax approves of it. I appeal to him particularly because he devoted a great deal of time to the question during the last session, and was chairman of the committee to whom the matter was referred.

Hon. Mr. POWER—I am very much obliged to the hon. gentleman for the suggestion which he has made, and which, in fact, anticipated the line of action that, after consultation with one or two friends who were on the committee last session, I thought it should be best to take. I propose to put a notice to that effect on the order paper to-morrow.

THE ADDRESS.

DEBATE CONTINUED.

The Order of the Day being called;

Resuming the adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the second session of the tenth parliament.—Hon. Mr. Scott.

Hon. Mr. SCOTT said: When six o'clock arrived last night I was commenting upon the remarks of my hon. friend opposite, on the subject he had been discussing, that is the educational clauses, of the Autonomy Bills. I do not purpose to extend any further my remarks on that subject, more than to express my regret at the attitude my hon. friend has taken on this subject, and for this reason. In the year 1870, when the constitution was granted to Manitoba that province was carved out of the territories then just in the same way that the new provinces of Alberta and Saskatchewan have been carved out. When the House was considering the constitution to be given Manitoba, my hon. friend left his party, who were pretty united on giving separate schools to the new provinces. He voted with the body then known as the Grits. If you look over the division list you will find that, with a few exceptions, the Conservative party supported the proposition to give Manitoba separate schools. It was thought then that it would be a French province. The French were then in a majority there, and it was considered advisable and proper that the rights of the minority should be protected, just as, for the same reason, it was considered advisable and proper in 1895 to give to the territories which included what are now the provinces of Alberta and Saskatchewan the separate school system. My hon. friend did not vote with his party in 1870. He had a perfect right to do as he did, but the vote having been carried, he loyally adhered to the principle laid down by parliament that year that separate schools should form part of the constitution of Manitoba. Through good report and evil report my hon. friend stood true to the principle of recognizing that parliament had confirmed the proposition, although the Privy Council had created some confusion in it. He was still willing, although few saw the possibility of accomplishing it, that parliament can be adopted as a channel to re-enact the school law of Manitoba. He was still willing to have carried out the proposition. It will redound for ever to his memory, and the minority, the Catholics of Canada, owe him a debt of gratitude for the manner in which

he adhered to the principle which parliament had adopted. In 1875 when we provided the future constitution which should be given to the new territories it was specially laid down by parliament that it was better then and there to settle the school question and remove it for ever from being a source of discord in the new territories. My hon. friend's voice was silent; I assumed therefore that he concurred. There was no vote taken upon it, and there was no dissenting voice raised to it in 1875 in the House of Commons. There was in this Chamber. I had charge of the Bill; the whole subject was thoroughly threshed out and we carried it by a very narrow majority. The Liberal party, to a very considerable extent, deserted the leadership of Alex. Mackenzie and but for the support of the Conservative party, the Bill could not have been carried. I think therefore it is regrettable that my hon. friend has not been consistent in the course which he laid out for himself some thirty years ago. His career has been a long and distinguished one, and I should have been glad had he seen his way to observe the same principle in 1906 that he adopted in 1870.

Hon. Sir MACKENZIE BOWELL—I think I can show that I was quite consistent.

Hon. Mr. SCOTT—I have said all I am going to say on that subject.

Hon. Mr. LANDRY—The hon. gentleman is speaking for himself only.

Hon. Mr. SCOTT—I now come to the close of the address criticised by my hon. friend. In reference to the treaty with Japan I note that in another place the government have been criticised because they did not acquiesce in the treaty between Japan and the United Kingdom at the time that Canada had the opportunity. The treaty was made in 1894, and an amendment was made to it in 1895. The outlying provinces of the empire, including Canada, were given two years within which to adhere. For a year and nine months of that period the Conservative government was in power. They only ceased to govern Canada in the summer of 1896, so that we simply followed in their footsteps in declining to become a party to the treaty. We had strong reasons—stronger than they had—because at that time we had decided to grant a preference to the mother country, and, as the law of preference then stood, Germany and Belgium had the right, under an existing treaty, to any preference that might be granted by a colony to the mother country. Under the most favoured nation clause any countries with which we had treaties would have the same right to the preference we desired to give Great Britain, and for that reason we declined then to be a party to the treaty with Japan. Since that time the Belgian and German treaties have been set aside, and new treaties have been made with the mother country to which we are not parties, so that we are now perfectly free to make a treaty with Japan, and we have done so. The treaty document has not yet been received, but I understand it has been sanctioned. The advantage we gain is this: Japan like some other countries has a maximum and a minimum tariff. Under the treaty we come in under the minimum tariff which confers certain advantages.

Hon. Sir MACKENZIE BOWELL—Do I understand that the colonies are to have the advantage of the minimum tariff?

Hon. Mr. SCOTT—Only Canada. The treaty that has been made was made wholly at the instance of Canada. We applied to come in under the treaty between the mother country and Japan, but the Japanese said 'no that treaty is made and passed and gone; if you desire to come in on similar lines, we will consider the propriety of a new arrangement.' We acquiesced in that proposal, and we practically adopted the treaty that now exists between Japan and Great Britain which gives Great Britain the benefit of the mimimum tariff.

In reference to that clause which relates to the rapid destruction of the forests by fire, my hon. friend concurred in the propriety of any policy that might in future be adopted to save our forests. Those of us who have given any attention or thought to this question must feel very great regret at the fearful sacrifice that has been made by the provinces of the Dominion, in the wanton destruction in earlier years, of their forests. My attention was drawn very forcibly to this matter fifty years ago, repre-

senting as I did a constituency that was then more directly interested in the timber trade than any other part of Ontario. Ottawa at that time was the centre of the great traffic in timber between Canada and Great Britain. The trade in sawn lumber had not in the early fifties arisen—the trade with the United States. At that time no sort of provision existed under the regulations for the protection of timber. Limits were given indiscriminately to persons who made surveys, without any practical regulations for the prevention of fires, and these remarks, I may say, apply not alone to Upper and Lower Canada of that day, but also to the maritime provinces. The system in the maritime provinces was even worse than that in vogue in Upper and Lower Canada ; particularly in New Brunswick. The practice prevailing at that day was to yearly auction off the right to cut the timber. The person who bought at the auction had the right for one year only and very naturally he took the best of the timber. He had no expectation of retaining a permanent interest in the limit. Somebody else would come along and buy up the following year, and so no care whatever was exercised in the preservation of the timber. I can myself remember the terrible fire which took place, known as the Miramichi fire, the smoke from which extended up the St. Lawrence river. It covered a vast extent of country, I understand over one hundred miles in one direction, and the amount of timber destroyed would have enriched New Brunswick for all time to come. No one can calculate the vast wealth in white pine and red pine which has been lost in this way from time to time by the older provinces of Canada. It was said that for years a vastly larger amount was annually destroyed by fire than was converted into timber. The wealth of California would not compare with the value of the timber of this country had it been judiciously and prudently economized in its management. Having had something to do with the change of policy which took place at the time of confederation, representing as I did, the lumber interests, I found very great difficulty in educating the public mind to the importance of preserving the timber. The argument in those days was that an immigrant was worth $1,000. We built our colonization roads through the forests in Upper Canada such as the Opeongo road, the Frontenac road, and various other roads leading back from the settled parts of the country. The surveyors ran them through the most valuable pineries without paying any regard whatever to the character of the land, instead of limiting settlement to the lands suitable for agriculture. The lines were run by the surveyor's instrument so as to locate the shortest possible route from one point to another. The difficulty, in the early sixties, to induce the population of the provinces to preserve their timber and set apart the sections which were chiefly valuable for the red and white pine was extremely great. The practice was to give any settler who chose to locate a farm all the timber he wanted. It was only by making use of object lessons showing that men who had worked in the timber limits made a practice of taking up lots, cutting the timber on them, occupying them for three or four years—the ashes furnishing nutriment for the crops, and then abandoning the location and passing on to some other portion of virgin forest, that the public mind was educated up to the absurdity of indiscriminate location by settlers in the pine timber country.

My hon. friend made some observaaions as to the object the government might have in putting this paragraph in the speech. It was more particularly for the purpose of emphasizing the importance to the provinces of taking some better means of preventing the spread of forest fires. No doubt both in Quebec and Ontario, and I presume in the maritime provinces also, there are now fire rangers, and efforts are being made to prevent the destruction of timber by fire, but these efforts might be redoubled. In the month of January last, we had a forestry convention in the city of Ottawa at which some very valuable suggestions were adopted, and one can only hope that the sentiments which there prevailed will be taken up by the various provinces and an effort will be made to preserve the timber which remains by adopting reforestration as is being done in the older countries of the world, in Germany for instance. Wherever a tree is cut down it ought to be incumbent on the man who cuts it to plant another in its

stead. The object of the Bill to be submitted to parliament will be to preserve any forests there may be in the territory under government control. We have retained the control of the lands in Saskatchewan and Alberta. It will be the policy of the government to encourage the planting of groves of timber at various places. I think it would be a very good idea myself to give some sort of advantage to the homesteader who would surround his dwelling with trees or, at all events, plant a wind break on some part of his farm and in that way adopt individually—which probably would be the better way to carry it out on an extended scale—the principle of reforestation. It would enable the people of Alberta and Saskatchewan to grow fruit. I have inquired of gentlemen familiar with that country whether apples would not grow there. I am told that the Duchess of Oldenburg, which grows so well in this district, and apples which grow in Russia, have been cultivated successfully in the Northwest, and it would be a very great blessing to those provinces if the settlers there could grow their own fruit even though it were limited to apples. They certainly could grow apples, plums, cherries and other fruit, and it could be done more successfully if windbreaks were planted by the farmers in the way I have suggested.

My hon. friend made a good deal of comment on the clause which refers to our garrisoning Halifax and Esquimalt. In many of his observations I entirely concur with him. There was and is a good deal of sentiment in this question of imperialism, and no doubt the presence of British regiments in Canada had a good effect in that direction. There was always a very great pleasure taken—I know in my earlier years it was so—in witnessing the evolutions of the imperial troops. In my day we had a large force in Canada, and there is no doubt it had an influence in moulding the opinions of the people; but the policy of the imperial government has been to withdraw the troops, and it has been thought proper to withdraw the navy from the waters of the North Atlantic. A different principle prevails now from what existed nearly one hundred years ago. Up to within the last year it was thought important to have stations in Canada on the Atlantic and on the Pacific. The stations at Bermuda, Halifax and Esquimalt were thought to be of very great importance. They were centres from which operations by the navy were easily operated in any direction that became necessary. If hon. gentlemen have noted the observations of Mr. Haldane, the new War Minister, they will see that he is carrying the concentration principle to a degree that rather surprises some of us—that is, he is even proposing to reduce the fortifications around the coast of Great Britain itself, relying entirely on the naval arm and not adding to the army but rather strengthening the navy and reducing the expense of the army. My hon. friend thought that instead of our garrisoning Halifax and Esquimalt with detachments of the permanent force, it would have been better to give a money contribution towards the maintenance of the imperial forces. I do not agree with him, and had we proposed such a policy we would have been met with a storm of opposition. Our contribution would have amounted, perhaps, to one half of one per cent of the cost, which would be no perceptible advantage to the British tax-payer. The amount voted for the army and navy is very large, about $350,000,000, and our contribution would be so insignificant that it would make really no impression. Whereas now we are doing something substantial, and it is an advantage no doubt to our permanent force. We must keep up, to some extent, a permanent force in Canada simply as a nucleus in order that the militia may from time to time be better disciplined by the example set before them. Therefore, it seems to be the only sensible way of meeting this demand that Canada should do something to aid in the defence of the empire. No one will deny the fact that if Canada did not exist to-day the British navy would not be one ship the less. The navy has been removed from our waters. We in Canada do not recognize that war on this continent is possible. It will soon be one hundred years since arms were taken up in earnest between the two countries on this continent, and one cannot be accused of prophesying without any foundation or justification in predicting that another hundred years must go around before a shot will be fired in anger between our-

selves and our neighbours to the south of us. The tendency of Canada now is to rapid growth. That is universally recognized. Canada will be the home of probably as fine a class of people as will be found anywhere on the globe, and for this reason Canada will have, has now even, according to its population, a larger proportion of the agricultural class, who certainly form the very best yeomanry that any country can possess, not a class holding their lands under a feudal system, but a class absolutely independent, owning their own farms and rapidly developing into the possession of comforts that are unknown by farmers of any other country, and therefore with an intelligent class that will live in Canada and with the popular system of government we have we need have no fears for the future. We know that the friendship between Great Britain and the United States is year by year increasing which, of course, is some guarantee that we are in less danger than we might otherwise be. Unfortunately, in the past, Canada has had to contribute to the cementing of that friendship. Perhaps it was best in the end because our neighbours were a very large population, with a vast area of country that they had occupied in advance of us, and they had certain advantages in position which were superior to those we hold. If one were disposed to review all that Great Britain has done to conciliate the Republic to the south of us, he would be perfectly amazed at the serenity and calmness of the Canadian people at the great sacrifices which they have had to submit to in order to preserve a state of friendship between Great Britain and the United States. We know what a very small part of the continent to the south of us was occupied by the thirteen colonies which obtained their independence in 1785. We know how comparatively limited was the purchase made of what is called Louisiana, which carried the thirteen colonies up in the direction of St. Louis. The portion which belonged to Canada, occupying a range of country extending in a line west of Lake Erie, embracing a great part of Michigan, Illinois, Iowa, and the country along that line over to the Pacific, was part of the country that had been conceded to Britain by France in 1759. That was all given up simply because the United States desired to possess it. It was not thought worth while in those days, when that concession was made, to hold it for the young colony on the north side of the lakes and along the River St. Lawrence. We know how the Ashburton Treaty was carried out—how a good part of the state of Maine was carved out of Canadian territory, even against the protest of the people who lived within it. I need not refer to more modern conditions, because they are all so fresh in the minds of hon. gentlemen. I merely mention this to show how great the sacrifices have been on the part of Canada in order that Great Britain might be permitted to cement a friendship with the United States. I trust there is no need to do it at present. I think our manhood will cause us in the future to stand up at least for our rights, and I think the good sense too of the people of the United States will recognize that Canada has rights. Our population is rapidly increasing and we are receiving pretty large numbers of United States people who are coming over and investing their money in Canada, and the Dominion is becoming better known not only in Great Britain, but also in the country to the south of us.

The change in the fiscal year requires very little comment. It will be very much more satisfactory hereafter if our fiscal year corresponds with the business year of the country, which is practically our summer season. During the winter very little business, with foreign countries at all events, is done. Our trade, both import and export, is largely in the summer months. My hon. friend agreed in the change of date, but he thought we would scarcely be able to get the departmental reports in time. He has, however, overlooked the fact that the time is the same—it will be seven months from the 31st of March to the end of November, just as it is now, from the 30th June to the beginning of February. On the first occasion we shall have to use them, I have no doubt we may have some trouble, but in the following session, which will perhaps be held at the beginning or end of November next, and which will probably extend to the month of March, with a considerable adjournment at Christmas, the tariff will be the subject during the month of November and December,

and the ordinary business, discussion of the estimates and the consideration of public accounts will come then in January and February.

I was glad to hear my hon. friend state that he entirely approved of the policy adopted by the government in appointing a commission to inquire into the insurance question. The powers, if he will take the trouble to read them, given to the commission are of the most ample character. They are absolutely free even to employ actuaries. Of course they can call witnesses. They are not only representatives of the insurance companies, but all persons who have complaints, and they will sit at different places where it will be convenient for the people to be present and express their opinions in reference to the policies issued by any particular company. It will probably have the effect of making the companies more careful. I do not know that any more will come of it, because we all hope that the insurance companies can stand the inquiry. It may be that public attention being drawn to the cost of administration of insurance companies, that may be somewhat cut down. I know that the cost of administering British companies is very much less than the cost of administering Canadian companies. I do not see why there should be that very great difference. The cost of the British companies, according to the reports that I had occasion to see, were about nine, ten and eleven per cent of the receipts, but with the Canadian companies they run up from twenty to thirty per cent. The difference is rather excessive and it was in that direction that the frauds in the United States were committed, by the payment of huge salaries, and by, I was going to say—

Hon. Mr. FERGUSON—Political contributions.

Hon. Mr. SCOTT—Corrupting legislatures. But the parliament of Canada is away and beyond any charge of that kind. It would not be necessary to make any reference to that.

Hon. Sir MACKENZIE BOWELL—I think the point the hon. gentleman has raised is susceptible of explanation—that is the difference of cost between the management of imperial life companies and Canadian companies.

Hon. Mr. SCOTT—I presume one explanation would be this; our companies do business on a very active scale. There is great rivalry betwen them. They are constantly soliciting business, and the expenditure may be justified. Certainly their growth is phenomenal, and that may explain it. It may redound to the advantage of the policy-holders. I am not sufficiently conversant with the subject to explain it.

Hon. Sir MACKENZIE BOWELL—Competition with United States companies has very much to do with it.

Hon. Mr. SCOTT—The clauses relating to international waterways is an important one. The subject is now in a very unsatisfactory condition. There are state rights and provincial rights and federal rights both in the United States and in Canada. The Judicial Committee of the Privy Council have not helped us in this matter. In dealing with the fisheries question, as hon. gentlemen know, without throwing very mucb light on it they beclouded it by deciding practically that the provinces owned the bed of the river half way across. But, of course, navigation belongs to the Dominion and is under federal control. I quite agree with my hon. friend that it is idle to contend that the inland waters to tide water are not under the control of the Dominion, although the provinces have been liberal in giving out rights. Possibly it may be, I will not say curtailed, because I do not know what view the commission is taking of it, but I presume that Canada will not be satisfied to give up the scenic effect of the falls unless we get our share of the valuable power that can be created without destroying the beauty of the falls. That is the whole story in a nutshell. If I am correctly informed, one or two companies incorporated in Ontario have already sold a large portion of their power to the United States. I speak, of course, subject to correction. Perhaps I ought not to have mentioned it, but I have seen it so stated, and I should like to have it either rebutted or confirmed. If it is so, then Canada is placed in a somewhat embarrassing position. It will scarcely suit the views of the people of Ontario, especially west of Hamil-

ton, to be told that the factories and industrial establishments on the south side of the Niagara river shall have sixty or seventy per cent of the power of Niagara, whether obtained from the United States side or from our side, and that we shall have to be content with thirty or forty per cent. I do not think that would be satisfactory. Whatever has to be done must be done on a fair and just basis.

Hon. Mr. SULLIVAN—Has the local government charge of the power of the Niagara river?

Hon. Mr. SCOTT—They have assumed it, as my hon. friend knows. The hon. gentleman made some very sharp remarks which somewhat reflected on myself and on the government. He said that we had allowed important Bills to be brought up from the other chamber in the dying days of the session last year and had them put through without proper consideration. With an experience over some thirty odd years in this Chamber, I venture to say our sessions will compare favourably with those of our predecessors. During the eighteen years my hon. friend's government was in power, we had very much more legislation coming down in the last days of the session than has been the case in the last eight years. He particularly alluded to one Bill which he said was put through without proper consideration—the Minnesota Power Bill. If there was one Bill that this Chamber was entitled to credit for full consideration it was that very measure. It was before the committee for two months and they refused to pass it. The promoters wished to give a larger share of the power of the Rainy river to the American side of the stream than to the Canadian side. The committee thought that should not be done, and the matter was held over from time to time. The promotor himself, the main financier himself, the man who was promoting the enterprise, appeared before the committee and gave many reasons why we should not adhere to that principle, but we did adhere to it nevertheless. Two days before the session closed, he gave in. The promotor saw there was no possibility of getting the Bill through unless the company yielded to the principle laid down by the committee, that the power should be developed on both sides simultaneously and that one half the power should be available on the Canadian side. This was a fair and just principle, although the greater portion of the water came from the Canadian side. At the last moment the promoters consented, and the Bill was changed to suit the views of nine-tenths of the committee. Nobody was prepared to oppose the Bill then; there was nothing further in controversy and, therefore, there was no possible reason why we should withhold the measure. If my hon. friend will recall the facts he will find that the strictures which he made were scarcely applicable to that particular measure. Last session we did what I never remember before. On the last day of the sitting there was not a single Bill before this House. The Supply Bill was carried the day before the House rose, so that as far as the Senate was concerned it could not be said that Bills were rushed through. The measure which occupied our attention during the last two or three days was the change in the Criminal Law relating to trading stamps. My hon. friend from Stadacona, (Hon. Mr. Landry), who fought for the preservation of the trading stamps system, held up the House for a couple of days and that was the legislation which really occupied our attention. It is quite true the Bill known as the Indemnity Bill went through this Chamber perhaps at a rushing rate, but nobody got up to speak against it. My hon. friend was not in the Chamber at the time. I do not know whether he was out of town or simply absent.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is mistaken. If he refers to the reports he will find I was here and objected to some portions of it. It was another Bill I had reference to.

Hon. Mr. SCOTT—The Indemnity Bill had been discussed in the caucuses. I myself was never present at any caucus, but I know as a matter of fact that both political parties held caucuses and made up their minds with regard to the Bill. I was led to believe at the time that there were not half a dozen dissentients in the two Houses.

Hon. Mr. FERGUSON—Those were not caucuses in which the senators took part.

Hon. Mr. SCOTT—I do not know really. I think they did. I have seen senators at caucuses before.

Hon. Mr. FERGUSON—I know of no caucus where the question was considered, and I was not invited to any.

Hon. Mr. SCOTT—Then I am wrong, and will withdraw my statement.

Hon. Sir MACKENZIE BOWELL—I notice in the 'Free Press,' which is the organ of the government, a statement published, that it was an arrangement between the supporters of the government and the opposition and that the Senate were a party to it. Immediately upon reading that I wrote to my hon. friend on my right from Prince Edward Island (Hon. Mr. Ferguson) asking him if he had any knowledge or understanding to that effect, and he replied that he knew nothing of it except by ordinary rumour. I take this opportunity of correcting the statement. The hon. gentleman will excuse me for interrupting him, I forgot to mention the matter yesterday, and I wish now to give a flat and positive denial to the allegation. It was also stated that the bargain was in consideration of voting for the Autonomy Bill. Now if there was any such bargain as that, it must have applied to the hon. gentleman's friends and not to us who voted against the measure.

Hon. Mr. SCOTT—I never heard that the Autonomy Bill had anything to do with it. I know that negotiations had been going on, I will not say with the members of this House, but with the members of the other Chamber. That is a matter of notoriety.

Hon. Sir MACKENZIE BOWELL—Let it be known publicly then, that the senators here opposing the government had no knowledge of it, and were not consulted.

Hon. Mr. SCOTT—I accept the statement as correct. On the 19th of July all the Bills had been disposed of, and parliament prorogued on the 20th. Therefore the charge that we rushed Bills through without giving the senators an opportunity of discussing them really has not the foundation that he thought it had.

I see that the House of Commons has already got down to business, and I hope within the next eight or ten days to be able to submit some Bills for the consideration of the Senate. I notice that an hon. gentleman has given notice that he proposes to put the question to the government whether they cannot arrange to have a better division of business. As there are only two members of the government in this Chamber, naturally the bulk of the Bills introduced must be in charge of the ministers to whose departments they relate, and it is a difficult thing to induce the ministers to give up what is naturally an appendage to their office, but at all events I think some Bills will be introduced in this Chamber at an early day.

Hon. Mr. MILLER—I regret that I should have to interfere with my hon. friend the senator from Queen's, who usually follows the leader of the House on occasions such as the present, and to whom I invariably listen with the greatest of pleasure; but as the leader of the House has spoken, and as my hon. friend the leader of the opposition has also spoken, it is perhaps only fair to the leader of the newly created third party in this House that he should now have his turn to speak. I have no intention, however, to prolong the debate on the subject matter of the address, because it is not calculated to excite very protracted discussion, and already we have listened to four able and exhaustive speeches, but I do desire to avail myself of the opportunity afforded by the concluding observations of the leader of the opposition last evening, and those just made by the leader of the House, in reference to several important measures which passed through parliament at the close of the last session, when I was absent from my place owing to illness. I allude amongst others to the Indemnity Act and the Pensions Act. It is more satisfactory, at least to myself, that I should take advantage of the opportunity which is now afforded me to make some personal explanations which otherwise, perhaps, I should be compelled to make under a formal motion, thus giving them a prominence which they do not deserve.

I need not, I suppose, remind hon. gentlemen that I have been made the subject of several newspaper notices in regard to my supposed opinions upon these important measures which passed this House at the close of the last session, and, also that I have been represented as having assumed

an unfriendly attitude towards my hon. friend the leader of the Conservative party in the other House. I may state at once that these newspaper references are in the main correct, and that I have felt it my duty, my unpleasant duty, to withdraw my allegiance from the present leader of the Conservative party in Canada. Late last month I received a letter from my hon. friend (Mr. Borden) notifying me that a caucus of the Conservative party was to be held during the first week of the session and that he hoped to see me as a senator, and a member of the party, at that caucus. I immediately replied to him in a short note saying in substance that I disapproved so strongly of certain measures which had received the assent of the caucus last year, and of the action of the party in regard to those measures, as well as of his own action as its leader, that my position hereafter would be that of an independent Liberal Conservative member of the Senate, free from any party ties or party allegiance. That is the position, I desire it to be understood, which I now hold as a member of this House.

I must say that the ostensible reason given for my withdrawal of my allegiance to Mr. Borden's leadership did not include all my reasons for my action in that respect. For some time past, I have ben dissatisfied with Mr. Borden's leadership and especially since the last general election—since the introduction into the House of Commons of a new element in the Liberal Conservative party which, to my mind, has too largely dominated the action of the party organization in parliament and elsewhere.

Since the assumption of the leadership of the Liberal Conservative party by Mr. Borden I have felt that the party in this House have not been treated with the courtesy or consideration to which it was entitled, and that that state of affairs has been growing worse from day to day for several years past, and has been accentuated lately by the cool disposition of the party in the House of Commons towards their friends in the Senate since the reappearance—I will say it plainly—of the Hon. Geo. E. Foster in the House of Commons, and who, playing the role of a village politician, has exposed his animus lately in open insults and sneers at the Senate on a public platform in the province of Ontario. Seeing, as I could not help seeing, that the leadership of the party, and the party itself was being dominated by an influence that I at any rate am not willing to follow, it may, perhaps, have made me more inclined to take exception to particular acts of Mr. Borden, and perhaps view some of them with more severity than they deserve.

But when I recollect the attitude of different leaders of the Liberal Conservative party in the past towards their friends in this House; when I recollect the attitude of Sir John Macdonald, of Sir Charles Tupper, of Sir Mackenzie Bowell and of Sir John Thompson—when I recollect the consideration the Liberal Conservative party in this House invariably received from such leaders while we had the happiness of having them at the head of our party, I cannot but feel some dissatisfaction that under a man of yesterday we should receive such very different treatment. I have often heard Sir John Macdonald say that he did not wish to have a caucus without having his friends in the Senate fairly represented; and in his great battles for power, and for the retention of power, he has more than once declared that unless his friends in the Senate stood by him he would give up the fight. A very different doctrine prevails to-day, and I should infer that it is the intention of the Liberal Conservative party, when the Senate loses power, to give effective service to it as a legislative body, to adopt perhaps the role which our friends on the other side adopted towards this House, of abuse and vilification when they were in the minority, of which I hope some of them have had time to repent. It appears as if something of the same policy is intended to be resorted to by the Liberal Conservative party in the future, now that they think perhaps the Senate will be a good and popular object of abuse. I had hoped that the futility and unwisdom of such a course had been sufficiently verified to deter them from any such action; but appearances, under Mr. Foster's tutelage, are rather against them.

I said that I was gratified to have the opportunity given me to offer these remarks by the observations of the leader of the opposition yesterday and by the references to-day, of the Secretary of State to the Indemnity Act and the Pension Act. I was rather pleased to find that without appearing to go out of my way I might in con-

nection with these references offer the personal explanations which I desire to make. Before proceeding to do so, I desire to say a few words with regard to the argument of my hon. friend the leader of the opposition yesterday, in his comparison of the cost of the old and the new Indemnity Acts. I do not, however, intend to raise any legal controversy here. It would be futile and of no good result. I can only say that the legal construction of the old Indemnity Act given yesterday by my hon. friend the leader of the opposition, is not the construction of that Act which was entertained by Sir Alexander Campbell, or Sir John Abbott or myself when I was speaker of this House and had frequent occasion to look into it. It is not necessary, however, that I should go into any legal argument with my hon. friend on that point, but I take issue with him with regard to the argument he based on the comparison he made of the operation of the old Indemnity Act and the Act now on the statute-book. In the first place I would say that taking last session as an illustration is in itself a very unfair beginning. Last session was exceptional in many respects, but especially in regard to this House because of its many and long adjournments. The Senate did hardly anything last session but adjourn, and the adjournments were very long. I do not blame the House for that; there was no business for it to do, and it might as well adjourn as remain here doing nothing, but I say it was an exceptional session, and I venture to assert that in no other session of parliament however short since confederation were there so few actual days of attendance to the credit of the members, in consequence of the long adjournments. Therefore to take last session to illustrate his comparison of the number of days of member's attendance, and to base an argument on that comparison such as my hon. friend used yesterday was very unfair. It would be fairer to take a session one or two years back when the anomalous conditions of last session did not prevail.

But there is another feature of my hon. friend's comparison yesterday which I cannot help considering as very surprising and incorrect. My hon. friend tried to show that the present law if carried strictly into operation would actually cost the country less than the old Act as it was now enforced. When trying to prove this he took the old Act and applied it to the new indemnity of $2,500, and made a comparison in this way between the two laws. Now if my hon. friend wanted to make a fair comparison he should have taken the old indemnity that was applicable to the old law, and not the new indemnity. According to my hon. friend's mode of reasoning, the larger the indemnity the more unfavourable the old law would show by his interpretation, and therefore the less the increase would cost the country under the new Act, and it was a pity for the sake of his argument that the indemnity had not been $5,000 instead of $2,500. My hon. friend will see that in making a comparison he should have applied the operation of the old Act as a whole, and the actual indemnity of $1,500 under that Act, and compared it with the new Act and its operation on the indemnity of $2,500. That would have been a fair comparison, but it would not have sustained the argument which my hon. friend placed before the House.

With regard to the general question of indemnity, when I first became a member of this House the amount was only $600. It was afterwards raised to $1,000, under the Conservative party, and at no time did I complain of its insufficiency, or hear complaints from other members of parliament in either House. It was felt at that time that until the experiment of confederation had become an assured success, the more economically the machinery of the government could be run the better, and the indemnity was therefore accepted not as an allowance or salary for services performed by members, but as what it was, an indemnity for money out of pocket in attending the sessions of parliament. This state of things continued until the change of government in 1896 and a few years after. In 1901 the present government increased the indemnity to $1,500. Now I am frank to confess to the House that for some years past, and especially since the promulgation of the draft constitution of the commonwealth of Australia, I have been of opinion that the indemnity to members of parliament, should be $2,000, I consider it would not be one dollar more than

the present circumstances of the country warranted, and the great pressure of business upon parliament which necessitated long sessions, justified. If at the start, Australia could in its constitution provide for an indemnity or allowance of £400 sterling, or $2,000, although we at the start allowed our representatives only $600, when a change was made the government should have given to the members of our parliament at the end of forty years the indemnity which Australia gave to its representatives at the start. The mistake that was made was when the increase was ginven in 1901 from $1,000 to $1,500, the indemnity was not then increased to $2,000. Had that been done there would have been for many years no attempt to disturb it, and that sum would have given general satisfaction in both Houses.

However, that was not done, and when an attempt was made in the other House to secure the increase in the indemnity and I understood from rumour that the sum asked for was $2,500, I said I did not believe Sir Wilfrid Laurier would grant that request. I did not believe that he would go as far as to increase the indemnity to $2,500, of which I certainly disapprove. It may be said in these days of lavish expenditure the extra $500 amounts to only the sum of $150,000 a year, that it is a bagatelle hardly worth speaking about, but a few years ago we regarded $150,000 a year as a very large amount of money. He would be a bold minister who would then approve of putting the country to that expense without ample justification. However, the indemnity having been raised to $2,500, I was not and I am not prepared to make any hypocritical fuss about receiving it, and I can only say that while parliament continues to vote $2,500 as indemnity or allowance to me as a member of the Senate, I shall have no conscientious scruples about accepting it. Indeed, if I had any qualms of conscience on the subject, I could easily set them at rest by treating the extra $500 allowance as back pay upon the many years that I served in this House for $600 and $1,000 per annum.

Coming, now, to the Pension Act, I entertain a very decided opinion on that question. I consider the introduction of a system of class pensions for politicians in this country to be a matter of the gravest importance. It is a new departure in this country and I believe on this continent, because there is no such class system of pensions to public men in the great country to the south of us, and I say that the introduction of such a system should take place with the greatest caution and deliberation. Any of us who possesses the slightest knowledge of English history knows what an abuse the pension system became in England until it required the giant strength of a Burke to grapple with it, and abolish the infamous system in that country and bring about much needed reforms, so that to-day the pension system of England is one which is easily justifiable. I say therefore at the outset that we should not entertain the idea of establishing a system of class pensions in connection with the public life of the country without the plainest possible necessity for it, and I do not believe that necessity has yet arisen in Canada. If, however, the matter had been discussed openly and above board, and not made a matter of a secret round robin as it was last session, I am not prepared to say that this country would not grant a pension to any of its public men who stood in need of assistance and who had earned it by service as cabinet ministers. If for instance—and it would be a very liberal sum—a pension were given to ex-ministers who had served a certain time in the government, of £500 sterling, our present indemnity, I think it would be a very handsome pension indeed in such a country as Canada. In deserving cases at least the public would not hesitate to give a public man of the class indicated who required it, but such a pension should not be enjoyed by any one while at the same time occupying a seat in either House, and this would shut out senators as their appointments are for life. If the Liberal Conservative party in the Senate had been represented in the caucus of the party in the House of Commons when this measure was brought up, I venture to say that it would not be to-day on the statute-book.

Coming next on the increased salaries of the judges, when this subject was brought before this House a few years ago by the senator from Montreal (Sir George Drummond) I then expressed my opinion very freely. I said that there was a great deal

of nonsense talked in parliament about an increase of the judges' salaries generally. No doubt there were cases in the large centres where the cost of living was high and where in order to secure good judges larger salaries had to be paid according to the professional incomes which the appointees were receiving before being called to the bench. These things ought to be considered in fixing the salaries of judges, but to indiscriminately raise the salaries of all the judges in the country of a superior class by $2,000 was neither wise nor expedient. Take the case of a judge in the city of Montreal, a hard worked man. It costs him double as much to live as a judge in the rural districts of Quebec, and yet he is given the same increase as the rural judges down the St. Lawrence. That is not right. The judges in Montreal, Toronto and other large centres should receive more increase than the judges in the small provinces. I do not consider the judges in the smaller provinces have the right for many reasons to the same increase as the judges in the larger provinces. The only case in the smaller provinces where the larger increase was justified is in Prince Edward Island. I never could understand why all the maritime provinces were not on the same footing in respect of judges salaries. I therefore say that the Act of last session is most unfair, unwise and not justified by any circumstances connected with the administration of justice in this country. I believe if the Conservative members of the Senate had had a representation in the counsels of the party when this Bill was before the caucus, it never would have been put on the statute-books in its present shape.

I come lastly to the salary of the leader of the opposition. To this I declare at once I am decidedly opposed. It is an innovation opposed to all my ideas of constitutional usage under British institutions. I believe you could strike no greater blow at the prestige of the leader of the opposition than to make him—I do not say virtually but even apparently in the eyes of the people—a beneficiary—a salaried official of the government of the day. I felt that I could not remain in a party organization with a leader occupying a position of this kind. The astute managers of the Liberal party tried these same tactics once before in Ontario with Sir William Meredith and failed. But they caught Mr. Borden easily with the lasso they threw in vain for Mr. Meredith. I give due credit for astuteness to the gentlemen who have got the Conservative party into this hole, for until the Conservative party gets out of it, the Indemnity Act, the Pension Act, the indiscriminate increase in the salaries of the judges, all put together, will not be the occasion of greater loss of votes to the Conservative party than this one false step of making our leader in the eyes of the people a beneficiary of the government. This is the opinion I conscientiously entertain, and it is one of the reasons why I find myself in the attitude I am in to-day in regard to the party with whom I have been so long associated. You could do nothing better calculated to destroy the prestige of a party leader than to make him appear in the eyes of the people to be actuated by sorbid or selfish motives, and a leader without prestige is good for nothing. He can inspire no enthusiasm in his party, and a political party without enthusiasm, especially a party in opposition is like a leader without prestige, also good for nothing.

Take the case of Sir John Macdonald, what was the chief cause of his prestige before the country, and half the battle in every fight, it was the knowledge of his unsordid and unselfish character; and that great statesman never uttered truer words than when on a memorable occasion he exclaimed, 'These hands are clean', and even his enemies did not insinuate for one moment that he could ever be tainted with personal sordidness, selfishness or corruption. And I am not so intense a political bigot as to be blind to the fact, that the self-same prestige which was half the battle with Sir John Macdonald is to-day also half the battle with Sir Wilfrid Laurier. I am not for one moment attributing any such motives to Mr. Borden and do not wish to be understood as imputing to him any thing of the kind.

Far be it from me to do anything so unjust. I do not believe that Mr. Borden is a sordid or a mercenary politician and, unlike his first lieutenant, the respected leader of the opposition has no need of becoming either a place hunter or a pension hunter, for he can by giving his time and talents to the practice of the honourable profession of

which he is an ornament, make more money than any office would give him in the gift of any government.

I must say a few words with regard to the attitude of this House last session in reference to these important Bills. I do not think this House was open to any censure whatever in passing these Bills. We have the power here to reject money Bills; we have not the power to amend them. But I think it would be difficult to find any precedent either in England or in any of the self-governing colonies where any upper House rejected a money Bill coming to it with the unanimous consent of both parties in the money voting branch; and these Bills came up to this House with the unanimous consent of the House of Commons. I think it would have been an unprecedented thing to reject these Bills under the circumstances, and therefore not the slightest blame can attach to the Senate for its action on that occasion.

Proud as I am of the traditions and achievements of the Liberal Conservative party of Canada, in which it has been my privilege for so many years to claim an humble share, I think I shall be found in the future as in the past generally voting—at least I hope so, in support of the policy and measures of that party, but I do not wish on these occasions that my conduct should be taken to indicate any change of mind on my part in regard to the present leadership of the opposition.

Hon. Mr. McMULLEN—I desire to offer a few observations, and I shall be very brief. I do not know that I would have spoken had it not been for a statement I made at a public meeting in my riding which I have had the honour of representing for eighteen years; it was carried into the public press and in justice to myself I cannot allow the statement that has been made in this House on this occasion to go unchallenged, as far as I am concerned. At that meeting I said that the Indemnity Bill and the Bill granting an allowance to ex-ministers was rushed through this House at a moment when the Governor General was in the building prepared to prorogue parliament and the guard of honour was before the door. That I still maintain. My memory serves me very badly if I am not correct in making that statement. In justice to this Chamber as a deliberative body a reasonable opportunity should be given to deal with important measures of this kind instead of rushing them through at a gallop, as I heard one hon. gentleman say, at the last moment of the session. The Secretary of State has said to-day that these Bills were discussed in caucus. For my part I can honestly say that I never heard of any caucus and I never heard from any member of the other House directly or indirectly the first suggestion with regard to the allowance to retired ministers. That question was not, to my recollection, discussed in any caucus of the ministerial party, nor was it made known to members of the other House. I have talked with several of them, and they say that they never heard a word about it. It was tacked on to the Indemnity Bill at the last moment, and carried through, and eventually made its appearance in this House. That the legislation was objectionable is beyond all question. People of Canada are not in favour of it and, if the government assumed the responsibility of keeping it on the statute-book, their supporters will have to meet it on every political platform when the next general election comes round. I was pleased to notice that the Hon. the Postmaster General, when he was fighting for the seat he now holds, stated that he would use all the influence at his command to secure, if not the abolition of that enactment, at least an amendment of it that would bring it more in accord with public opinion. I hope that that promise on the part of Mr. Aylesworth will be carried out, and that this clause will be abolished. For my own part I have always been opposed to superannuation to a retired cabinet minister. I think that any minister of the Crown can surely manage to live for the balance of his days, after retiring from office, without becoming a charge upon the treasury of this Dominion. I agree with my hon. friend who has just sat down, that if any gentleman who has discharged the onerous duties of the minister of the Crown finds, in the evening of his existence, that what he has to depend upon in the way of support is so very limited that he is not able to live upon it—that if the country will not do something for him he must either go to the poor house or become a pensioner on the bounty of his friends—in

that case I have no doubt parliament would be generous enough to give him some allowance.

I know of men who have been ministers of the Crown who have been provided for even by those with whom they were not politically connected. The present government provided for one man who had been a minister of the Crown from confederation, generously provided for him by giving him an appointment enabling him to draw a sum to maintain him for the balance of his days. Nobody ever found fault with that or considered that any wrong had been done, and I surely think that all governments will be patriotic, considerate and charitable enough to deal with any worthy case which may arise without putting upon the statute-book of this country the tempting offer to retired ministers to make a demand upon the Dominion treasury and become a charge upon the country as long as they live. I do not favour that legislation and I earnestly hope the government will see it as their duty to abolish it.

Now, with regard to the question of Canadians taking charge of the fortifications at Esquimalt and Halifax, I very much regret, in a way, that the government find themselves compelled—if they are compelled, to assume that responsibility. I regret that England took the attitude—if she did take it—of leaving these fortifications to be looked after by Canada. I regret it because it will unquestionably lead to very heavy expense, which I believe will increase year after year. We will have to undertake the construction of some kind of a navy sooner or later, if we are to protect these two ports. I fear Canada's entry into or undertaking an expense of that kind. More than that, the trouble may be greater than anything that has yet been intimated by anyone who has spoken here. Canada may unfortunately do something through the equipment of those fortifications which may give offence to the United States and lead to international difficulties. We have always depended upon England to guard us against trouble of that kind. I wonder if England would be willing to turn out her ironclads and supply men to protect us against any attack which we might bring upon ourselves? We would have to assume all the responsibility of an attack and protect ourselves. I hope nothing of that kind will arise, but I would have been glad had the government been able to make such terms with the imperial authorities that by our voluntarily contributing, as Australia does, a sum each year towards the maintenance of the British Navy, and left to them the care of these two fortifications. That would have been very much better policy for many years to come, and I fear that something may arise to show that it would have been better had we adopted that policy.

The question of the international waterways has been referred to many years ago, when I was a member of the House of Commons. When the Chicago drainage canal was being constructed, I drew attention to what I thought would be the result of the very heavy drain that canal would have on Lake Michigan and consequently on Lake Huron and Georgian bay. The waters of our ports on Georgian bay and Lake Huron have been receding. They are to-day from two to three feet lower than they were twenty-five or thirty years ago. Last year there was an improvement, but up to that time they had been receding considerably. I have not the slightest doubt but the construction of such waterways as the drainage canal, which runs from Lake Michigan through Chicago and empties into the Mississippi, has contributed very considerably to the fall of the water level in Lake Huron and Georgian bay, and diminished the volume of water that passes over Niagara Falls. A resident near the falls showed me, when I was there some time ago, a large stone on the United States side of the river and told me that he could remember the time, years ago, when the water ran over the top of it. That stone is quite close to the falls and stands something like four or five feet out of the water. I have no doubt that the drain upon the source from which that water comes, caused by the construction of such canals as that at Chicago, is partly responsible for the diminution in the volume of water at Niagara.

With regard to the Minnesota Power Company's Bill, the hon. Secretary of State said that an agreement had been come to in this House at the last hour. That is quite correct. There was a fight over the division of the power, but at last an understanding was arrived at. What was that understanding?

It was that there should be an equal power developed on each side of Rainy river, but if the Canadian power so developed should not be utilized, the developers should have the right to apply to the Railway Commissioners for a transfer of the power from the Canadian to the United States side. The difficulty with those people who were undertaking the development of the power was this: the work involved a very large expenditure of money and if only one-half of the power developed could be depended upon to earn a revenue the return on their investment would be inadequate, and they wanted to make some arrangement by which they could rent the power on the Canadian side for use in the United States if it was not used in Canada. It would be no advantage to Canada to let it lie there unused, and it is a good thing that the arrangement was made, because that power is now being developed and the company that has undertaken the work will make a magnificent job of it. They have gangs working night and day, light being supplied at night by an electric plant run by steam-power. The improvement will be a great advantage to that portion of Ontario. I earnestly hope that the power developed will be used on the Canadian side and there will be no necessity to apply to the Railway Commission for permission to transfer it to the other side of the river.

There is a clause in the address which has not been touched upon, one which I very much appreciate, and which I hope the government will carry out determinedly. That is in passing an Act with regard to Sabbath observance. I am strongly in favour of legislation of that kind. I do not want any man to be forced to go to church if he does not want to go, but there should be a law in this country which would ensure to every man the opportunity to attend public worship on the Lord's Day and protect him in the enjoyment of the Sabbath as a day of rest. I earnestly hope that such legislation will be submitted, and that it will receive the endorsation of every loyal Canadian. I congratulate the government very heartily on having incorporated this clause in the address, and I hope that the legislation will be brought down and that it will be a measure creditable to them and advantageous to the people of Canada. I would not have spoken on this subject had it not been for the references made to the legislation of last session. I adhere to what I then said ; I hope that all measures submitted to the Senate will be brought down in good time so that we shall be able to give them proper consideration. I do not care what has been the custom in the past. I do not care whether the present government is prepared to compare records with its predecessors. I do not care what the records may show. We have a right to a fair and reasonable opportunity to discuss all measures brought before us, if we are to render to the people of this country any service for what this Chamber costs. I have no doubt last session the Hon. Secretary of State was between two fires. The session had been long, and the government were anxious to close it. Efforts had been made for days I presume to arrange for a day on which they could prorogue parliament, and as the session drew near its close, I suppose the business had to be rushed. I hope that he will convey to the members of the cabinet the fact that the Senate exists and must be given some reasonable time to discuss measures in the closing days of the session.

Hon. Mr. SCOTT—My statement as to the Indemnity Bill has been challenged. I find in the journals of this House that a message was brought from the House of Commons on the 18th July with a Bill entitled 'An Act to amend the Act respecting the Senate and the House of Commons' and that the said Bill was then read the first time. With leave of the Senate on motion of Mr. Scott, seconded by Sir Richard Cartwright, the forty-first rule was suspended in so far as the same relates to this Bill, and that it was then read the second time. It was then ordered to be read the third time at the next sitting of the House, but it was not read at the next sitting of the House, not until the day after the 19th July. I find in the Debates the following discussion took place :

(In the Committee.)

Hon. Mr. MACDONALD (B.C.)—Is there any alteration in the reference to the 15 days' grace?

Hon. Mr. SCOTT—No, it still continues.

Hon. Mr. ELLIS—I should like to ask the Secretary of State what the position of the leader of the opposition would be. He is to get a salary. Will he have to resign his seat and be elected again?

Hon. Mr. SCOTT—No, he receives an addition to his indemnity.

Hon. Mr. THIBAUDEAU (de la Vallière) reported the Bill without amendment.

The Bill was then read a third time and passed.

The House did not rise until the following day, the 20th, so the Bill was brought down two days before the House prorogued. I made the observation that I understood the Bill had been discussed in caucus. I was not present at any caucus, and I may be wrong, and I will withdraw that statement; but what I did understand was that a round robin had been signed in the other House, by both sides, for the increased indemnity.

Hon. Mr. FERGUSON—When I heard the hon member from Richmond addressing the House, I began to ask myself the question, 'Has Sir Wilfrid Laurier resigned, and has Mr. R. L. Borden been called to form a government, and is he at this moment conducting the affairs of the Dominion?' because my hon. friend who is an eminent constitutional authority must know that constitutionally the government of the day is responsible for legislation brought down and carried through parliament, and any charges he has to make should be directed against the government of the day and not against the leader of the opposition. I generally listen with great pleasure to the hon. gentleman from Richmond (Mr. Miller) and very generally it has been my pleasure to agree with the views, which he so eloquently places before the Senate; but I must on the present occasion dissent very emphatically from his conclusions. I understood him at the outset to say that he had lost confidence in the leader of the Conservative party in Canada, on account of some things which had occurred last session, on account of a power which he said had been allowed to dominate the Liberal Conservative party since Mr. Borden had become its leader. My hon. friend did not elucidate that point any further, so I am not quite clear as to what he meant. I assume the reference was to a section of the Conservative party who took very extreme ground with regard to separate schools last session.

Hon. Mr. MILLÆR—No.

Hon. Mr. FERGUSON—At all events my hon. friend did not proceed to explain what he meant by some power or influence which had dominated the leader of the Conservative party.

Hon. Mr. MILLER—I think I clearly indicated that I meant the Hon. Geo. E. Foster.

Hon. Mr. FERGUSON—I understood that a later reference was to Mr. Foster. I was going to point out that no later than last year my hon. friend, in a letter which he read in this House, and which appears in the Debates, warmly supported Mr. Borden's views on the great question then before the country, and he went still further to say that the argument which that hon. gentleman had addressed to the House of Commons on the Autonomy Bills, had never been answered and was simply unanswerable.

We will pass that part of the question and reach another part of it, on which my hon. friend laid very great stress, and which he elaborated at very considerable length; that is the voting of an allowance to the leader of the opposition, which my hon. friend has denounced in the very strongest terms. I do not agree with the hon. gentleman in his denunciation of that proposition. In my humble opinion it is the first time in the history of confederation when that question has been dealt with honestly by the political parties of Canada. Since confederation both parties have been compelled to make provision for the leader of the opposition for the time being and means have been resorted to which were not by any means as free from objection as the course pursued last year. For what was done last session Sir Wilfrid Laurier must get the credit and must take the blame, if any attaches. Mr. Borden is no more responsible for that legislation, than any other member who voted for it. When Sir John Macdonald, the greatest man that Canada has ever produced, was leading the opposition in the House of Commons he was not a rich man, and his friends subscribed a very considerable sum of money as a gift to Lady Macdonald in order that Sir John might be able to give his time and services unreservedly to the people of Canada. I was a close student of Canadian politics at that time, and I remember very well that the Toronto 'Globe' ably supported by my hon. friend the

Minister of Trade and Commerce (Sir Richard Cartwright) or I should say that my hon. friend ably supported by the 'Globe' succeeded in convincing nearly half the people of Canada that the giving of that money to Sir John put him under an obligation to the contributors of that money and that it amounted to a scandal, because if Sir John Macdonald should ever have judgeships to grant, or contracts to let he could not help being influenced in favour of those who had contributed.

Hon. Sir MACKENZIE BOWELL—He was out of power when that was given to him.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is mistaken. I know the facts, and for the matter of that I may tell him I was a subscriber to the fund collected for Sir John Macdonald. It was given to Lady Macdonald at least a couple of years before Sir John was defeated, which was in 1873. It was while Sir John Macdonald was Prime Minister that the subscription referred to was made.

Hon. Sir MACKENZIE BOWELL—Not entirely. The subscription was completed and given to him after he left power in 1873.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is mistaken. I speak with knowledge on the subject. I tell him I did not disapprove of the subscription being made for Sir John Macdonald at the time. What I did disapprove of was the fact that a number of corporations had been asked to subscribe to the fund. That I objected to very strongly, but the subscription itself I thought was reasonable, and, as I tell him, I was myself one of the parties who subscribed to it, although then in opposition to Sir John Macdonald.

Hon. Mr. FERGUSON—I must with this explanation withdraw anything which might appear like an accusation against the hon. gentleman personally, but he admits that he did object, although he gave his own subscription, to corporations contributing. Therefore my argument is not weakened by the hon. gentleman's explanation, but on the contrary, made all the stronger. If Sir John Macdonald was in the government at the time, it makes the argument all the stronger than it was as I originally stated it.

Hon. Mr. POIRIER—There was another subscription.

Hon. Mr. FERGUSON—There was an occasion when the Hon. Alexander Mackenzie was leader of the opposition. Mr. Mackenzie was not a rich man and his friends made provision for him when he was in opposition. I have it on excellent authority that one of the objects in forming the North American Life Insurance Company. was to provide a position and adequate salary for Mr. Mackenzie as its president. The suggestion came from Geo. Brown to solicit subscriptions for the formation of that company, one of the objects being to obtain a position for Mr. Mackenzie which would enable him to remain in public life. With all the noise we hear to-day about Insurance companies in the United States and their political affiliations and their subscriptions to political funds, I ask whether the voting of the sum of money out of the public treasury to a man who is performing a valuable public service is not better than the method to which I have referred? I might quote a later case, that of Sir Wilfrid Laurier. If the principle was wrong in the one case it would be wrong in the other, because subscription to such funds would be putting the leader of the government or opposition for the time being, being under an obligation to the contributors. Now here we have had several attempts by both political parties to deal with this question, and the legislation of last session was in my opinion, the first attempt to deal with the question properly. My hon. friend has referred to the case of Sir Wm. Meredith in the province of Ontario. I have taken the trouble to look up that case carefully and read the discussion that took place upon it, and the reasons given by Sir Wm. Meredith for declining that vote. It was not a proposition to put a law on the statute-book making permanent provision for the leader of the opposition. It was a proposition to put an amount in the estimates for the current year. Hon. gentleman will see at once why Sir Wm. Meredith would not accept that. The government could give it one year, and withhold it another year, and it would be a

personal vote to himself. My hon. friend says because Mr. Borden has consented to accept an allowance voted to him by statute that he is becoming a beneficiary to the government of the day, and that Sir Wm. Meredith would not put himself in such a position, but if Mr. Borden is in that position, so also is Sir Wm. Meredith, to-day, because he receives his salary as a judge from the government precisely as Mr. Borden does. Mr. Borden is no more dependent on the government of the day, and no more a beneficiary of the government than the judges are. My hon. friend says that it was an innovation. That statement is not exactly correct. Many years ago this parliament in its wisdom granted an increased allowance to the first minister, different from the allowance to any other cabinet minister. The first minister here as in England holds his position under certain conventions of the constitution and in Canada a sum of money is voted by statute as a salary to the prime minister in addition to what he receives as head of a department, precisely the same principle therefore has been adopted in giving a salary to the leader of the opposition that has prevailed in giving an extra allowance to the leader of the government. I can see no difference between the two cases. Before I leave that point I may say that for a long period of years both governments have voted an amount of money for clerical assistance for the leader of the opposition. That is recognizing him in the same way. It is exactly the same principle although in a different degree, but were we to agree that it is an innovation, does that settle it? To my mind it does not by any means. If the world had refused to adopt any good principle because it was an innovation, we would still be Druidical worshippers and we would be governed in this country without a parliament, and

> The good old way, the simple plan,
> That he shall take who has the power,
> And he shall hold who can.

would prevail in the relations of man to man.

It is by means of innovations that we have attained our present system of constitutional government; by innovations we have reached the high ideals of Christianity which prevails amongst us; by innovations we have reached the high plane of civilization which characterizes the foremost nations of the world. We are not going to discard any good principle because it is an innovation, and I maintain that the voting of a salary to the leader of the opposition is a good principle and that it should be supported and sustained by the people of the country, as I believe it will be so supported and sustained when it comes to be thoroughly understood. I had the pleasure of meeting the representatives of the party to which I belong, some four hundred of them, in conference in January last, in Prince Edward Island, and this question was brought up. I am able to tell you, and my statement will be supported by one of my colleagues in this House who was present at the meeting, that it only took about twenty minutes to dispose of this matter. The gentleman who brought up the question in an advance way left the meeting without recording his vote and the resolution on the subject, approving the action which was taken, was adopted with enthusiasm. And I believe such will be the verdict of the country at large when they come to understand it.

With regard to the increase of pay of the members of parliament, and in regard to all measures of a like nature which were brought down last year, I have no hesitation in saying that I hold the government very blameable. There is something to recommend itself in every one of these propositions, but I say without fear of being successfully controverted, that these measures should not have been brought down so late and brought down in a bunch as if it was a system of log rolling that was being inagurated. These measures should have been gone over deliberately, carefully and in detail early in the session, so that the press, and members of parliament would have ample time to consider their provisions, and if that were done there would be less dissatisfaction in the country than there is to-day. The government is responsible for that dissatisfaction by having brought down so many important measures at so late a period. For years we have pleaded for increases in the salaries of the judges in many parts of this country. I know that there was a crying demand for an increase, and I have no hesitation in saying also that the members of parliament should be adequately paid. Although I would not have ob-

jected if a smaller amount, say $2,000 had been voted to members of parliament, still I believe the amount at which the sessional allowance has been fixed is not too great.

If a gentleman is sent to parliament who is not worth $2,500 a year, it is the fault of the constituency and not of the amount of his allowance and if a gentleman is called to be a member of this honourable House who is not worth $2,500 a year to the country, the fault lies in the advice given to His Excellency in making the selection and not in the amount of the allowance. I believe that the people of the country, when the matter is fairly, clearly and fully laid before them, will regard it as very small politics to attempt to raise a cry on this subject. It is, in my opinion, unworthy of the press of Canada, when some of the most influential newspapers apply the word grab to the members of parliament because they voted a reasonable amount for their own remuneration. Why should it be so regarded? What other authority could vote an increase of pay to the members but themselves? Is there any other power under our constitution by which the services of members of parliament can be rated except by a vote of their own? I had my attention called, when looking up some other information, to a speech made by Sir Wm. Meredith in the Ontario legislature on this very question, in which he denounced in the strongest terms the application of offensive and opprobrious expressions to members of parliament because they voted to increase their own salaries. In England the principle has recently been adopted by the imperial parliament. The amount parliament has named is a small one, but it is the introduction of the principle and no doubt later on it will be carried further. In the United States, for many years, they have paid five thousand dollars to Congressmen in addition to which there has been a sum of from twelve to fifteen hundred dollars a year provided for clerical assistance, and now I see it is proposed to raise the salary to seven thousand five hundred dollars, leaving the clerical assistance to remain as before. In the Australia commonwealth the amount paid to members is four hundred pounds or two thousand dollars, and Australia is not to be compared with Canada either in wealth or in the importance of the legislation with which it has to deal. In some of the provinces of Australia,—New South Wales and Victoria—they pay £300 as sessional indemnity. There has been a great deal made of this question in the country, but when the electors come to discuss it fairly, calmly and reasonably, there will not be very serious fault found with it.

I had intended at some point in this discussion to interject a few observations with regard to matters in the speech, and I presume as I am now on the floor of the House, and have disposed of the subject which was more particularly in my mind when I arose, I may as well make the few other observations which I intended to address to the House at a later stage. The hon. gentleman who moved the address made a very admirable speech, to which I had the pleasure of listening very attentively, as well as to that of my hon. friend who seconded it who, I know, always speaks judiciously. But the hon. gentleman who moved the address started by throwing into the arena as a subject for discussion the Autonomy Bill and the fight of last session on that measure. Of course, he did not do it aggressively, but he brought the subject up. For my own part I think, that, important as that discussion was and great as were the principles involved, and however unpleasant the result has been in a constitutional sense to many of the people of the Northwest and how much the co-religionists of the minority in the other provinces of Canada feel that they have not obtained what they were promised or what Sir Wilfrid Laurier proposed to give them, or pretends even yet that he did give them,—I feel that this question might well have been allowed to pass from public discussion for the present.

Some hon. GENTLEMEN—Hear, hear.

Hon. Mr. FERGUSON—We have so many questions of great importance pressing themselves upon us that we cannot afford to be going back over the work of a previous session and bringing it into the next. We must deal with the issues that are coming before us each session as we meet them. My hon. friend did not, however, in his observations refer to one point that I think is of great importance in connection

with the granting of autonomy to the provinces of Alberta and Saskatchewan. And that is what I regard as a grave constitutional—I would almost say crime—that was committed—the great offence against the constitution of the country in passing over Mr. Haultain and calling upon Mr. Walter Scott to form a government in Saskatchewan. I had hoped from what occurred with regard to a former governor in British Columbia and the action of the government in removing that governor—an action almost on similar lines with that of the government of Sir John Macdonald in removing Lieutenant Governor Letellier in the province of Quebec—I had hopes that as our constitution would be worked out from year to year under different parties that we would not have any further complaints to make with regard to governors using their influence improperly or being held under the influence of the federal government. A painful impression has been created by this act that the governor of Saskatchewan was influenced from Ottawa by the federal government, and that he passed over the man above all others that was the most eligible and most in the minds of the people, who had enjoyed their confidence again and again—Mr. Haultain—and took Mr. Walter Scott from the federal arena and entrusted him with the duty of forming a government. In speaking on this subject in another place the Premier gives as a reason justifying this course the allegation that Mr. Haultain was not loyal to the constitution of the new province, and that on that account he was properly passed over. If hon. gentlemen will just think for a moment they will see that any man could be ostracised on similar grounds. What one man might consider to be loyalty to the constitution another man might regard as treason. To my mind Mr. Haultain's course was one of loyalty to the constitution of Canada, and I think on that account there is no reason whatever why Mr. Haultain should have been passed over. It forces the painful conclusion upon our minds that the whole thing was originated in and directed from Ottawa that Lieutenant-Governor Forget was influenced by the ministers here to pass over Mr. Haultain. In fact the cause of the action is not concealed, but is assigned by the Premier in another place, only a few hours ago, as being on account of the supposed hostility of Mr. Haultain to what he called the constitution of the new province or in other words to the policy of the Liberal party.

I notice that in the speech with which His Excellency has opened this session there are three paragraphs devoted to the Northwest and I am pleased to say that I agree with all of them.

His Excellency says in two of these :

> The bountiful harvest with which we have been blessed in the past season, together with the continued development of our industries and transportation facilities, have so stimulated business in all parts of Canada and have given such an impetus to our exports and imports that the trade both with the United Kingdom and foreign countries for the current fiscal year gives promise of being the largest on record.
>
> The flow of immigrants seeking homes in the three prairie provinces still continues, and from the present outlook the number will be in excess of any previous year, and it is gratifying to note the increasing proportion from the British Isles.

We are pleased to hear these statements. My attention was called in connection with this subject to a speech made by one of the most influential members of this government, the Minister of Finance some twenty years ago, with regard to the Northwest. In 1886, Mr. Fielding, speaking in support of his motion for a repeal of the union, said :

> Immense expenditures of public money have been incurred for the construction of railroads in the far west, while the roads of the lower provinces remain practically undeveloped. One would think we were an old and finished country, in which nothing remained to be done in the way of public works and that our money could well afford to be spent in the far west. We know that this is not true, that the development of railrods is more needful to us than to the great provinces of the west, because tthe great provinces in the west are not needful to the confederation.

That was the deliberate opinion of the present Finance Minister in 1886 after the Canadian Pacific Railway was completed—that these great provinces were not needful to confederation. I know very well that the hon. gentleman who made this speech would rather almost meet his grandmother's ghost than the reproduction of such a speech as this at the present day, and that he now, like myself, regards the great Northwest as being the most important part of confederation and realizes the fact that it is in these great western provinces that the future of Canada to a large extent must lie.

My hon. friend the leader of the opposition, addresed some observations to the House with regard to the insurance investigation proposed to be entered upon by the present government. I entirely agree with my hon. friend that an independent commission is a better method of investigation than a parliamentary committee would be, providing the commissioners are instructed not to adhere to strict rules of evidence and are given the most ample scope, and that they are able and independent men. Provided all this has been attained, I am free to admit that a better investigation can be had, because the different parts of the country may be visited and thus better results obtained than by a parliamentary investigation. The experience of this House two years ago in connection with a select committee which inquired into the management of one company was not satisfactory to any of us. This investigation must be of a very technical and expert nature, and on that account I think it was better on the whole that it should be dealt with in the way proposed. While saying that much, however, I must say I am doubtful about the personnel of the commission. I have not the pleasure of knowing any of the gentlemen, except that I have a slight acquaintance with the chairman, Judge MacTavish. What I do know of him is most satisfactory. I have met him on different occasions and have also heard favourable opinions expressed of him, and have no doubt he is an excellent man; but at the same time I entirely dissent from the action of the government in appointing a judge on the commission. It is a vicious practice, and one that should be abandoned. We talk of beneficiaries of the government; but when action of this kind is taken the judges become in reality beneficiaries of a government. When you give a judge a clear-cut salary and provide for him by statute, he should be required to perform strictly judicial duties only. When he is called from the bench and paid for other services, his attention is distracted from his judicial duties. I have condemned the same thing in this House on many occasions, and I cannot pass over the present appointment without uttering the same condemnation. I must say that I have heard the most satisfactory things said about Mr. Langmuir, another member of this commission; but there is this difference in regard to his case. It is alleged—I have no personal knowledge of the fact—that the Trust Company of which he is manager has a board of directors, most of whom are at the same time directors of insurance companies, so that really he will be investigating the transactions of men who are to a great extent his masters. If that is the case a very great mistake has been made, and the country will not, I believe, place the confidence in the work of the commission which they otherwise would have done. However, if the commission is perfectly untrammelled and all its proceedings are regular and the investigation proves thorough this may be condoned; but I am convinced that an actuary should have been a member of this commission.

The third gentleman named is a chartered accountant, but a chartered accountant is of no practical use in investigating the affairs of insurance companies. The most important phases of the insurance question call for men of very high mathematical training, who have passed examination as actuaries; and I think great pains should have been taken to get an actuary. The answer to that may be that a man could not have been obtained in Canada who is not connected with the companies. The same objection would come up as is coming against Mr. Langmuir, but they would perhaps be more directly influenced than Mr. Langmuir would be. But even if it had been necessary to go out of this country and bring an English actuary here, a man whose qualifications would be beyond all doubt, and who would be entirely free from any entanglements with insurance companies, I think a better result would have been obtained. However, it is still open to the government to employ an actuary, an expert to assist the counsel in the investigation, and if a full and complete investigation is made, and people are satisfied, these objections will all be brushed to one side. I am here to say that, holding policies as I do in different insurance companies myself, and members of my family being interested also, and watching very closely their affairs, I have very great confidence that no grave scandals will be disclosed in the investigation. But even if that

should unfortunately occur, the public mind has been disturbed by what has happened in the United States that it is proper that the investigation should be made, and I am in accord with the government in appointing a commission to undertake it. I am sorry they did not exercise greater care in selecting the commissioners, leaving out the judge and selecting men undoubtedly disinterested and qualified for the position.

The paragraph in the speech which refers to the report of the International Waterways Commission has suggested to my mind what has already been sufficiently discussed in this House, that is the Bill relating to the Minnesota and Ontario Power Company passed last session. I took a great deal of interest in that Bill and as soon as I scanned its provisions came to the conclusion that it was a Bill with which we should take the greatest possible care, because it was the first time we came to deal with water power in connection with these international waterways, and our action would be taken as a precedent and might have a very dangerous effect in other places as well as in the place where it was proposed this company should operate. The result, however, proved what has been often proved before to my knowledge, and this House did a most valuable service for Canada inasmuch as it made ample amendments to that Bill, and the clauses introduced in it by the Senate will form very valuable aids to any authority that will ultimately deal with the greater question of our waterpowers along the boundary between Canada and the United States. Reference has also been made in the address to the National Transcontinental Railway and the fact that 400 miles of that road will soon be under contract. That suggests a subject that was brought up in a very pertinent way by my hon. friend from Halifax towards the close of last session, that is with regard to the action of the government in connection with the road from Quebec to Moncton. My hon. friend pointed out on that occasion that by an interim report of Mr. Butler who had charge of the survey, that this proposed route through the centre of New Brunswick would not shorten the line as compared with the Intercolonial Railway, and it brought up the question to our minds of what was claimed to be gained by the construction of that section of the National Transcontinental Railway, by the leader of the government when he introduced the National Transcontinental Railway Bill, when he ventured the opinion that that road would shorten the distance between Quebec and Moncton by about 140 miles. If my memory is right Mr. Butler's interim report on the subject showed that the only route that had been found through the centre of New Brunswick would make the road nearly 11 miles longer than the Intercolonial Railway. The subject should seriously engage the attention of parliament. The contracts have not yet been let on that end of the line, and if these statements are true, that no material difference can be made in the length of the line, parliament should certainly pause before allowing the government to proceed, and the government should pause before proceeding to build that part of the eastern extension. The Intercolonial Railway is doing badly enough at present but if you build another line at an expense of $20,000,000 to take the traffic from the Intercolonial Railway you will create a situation that ought not to be created unless for the most grave and serious public reason. I see no reason whatever. There is no demand even in the centre of New Brunswick for that road. I believe the feeling in that part of New Brunswick is against the road, because they fear that its construction will destroy the valuable timber areas in a country which is valuable chiefly for its lumber. They have waterways by which they can get their lumber out, and there is no strong feeling even along the projected line in favour of the construction of that road. If that is so, and it will not shorten the route materially, it is marvellous to me that the government do not reconsider the question and come to parliament with some proposition by which this extraordinary condition of things would not be perpetrated.

It being six o'clock, I move that the debate be adjourned until to-morrow.

The motion was agreed to.

The Senate adjourned until three p.m. to-morrow.

SENATE.

OTTAWA, Wednesday, March 14, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (A) An Act to amend the Supreme and Exchequer Courts Act.—(Hon. Mr. Scott).

Bill (B) An Act further to amend the Canada Evidence Act, 1893.—(Hon. Mr. Scott.)

THE STRIKING COMMITTEE.

MOTION.

Hon. Mr. SCOTT moved :

That, pursuant to rule 79, the following senators be appointed a committee of selection to nominate the senators to serve on the several standing committees during the present session, namely :—The Honourable Sir Mackenzie Bowell, K.C.M.G., and the Honourable Messieurs Miller, Power, Ferguson, Gibson, Watson, Lougheed, Béique, and Casgrain (de Lanaudière), and to report with all convenient speed the names of the senators so nominated.

The motion was agreed to.

CAPE BRETON PILOTS RETIRING FUND.

MOTION.

Hon. Mr. McDONALD (C.B.) moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, all correspondence between the Pilot Commissioners, the secretary of the Board of Pilot Commissioners, or any of the officials of that board, at Sydney, Cape Breton, and the Department of Marine and Fisheries, or any of the officials of the said department, showing : 1. The amount paid into the pilots' retiring fund in each year, from December 31st, 1896, to December 31st, 1905, respectively. 2nd. The amount paid into the pilots' widows' and orphans' relief fund from December 31st, 1896, to December 31st, 1905, respectively. 3rd. The disposition made of the said funds in each year during the above-mentioned period; the amount on hand on December 31st, 1905; the interest it bears; where it is deposited; the security for its safety for the benefit of the widows and the orphans of pilots. 4th. The amount on hand in these funds, respectively, on December 31st. 1896. Also all other correspondence. if any, bearing on this matter.

He said. I wish to say a few words as regards the matter of this motion. In 1896, the Pilot Commission of North Sydney was changed and a new commission appointed The by-laws and regulations of the pilot board at Sydney and North Sydney provided a fund for the payment of retired pilots and for the widows and orphans of the pilots. It is said that the fund at that time amounted to $4.700. On the change being made in the Pilot Commission, the new board ordered the secretary of the old board to hand the money over to a new secretary or a new treasurer. The pilots alleged that they have been unable to obtain an account of that money from that day to this. The widows and orphans of the pilots entitled to a portion of that money have not yet been able to secure any of it. It is said that it has mysteriously disappeared. The secretary of the Pilotage Commission now refuses to give any account or explanation of that fact. The pilots hold the old secretary, to whom they paid the money, responsible for this amount of four thousand seven hundred dollars. The matter is causing a great deal of talk among the pilots and their friends and others in that district. It appears by the press that they have been unable to secure any satisfaction from the Board of Pilot Commissioners, or from the secretary of that board, and they have been unable to take any legal steps to secure this money. They have applied to the local premier; they have applied to the attorney general, but no steps have been taken to secure it. They have been informed that it was necessary for the pilots to get incorporated before they could bring a suit in the Supreme Court for the recovery of this money. For these reasons I wish to move for all the correspondence relating to the matter. I wish also to read what the local press of Sydney has to say on that point. The Sydney 'Post' says :

WHERE IS THE MONEY ?

It is evidently impossible to obtain any information regarding the missing relief and retiring fund, which the pilots of Sydney Harbour gathered together by hard labour extending over a period of years. The money was intrusted to an official of the Pilotage Commission. It amounted to about $4,700. It has mysteriously disappeared. The commission have been appealed to and they are dumb. The Crown prosecutor has taken no action as far as we can ascertain. The attorney general has not moved in the matter. The Department of Marine is deaf to all appeals. The members of parliament for the country have pursued a course of masterly inactivity in this regard. The premier of Nova Scotia has not time to give his attorney general a hint of it. The culprit goes free. The pilots and their heirs suffer and there is no redress.

Some of the pilots are reported to be afraid to press the matter lest they might be dismissed. Others of them are said to be glad that the fund disappeared when it did because they believe that it would only be stolen anyway and the bigger the amount the bigger the temptation.

It is rather a sad state of affairs if a body of industrious men cannot lay by a fund upon which they may draw in an emergency without having it appropriated by some office holder.

Now it is said that the official who got possession of this money, placed it to his own credit and drew the money on his own cheque and that it disappeared. It is said that the government is now about to force this official to mortgage his property; that they in the meantime will supply the lost money and secure themselves by taking a mortgage from this official for the amount. The 'Post' goes on to say:

The report comes now that in response to the public exposure that has been made, and in order to relieve a faithful follower, who was so unwise as to allow himself to be found out, the government is going to restore the missing fund and that they will take as collateral a mortgage on certain properties at North Sydney.

I am not responsible for the accuracy of this statement; I am merely reading it to you.

Hon. Mr. SCOTT—There is no objection to this motion going, but I am informed by an official of the department that this information is given every year in a supplement to the report of the Department of Marine and Fisheries. I have tried to get a copy of the report, but we simply seem to be unable to get one when we want it. In order to test the correctness of the statement that has been made to me, and see if the information is printed annually I sent a page for a copy, but he could not get it. If information on such matters is printed annually in the departmental report, there is no ground for the accusation made by my hon. friend. We shall see that all the information comes down.

Hon. Mr. LANDRY—And that it includes all the correspondence?

Hon. Mr. SCOTT—Whatever is available in the department.

The motion was agreed to.

DIVISION OF PARLAMENTARY BUSINESS.

INQUIRY.

Hon. Mr. DAVID inquired:

Does the government intend to adopt some measure to divide the legislative work between the Senate and the House of Commons, in order to avoid rush of work and hasty consideration at the end of the session?

Hon. Mr. SCOTT—The question is asked every year or two, whether we could not equalize the business before parliament in order that the Senate may have their share of the work in the early part of the session, but it does not seem possible. So far as private bill legislation is concerned, it embraces a large proportion that depends upon the wishes of the promoters. The House of Commons consists of nearly three times as many members as this chamber. They are more in touch with the people naturally. The business of initiating private bill legislation goes as a rule, however, to the House of Commons members, although some of it may come to the senators. If they are themselves in touch with those who have private bills to submit to parliament, they will naturally come here. In reference to government bills it is a more difficult question. Naturally the minister at the head of the department, when it is proposed to make any change in the law over which that department has special jurisdiction, he prefers that he shall have the inauguration of his own measure, because he has to explain the changes that are asked for in the earlier stages of the bill. Government bills as a rule emanate from the departments of Justice, Marine and Fisheries, Railways and Canals and Public Works. I have repeatedly asked my colleagues to allow me to introduce bills in this Chamber, and on several occasions have succeeded in doing so. I shall be only too glad to increase the number at any time the opportunity presents itself.

Hon. Mr. DAVID—As regards government Bills I appreciate the answer made by the hon. Secretary of State. He has just stated that the government will do everything in their power to give us the introduction of public bills when possible. As to the private bills, I do not see why it should not be possible to divide the initiation of that legislation. I do not know exactly when or to what extent that division should take place. Perhaps it could take place at the outset when the petition is sent in by the promoter of the bill and the deposit is made with the public officer, and a decision then would be recognized by both Houses; or

perhaps when the petition is presented to the House of Commons the choice might be made by the Minister of Justice. I do not pretend to have sufficient experience to indicate the mode which could be adopted, but as hon. gentlemen know there is at present a revision of the rules of both Houses being made. Two committees have been appointed, one by the House of Commons and the other by the Senate to revise the rules. Would it not then be possible to instruct these committees to see whether they could not agree upon a mode which should be adopted for the distribution of private Bills on their introduction. I am not ready to say how it is done in England, but we all know that whatever mode of distributing the work obtains in England, it is done in a much more practical way. If the question was seriously studied by both committees, I think they could come very easily to some agreement in virtue of which the Senate would not be obliged to wait six or seven weeks before Bills come to them for their consideration, and they would not then be exposed to having the rush of work, and hasty consideration towards the end of the session which has been criticised so justly by some of the most prominent members of this House. There must be a remedy; as they say in French, 'Where there is a will there is a way.' We must admit that our frequent adjournments are not very well understood, or very favourably appreciated by the public; and in the eyes of many, we have to bear the responsibility of those adjournments. It is unjust. Any way we should put it on record that the members of the Senate have done everything in their power to change this state of things and have shown their willingness to assist in promoting the work of the session, and the interest of their country and the Senate.

Hon. Mr. BERNIER—This question has occupied the attention of the House almost every session for several years past, and I do not think any reform can be introduced. We must take conditions as they are. We must remember that most of the heads of the departments are in the other House, and that consequently any minister having measures to bring before parliament, it is only proper that he should introduce them in the House where he can explain them, and we can say nothing against such procedure. Most of the ministers being in the other House, the bulk of the Bills must of necessity be first introduced in the Commons. We must also remember that the people at large look more to their members in the Commons to carry their measures through parliament than they do to the Senate. They are more in touch with people at large than we are, and consequently any one having a measure to promote sends it to the member representing the section from which he comes. The people have a right to go to whom they please and consequently we cannot force any reform in that way, or press for the introduction of private Bills in this Chamber more than is now done. The government might bring down their own measures sooner than they do sometimes; at the same time we must remember that the Senate has never unduly delayed the prorogation of parliament. Unless we make strict rules, applicable in all cases without exception, we cannot accomplish anything in that direction.

THE ADDRESS.

DEBATE CONTINUED.

The Order of the Day being called.

Resuming the adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the second session of the tenth parliament.—Hon. Mr. Scott.

Hon. Mr. FERGUSON said: When the House adjourned yesterday afternoon I was making some observations with regard to the National Transcontinental Railway and I pointed out the grave questions that I think still exist and should be pressed on the minds of parliament and on the government and the country as to whether the eastern part of that road from Moncton to Quebec should be proceeded with. I placed some reasons before the House yesterday, which I think are very strong ones, and should call for serious consideration before any steps are taken to build that part of the line at all events. Parliament has at least a right to expect that a full and complete survey of that part of the line shall be laid before both Houses before any contracts are called for or anything is done in regard to it, in view of the very strong opinions that I know exist in the minds of men of both political parties as to the pro-

priety of proceeding with that section. With regard to the road generally I have not seen anything to cause me to change the opinion I held when the question was first submitted to this House three years ago. I have seen nothing to change my view as to the unwisdom of the course then taken in authorizing the construction of that road. I have seen many things which more than ever convince me that a great mistake was made. One of these things is the paralleling in such close proximity other roads between Winnipeg and Edmonton, and faith has not been kept with the people of this country. We were told most emphatically that the new line would break new ground in the Northwest and serve as a colonization road for a very large proportion of the fertile belt which was not served by the existing railroads. Instead of that being the case, the entire distance I may say from Winnipeg to Edmonton, the road runs very close to existing railways—as close as even in the older settled parts of the country, would be regarded as not altogether the proper thing to do. On all these considerations I have seen no reason to change my views, but I think the eastern section from Moncton to Quebec is one which should be very carefully considered before a sod is turned towards its construction. I am aware that after the subject was discussed in this House last year on a motion by the hon. member from Halifax that the Board of Trade of Halifax passed a resolution with respect to it. I do not know who constitutes the Board of Trade at Halifax or whether the meeting at which the resolution was passed was largely attended, but I do know that resolutions are very easily put through at Boards of Trade. They do not feel much responsibility for big undertakings of this kind and as long as some local advantage appears to them to be in sight, they care very little for the general broad consideration. I have not been able to find in any part of the lower provinces, where I have come in contact with public opinion, that any strong feeling exists in favour of the construction of that part of the line from Moncton to Quebec. On the contrary I found adverse opinion with regard to its construction.

Now, with reference to the general question of the National Transcontinental Railway, hon. gentlemen will remember very well—and the point was brought out by the leader of the opposition in his very able address on Monday last—that before this National Transcontinental Railway scheme was broached, or before the public knew that it was coming, an announcement was made in the speech at the opening of parliament three years ago that a commission was to be appointed to consider the general question of transportation in Canada, and we know that some months after the opening of parliament that commission was appointed and very elaborate and full instructions were given in the form of an order in council, which was submitted to parliament, and afterwards such commission was appointed. All this was done before the introduction of the National Transcontinental Railway Bill. It was pointed out at the time that it was rather forestalling the work of that commission to proceed with the National Transcontinental Railway before having the report of that commission. We are told, 'Oh it is for another purpose altogether; its work can not be expected to throw any light upon the scheme that is covered by the Bill now introduced.' The speech contains a paragraph that a report—not a final report—from that transportation commission is to be laid before parliament. It has got into the press, and is not contradicted, that one recommendation, a very important recommendation of that commission is that the government should build a road extending the Intercolonial Railway from Montreal to Georgian Bay. Now, if that is so, the commission has certainly understood its instructions in a way different from what was stated in this House by the friends of the Bill three years ago; for that would be a very essential point as determining the propriety of undertaking the road as it has been undertaken by the government of Canada. As my hon. friend from Belleville, pointed out on Monday, the leader of the opposition in the House of Commons urged the government as a counter proposition to acquire the Canada Atlantic Railway, which was then in the market and effect the purpose of transportation between the east and the west in that way, instead of building a railway, away north of Ottawa in a direct route from Winnipeg to Quebec. What do we find? Although we have not the report be-

fore us yet, still it has been published in the papers, and that announcement is believed to be true, that this commission reports that the right thing for the government of Canada to do, is to get possession of the Canada Atlantic Railway or build a road that would tap the Georgian bay, and in that way acquire for the Intercolonial Railway the traffic of the west. If that is true, it throws light upon the discussions which we then had, and shows most conclusively that Mr. Borden was right on that occasion, and that a grand opportunity has been lost to Canada by allowing the Canada Atlantic, then owned by Mr. Booth, and for sale, to pass into the hands of the Grand Trunk Pacific Railway, rendering it absolutely impossible for the government to get it except by means of expropriation at greatly enhanced cost, or necessitating the building of a parallel road between Montreal and Georgian bay. I mention this to show that precipitation, at least, was used in passing that Bill, and that this transportation commission ought to have been allowed to make its report before the country was committed to this tremendous deal. I did not say when this Bill was before the House and did not believe then that the people of Canada were not able to build that road. We know that the resources of this country are great. I was not prepared to say that a great deal of good would not arise in the settlement of the country and carrying freight from the west by means of that road, but I did say, and I believe that events will prove that I was right, and that gentlemen acting with me were right, that there were other and better ways by which Canada could proceed immediately to foster and develop transportation between the east and west than by adopting the stupendous scheme of constructing the Transcontinental Railway.

There is a promise in the speech from the Throne that a Bill wil be introduced to amend the Fruit Marks Act. The subject is one of very great importance, although many hon. gentlemen may not appreciate it, to a large industry in Canada. It is known to hon. gentlemen that, taking one year with another, Canada exports more apples to Europe than the United States of America do, and the surplus that we are raising and exporting is likely to increase faster than the surplus fruit production in the United States, because our consumption is not as great and we have in Canada, I believe, a larger area of country adapted for the production of apples than there is in the United States. A firmer and better quality of apple with a better flavour is produced in our northern latitudes than in the milder climates of the south. This subject is of very great importance. Some years ago the Minister of Agriculture had a Bill passed, known as the Fruit Marks Act. We discussed that measure very fully in this House and it was amended in very many important particulars here after it had left the House of Commons, and I am free to say from what I know of this question that the amendments which we made to the Bill have been very beneficial. Since that time there has been no attempt made on the part of the government to restore the clauses that we removed from the Bill in 1901. At that time I had very serious misgivings with regard to other provisions of that measure, and one of them was this ; that without interfering with the classification or standard of No. 1 and No. 2 apples as provided in the General Inspection Act of 1893, there was a provision inserted in the Fruit Marks Act that an exporter or dealer in apples could not be convicted of fraud unless more than ten per cent of the apples contained in a barrel of No. 1 apples were found to be wormy, scabbed, inferior in size or defective in other respects. Hon. gentlemen will remember that that provision did not provide a definition of No. 1 apples. By no means. We had the definition in the General Inspection Act ; but here was a clause which permitted a dealer in apples to put No. 1 on his barrel and still have ten per cent of bad apples stowed away in it. I believe, as a result of four years experience, it is demonstrated to-day that that is not a good provision. There were other clauses in that Act which provided for a force of inspectors, and provided penalties for facing or other dishonest practises and they worked well. Inspection always does good. It is true that you cannot inspect every barrel of apples or every barrel of flour, but provided that there are good inspectors appointed, they are able to intercept most shipments of apples passing through and to drop down upon a dishonest packer; but as matters stand now, when the inspectors open a barrel,

although there may ten per cent of inferior fruit in it, they cannot get at the offender, and I believe he should be got at and punished. I make this statement early because I know the minister is preparing an amendment to this Act pushing the provisions of the Fruit Marks Act still further, and I am desirous that he should know my views at this stage in order that he may think them over. A convention of fruit growers is called, to meet on the twentieth of this month, to advise with the minister with regard to this and any other matters relating to the packing and shipment of fruit. I will not be present at that meeting. I cannot be present or take any part in it and I think this is a better way of putting my views on record than even by going to the meeting. It will also give others who are interested in the question an opportunity of considering what I say and forming their own views as to whether I am right or wrong.

Now this here is the way we have progressed in this matter of apple shipments. In 1898 Prof. Robertson appeared before the Agriculture and Colonization Committee of the House of Commons and gave—as he always does when he appears before any committee or before any audience—very valuable evidence with regard to our trade. He had passed the foregoing season in Great Britain watching the landing of our apples and other products, and examining for himself into the character of the trade. He said in 1898 before the committee of the House of Commons :

> On the whole, in England, I did not find more than two or three per cent of the apples not honestly packed. I mean by that, barrels that are faced by fine apples and filled with poor ones. There has been a larger percentage of our apples landed in Liverpool in a damaged condition by heating on the voyage or otherwise, but I do not think that more than two or three per cent were packed dishonestly.

He was dealing with the export trade. It is a notorious fact that the apples produced in Canada and put on the home market are generally very badly packed. Much inferior stuff finds its way to the home market and that is why the question is continually coming before our people. Every consumer is confronted with the fact that trash is put on the home market, but in 1898 Prof. Robertson found that as regards the export trade there was only two or three per cent which could be said to be dishonestly packed. Now after eight years. Mr. Jackson, the Canadian agent at Leeds. sent this report to the Department of Agriculture, and I find it published in a Montreal paper on the 1st of February last. It says :—

> John B. Jackson, Canadian trade agent at Leeds, in a report received to-day quotes a north of England trader as saying that the fraudulent methods of packing apples practiced in Canada this year has created a deep feeling of suspicion, which it will take some time to remove. This dealer, when satisfied that the practice has been discontinued would take from 200 to 300 barrels per week.

Now here was Prof. Robertson's report in 1898, that not more than two or three per cent of the shipments were bad, and here we have the government agent reporting that the general character of the apples is now so bad that traders will not take them. Now I want my hon. friend the Secretary of State and the members of the government to take note of what I say. I believe that that provision in the Fruit Marks Act permitting ten per cent of inferior apples to be put in every package before a dealer can be prosecuted, has lowered the standard of our apples and very many persons are taking improper advantage of it. Indeed you will find a great many of opinion that apples are still up to the full standard of No. 1 although ten per cent of the fruit may be of an inferior character. I hold that the inspection is all right, and that good work is done, but the inspectors ought to be able to get at the offenders and there should be nothing in the law which would indicate that it is possible to put in ten per cent of bad fruit into every barrel of apples. We still have the provision in the General Inspection Act governing such cases, but parliament made another law, the Fruit Marks Act, which provided that notwithstanding the standard of apples should be what I am going to read and what is in the General Inspection Act, that a packer could not be prosecuted unless it is found that ten per cent in every barrel were bad although he had marked them as No. 1 :

> No. 1 inspected apples shall consist of well-grown specimens of one variety, sound, of nearly uniform size, of good colour for the variety, of normal shape, and not less than ninety per cent free from scab, worm, holes, bruises and other defects and properly packed.

That is the law, but we never hear about it, but we hear apple dealers all over the country saying, 'Oh we are allowed to put in ten per cent of bad apples in every barrel.' I believe harm has been done by the passage of that law, and I think it would be better to wipe out the section of the Fruit Marks Act which permits it. Keep on with your inspection; enforce it by every means you can; but remove that provision. I believe that if that were done the standard of our apples would rise instead of going down, as it appears to be going down, if the report of Mr. Jackson of Leeds is entitled to any credence whatever.

Members of the government have been speaking on public questions during the interim, as they have a very good right to do, and as the country really expects them to do; but I would say with regard to some of the colleagues of my hon. friend the leader of the House and the Minister of Trade and Commerce, that it would be a very good thing if either of these gentlemen would say to some of their colleagues as a very eminent prelate in my part of the country said to a man who was proposing to enter public life and who asked him for his advice as to whether he was altogether fit for the position, 'keep your mouth shut and you will do.' I think there are some of my hon. friend's colleagues who stand in need of some such advise. My hon. friend to my left (Hon. Sir Mackenzie Bowell) referred to the Minister of Militia and his remarkable speech on the Monroe Doctrine. I would cite another case and that is the Minister of Agriculture, in the extraordinary speech which he has made lately in reference to British preference for Canadian products. After all that has been said on this question, after the action that has been taken by the parliament of Canada and by the government of Canada, not only here but in the conferences held in England in regard to this question, is it not a most extraordinary thing that the Minister of Agriculture, the minister who above all others might be expected to voice the sentiments of the government on this question, seeing that agricultural exports are the most important of all our exports to Great Britain—should put himself on record, and impliedly put the government on record, as being indifferent to whether we got a preference in the British market or not. I do not think it is necessary to refer to what Sir Wilfrid Laurier said on this subject in 1896, I presume hon. gentlemen are familiar with those speeches which he made in London and Toronto, when he said 'that Sir Charles Tupper was not more anxious for a preference for Canadian products in the British market than himself and he pointed out the immense possibilities there were there with regard to our butter, eggs and cheese and all our other products being allowed free admission into the markets of Great Britain while similar products from Russia, the United States and other countries should be subject to a duty. He ended up by saying the possibilities were immense. Those were his words, but it might be thought that the hon. gentleman had changed his mind and did not at present entertain the same opinion. In fact it woud be inferred that the Minister of Agriculture spoke for his colleagues when he said that it was a matter of indifference to Canada whether she obtained a preference or not, in fact that he was pleased at what he thought was a decision adverse to any such admission of our products. That decision was the result of the recent British election. Now, I turn to the resolutions of the colonial conference which was held in England in 1902, and I find these resolutions were passed:

That this conference recognizes that, in the present circumstances of the colonies, it is not practicable to adopt the general system of free trade. The principle of preferential trade between the United Kingdom and His Majesty's Dominions beyond the seas would stimulate and facilitate mutual commercial intercourse, and would, by promoting the development of the resources and industries of the several parts strengthen the empire.

Another resolution reads:

That with a view, however, to promoting the increase of trade within the empire it is desirable that those colonies which have not already adopted such a policy should, as far as their circumstances permit, give substantial preferential treatment to the products and manufactures of the United Kingdom.

That the prime ministers of the colonies respectfully urge on His Majesty's government the expediency of granting in the United Kingdom preferential treatment to the products and manufactures of the colonies, either by exemption from or reduction of duties now or hereafter imposed.

Hon. gentlemen can easily see how inconsistent with these resolutions was the announcement of the Minister of Agricul-

ture the other day, that it was a matter of indifference to Canada, and further when he expressed pleasure that the English electors had, as he claimed, voted adversely on the question of giving a preference to Canada. The resolution goes on to say :

That the prime ministers present at the conference undertake to submit to their respective governments at the earliest opportunity the principle of the resolution and to request them to take such measures as may be necessary to give effect to it.

Now, in connection with that, allow me to read a letter which has been addressed to Mr. Sydney Fisher, the Minister of Agriculture, by Colonel C. Howard Vincent, M.P., Honorary Secretary and founder of the United Empire League. After remarking on the change which has occurred in Mr. Fisher's views since September, 1904, when he welcomed the representatives of the United Empire Trade League at Ottawa, the writer proceeds :

But availing myself of a personal acquaintance with you and deeply interested in the question, I venture to ask you if you have been correctly reported and in such case, if the views to which you gave expression have become those of the Canadian government, and particularly of the Premier, Sir Wilfrid Laurier, of the Minister of Finance, the Hon. W. S. Fielding and of the board of trade and agricultural associations throughout Canada ? But what has brought about so sudden a right about face I am at a loss to understand. The administrations of Sir John Macdonald, of Sir Charles Tupper and of Sir Wilfrid Laurier have for a quarter of a century shaped their course straight towards the imperial goal of commercial federation without regard to party—I had almost said 'parochial' politics. After reviewing the history of the movement in favour of preference, the writer adds :

Why, then this change ? Do you really think that England has come to a final decision because of the result of the recent general election ? Let me assure you that you are in error and misinformed. Neither Mr. Chamberlain nor any one of his 150 followers in the House of Commons is in the least discouraged. No less than 44 per cent. of the votes cast were for our candidates. . . . We are not dismayed nor defeated, nor routed, not driven to recantation of our opinions because to-day there is an excess Liberal free import vote of 3 per cent or so, even though reinforced from other sources.

Col. Howard Vincent says that forty-four per cent of the popular vote was recorded in favour of preferential trade. We know how that may happen, from the experiences we have had in this country, we know how easy it is for a large majority to be returned on one side though the popular vote may not be proportionately large in its favour, and he points out that that is what happened in England. It is very important that in regard to this matter it should be thoroughly understood what is the position of the government. Are the views which Mr. Fisher announced in his speech the views of his colleagues? If they are we should know it. The empire wants to know if Mr. Fisher spoke for the government when he made a speech so thoroughly at variance with the policy of his party. An explanation should be called for.

Hon. Mr. POWER—An explanation has been made in another place.

Hon. Mr. FERGUSON—I notice the speech from the Throne does not contain words which I might say have been regarded almost as consecrated to a particular use in the framing of regal or vice-regal speeches in all countries enjoying constitutional government. We are usually told that the estimates are framed with due regard to economy. These words are left out; it does not lie in the mouth of the present government to make such a claim. They know in their hearts, and they have some respect for truth, that no regard whatever for economy has been observed. They have omitted these words in the speech from the Throne, knowing very well that there has been no regard for economy whatever, not only in the present estimates, but in the estimates for many years past. With regard to the record of the present government on this question of economy hon. members when they come to know the authority from which it comes, will, I am quite sure, receive with great respect the extract I am about to read, and I think I recognize one gentleman in the Senate who will receive it with the most profound respect. I shall read the words and when I have read them, if I can see any reason for doubting who their author is I will announce it to the House :

Now I admit that abstract propositions cannot always be depended on. But I say that in matters financial you can almost with safety lay down this proposition : That whenever, without war or some other extraordinary cause like that you find the taxes of a country increasing very rapidly, increasing out of all proportion to its population, you can rest assured that the government has been grossly extravagant and in all possibility, grossly corrupt, and when you find the taxation remaining stationary for a term of years, you may feel equally assured that the government has been honestly and economically conducted.

Hon. Mr. LANDRY—Who said that ?

Hon. Mr. FERGUSON—The hon. Minister of Trade and Commerce in this House. I call it the Cartwright canon, by which you can ascertain directly and precisely whether on the one hand the government is extravagant and corrupt or whether on the other hand economical and honest. I think it is very clearly laid down and entitled to be rated as a canon of criticism in financial matters. We will see how this has worked out during the years that have intervened since the hon. gentleman made this speech. I take from the public accounts, the taxes for nine years of the preceding administration and compare them with the nine years during which my hon. friend has been conducting the government of this country, and here is what I find. The taxes were, in round figures :

1888	$28,000,000
1889	30,000,000
1890	31,000,000
1891	30,000,000
1892	28,000,000
1893	29,000,000
1894	27,000,000
1895	25,000,000
1896	27,000,000
Total	$259,000,000

or an average of $28,800,000 for the nine years.

Hon Mr. McMILLAN—I suppose the hon. gentleman means the customs and excise duties ?

Hon. Mr. FERGUSON—The revenue collected by means of taxation, apart from revenues obtained from railways, post offices or these other sources of revenue ; and I do not think that it will include—I have not looked very closely at that—much more than the customs and excise revenues. However, that is what we generally refer to as our taxes, and that is the way it is described in the public accounts from the earliest days of confederation, and I know from the trend of the hon. gentleman's speeches, and the very speech from which I am quoting, that he was dealing with these figures when he spoke of the taxes of the country. Now what are the figures for the nine years the present government have been in power? The taxes were, in round figures :

1897	$28,000,000
1898	29,000,000
1899	34,000,000
1900	38,000,000
1901	38,000,000
1902	43,000,000
1903	49,000,000
1904	53,000,000
1905	54,000,000

The increase of population during these years we cannot exactly get at, but, after making fair allowance for the larger influx of people into Canada during the latter than during the former period, I think the increase in the last decade was only eleven per cent, and I am willing to admit it has been greater since and I allow twelve per cent for the nine years. It would appear from the information we have that our population increased in the nine years about twelve per cent, while the taxation has increased nearly one hundred per cent. My hon. friend may say that our people have imported more, and that it is owing to the fact that they are more prosperous than they were before. There may be something in that, but it does not come into the question at all, because the hon. gentleman's doctrine at that time was that the government had no right to collect more taxes than were absolutely necessary to conduct economically the affairs of the country, and that it was the duty of the government, if the revenue was swelling, to reduce the rate of taxation to an amount which would be sufficient for honest and economical government. Here we have the Cartwright canon and here we have also the working out of that canon in practical operation. We find that during the Conservative administration in nine years the taxes of the people were not increased, but in the nine years that have intervened since that time the taxes have increased 100 per cent while the most that can be admitted as an increase to the population is that it has increased about 12 per cent. My hon. friend, in this canon to which I have referred, was particular to say that regard had to be had to the increase of population, and unless there was some large increase of population an increase of expenditure was not justifiable. I find in 1896 the total expenditure, including consolidated fund and capital, was $44,000,000. In 1905, the last financial year, it had gone up to over $78,000,000, an increase of $34,000,000 in

the expenditure in nine years, or an increase of 78 per cent, while the population has increased only 12 per cent. I find the estimates for the last complete year were $85,000,000. We have estimates now for another nine months, and taking a slice equal to one-fourth from the estimates submitted last year and adding it to the $67,936,000, now estimated to be the expenditure for the nine months, we find the estimates brought down, without supplementary estimates, that we know will yet come, according to the invariable practice of this government and other governments, the amount to be voted for the next financial year is to be $89,000,000, or double the expenditure, capital and consolidated fund, in the last year the Conservative government were in power.

In connection with the preferential trade question let me point out that we used to hear a great deal in the old days from hon. gentlemen on the other side of the House, now in the government, about the character which the Conservative government had given to the tariff, and that under their tariff the trade with the United States developed more rapidly than the trade with Great Britain, that we had really given a preference to the United States and the proof of that preference was to be found in the fact that our trade with the United States was growing more rapidly than our trade with Great Britain. What do we find? Comparing the exports of this country to Great Britain in 1896 with those of 1905, we find that the increase has been 54 per cent, while the increase in our exports to the United States has been 74 per cent. But when we come to our imports it is perfectly appalling. What do we find? In 1896 we imported from Great Britain $32,979,000. That has increased to $60,000,000, an increase of 87 per cent. But what has been the increase in the volume of our imports from the United States during the same period? From $58,000,000 to $162,000,000, an increase of 179 per cent. Perhaps this may furnish an explanation, perhaps it may be a fitting commentary on the speech of the Minister of Agriculture the other day when he said that the government is indifferent as to whether we get any perference in the British market or not, because he is satisfied that this enormous expansion of our trade with the United States should go on to the exclusion of a well regulated and developed trade with the mother country. Since last session a very important member of this government has disappeared from parliament, I refer to Sir William Mulock. I think the country has not been favoured with substantial or sufficient reasons for the very sudden and unexpected retirement of that hon. gentleman. He was apparently one of the most active and progressive members of the government; he was pressing upon public attention the telephone question. A very important committee was struck last session to investigate the telephone system with a view to acquiring it and operating it in connection with the post office service. It is known to-day that the Bell Telephone Company has become a gigantic corporation and has decided to come to parliament for power to extend its capital to $50,000,000. It is spreading its influence all over the country. It was well known to be the policy of Sir William Mulock that the government should acquire the telephone system. Why did he retire in the midst of his work on that great question, and why is it that since his retirement nothing is said about acquiring the telephone system and that it has dropped out of public consideration? Is it because Sir William Mulock demanded such a reform as this that he was told that he must go, or find he would be of no use in the government, left of his own accord? This question should be answered. The reasons given out by the government press about Sir William Mulock's retirement are very amusing. The reason assigned is that his health obliged him to retire from the conduct of the Post Office Department. At the same time he accepted the position of Chief Justice of the Exchequer Court of Ontario. A gentleman whose health was so bad that he could not remain at the head of the Post Office Department was hardly in a fit condition to assume the work and responsibility of a judge of the Exchequer Court, yet, up to the present time, that is the only reason assigned for Sir William Mulock's retirement. But we can see as far into a millstone as those who are picking it, and we know that the telephone commission has

dropped out of notice and that Sir William finding that he had no sympathy from his colleagues retired or was told, as Mr. Israel Tarte had been told, to retire.

Before taking my seat I wish to very emphatically corroborate the remarks addressed to this House on Monday last by my hon. friend the leader of the opposition, in regard to the opposition members in this House being consulted or taking part in the arrangement with regard to the financial measures passed towards the close of last session. As my hon. friend as explained, when he saw statements to the contrary in the press on the authority of so eminent a man as Goldwin Smith and others, aware as he was that no communication had been made to him on the subject, he wrote me a letter to know whether I was aware of any action of that kind being taken, and I was able to answer him, as I now tell the House, that I was not myself consulted by any one in parliament on the question, and that no action had been taken by the opposition senators, collectively or individually, with regard to the passing of those measures. I want to say that distinctly, while at the same time taking my stand with regard to them, that most of them—perhaps not all—have some feature of merit about them. I am not mean enough, believing as I do that that is the case, to try to make any political capital out of the amounts voted, but I want to state here most emphatically as I shall do in the country, that it is a scandal that such important matters as that should be held up the government's sleeve until the last days of the session and then be brought down in bulk. It has created what is almost a scandal in the minds of the people. You cannot get it out of the mind of the ordinary citizen that there was a sort of log rolling game going on, and that in consequence of it these measures were passed through hurriedly without being discussed on their merits. Had these measures been brought down in time, and the press been given an opportunity of having their say about them, and members of parliament an opportunity of reading them, which they had not with regard to some of these measures—had everything been done in the light of day, I am satisfied there would not have been much dissatisfaction in the country with regard to any of them. There might be some with regard to the Pension Bill more than any other, for in looking over that measure I was astounded, as gentlemen on both sides of the House were, when that proposition was brought down. I did not hesitate to give my opinion freely to members on both sides of the House that I was surprised at the shape in which it was submitted. I have never had any one answer this question: Why should five years be the term fixed, and why should the word consecutive be used? It is true the general trend in Canada is towards a long tenure of office by governments, but it may not always be so. It has not always been so, and I doubt if any public man in old Canada, although he might be twenty or thirty years in public life, could draw an annuity under such an Act as this. Why should a man who goes into a government and resigns for conscience sake, and the cause of his objection being removed or settled, is again called to the cabinet, fail to have his services recognized, because he may not have been able to remain five years continuously in the government? Why should he be kept out of a pension, while a younger man who has barely held office five years, who has clung to it until he earns his pension, be rewarded with an annuity of that kind? The measure received no proper consideration or it would not have contained such provisions. The fixing of five years was arbitrary, and untenable, and putting in the word 'consecutive,' was equally objectionable, allowing a young man to come in and reap the benefit of this annuity, while it might shut out old and deserving men. These are things which ought not to have been entirely overlooked, and which should have been gravely considered before that measure was adopted.

My hon. friend from Richmond may have thought that I was a little warm yesterday evening when I rose after his speech, feeling that he had unfairly aspersed Mr. R. L. Borden. I have the greatest respect for my hon. friend, and he knows very well that I would be the last member of this House to say anything disparaging or calculated to offend or insult him; but I regard the men chosen by the two great political parties to be their leaders to be great workers for the people of this country in solving its political problems, as men whose character is a national asset which we should jealously

guard, and that we should be ready, as long as we are in sympathy with them, to protect them from anything that we can regard as an unfair attack. I look upon Mr. Borden, the leader of the Conservative party, as one of the most promising men ever given to the public life of our country. I know him to be a man of the most eminent professional qualifications, a man of the highest personal character, and who has proven before the people of Canada to be a public man who has made his mark in parliament, even though comparatively young, since he entered it, in the wise suggestions he has been able to make, and which have been received with the greatest respect by the able men who confront him in the House of Commons. Knowing he is rendering a most important service to the country. Sir Wilfrid Laurier and his colleagues in the government felt in their hearts that he was worthy of the allowance made to him as leader of the opposition or else they would not establish the principle in his time. It is not a grant to any person; it is a concession to the man who holds the office. I have not the slightest doubt but that the government feeling in their heart of hearts a respect for Mr. Borden, and knowing the good work he has been doing in parliament is the cause of their desire to carry out what I regard as a very important reform.

I remember when a similar question came up in the province of Ontario some years ago—I referred to it on Monday last—Sir Oliver Mowat made use of the most generous terms of praise with reference to Sir William Meredith, his opponent. He went so far as to say that the statute-book of Ontario owed more to Sir William Meredith than to himself. He explained that his own time was too much taken up with other matters connected with his office, and Sir William Meredith was able to give so much attention to the framing of the laws of the country, that Sir William had left his mark on the statute-books of the province to a much greater degree than he had himself. That was such a tribute as a generous and able man could afford to pay to a distinguished and able opponent, and it was in that spirit, I have no doubt, that the government brought down the Bill providing for the payment of a salary to the leader of the opposition, knowing, at all events in the inception of the plan, that they were voting the public money correctly, and that it would go to a man who was giving eminent services to the people of Canada. We have to-day a whole bunch of measures introduced by the Minister of Justice, who is a very able lawyer, submitted to parliament by the government at this session, all based on suggestions made last year in parliament by the Hon. Mr. Borden. Such work as that, no doubt, the people of the country do not thoroughly understand. It is not reasonable to expect that the ordinary voter should thoroughly understand it. The mass of the public regard a man coming to parliament as having for his object to fight his political opponents, but men in public life know that there are higher public duties than merely to engage in political controversy. A public man is responsible for giving the country good and effective laws, and in that respect I claim and know that the universal verdict is that Mr. Borden is doing his work in a manner which reflects credit upon himself and upon the people of the whole Dominion of Canada.

Hon. Sir RICHARD CARTWRIGHT—It appears to me that the hon. gentleman who has just sat down is labouring under considerable confusion of ideas. The hon. gentleman does not seem to understand that taxation is one thing and revenue is another. If he had understood that he would have seen that the present government has carried out to the letter the canon which he has been good enough to describe as 'The Cartwright canon.' The taxation of the country has not merely remained stationary but has been largely reduced as compared with the taxation we found when we entered upon the task of governing this country. The taxation has been reduced by nearly thirty-three per cent, because the operation of the preferential tariff extended far beyond the articles imported from England. There is also this difference between us and our predecessors: We reduce the taxation and increase the revenue, and we put the revenue into the public chest. Under the government of hon. gentlemen opposite, the taxation was heavier, but the revenues did not go into the public chest—a portion of them only found their way there, and that is the reason why,

under our regime, the public have received a very great deal more than they received under the regime of hon. gentlemen opposite, and at the same time the collective taxation of the people has been less. More than that, Sir, under our regime, as the hon. gentleman had to admit, although he very greatly underestimated, and very greatly understated the extent of the increase of the population, as he did the increase in the wealth of the country, there has been a very large—an enormous augmentation of the population of Canada, and that of the best sort. Before our time, Canada was almost stagnant. I have not the slightest hesitation in saying that the rate of increase of the population of this Dominion between the years 1878 and 1896 fell below the rate of increase of any European country, with the possible exception of Ireland; while within the last ten years the rate of increase of the population in Canada has been probably three or four times greater than during the preceding eighteen years of the hon. gentleman's administration of the affairs of the country. That is the way to judge. When you double the revenues, and the trade and commerce, and add very largely to the population and wealth of the country, then the people are able to endure and are able to pay a larger sum into the treasury without incurring any additional burdens, because it is a well known fact, and is easily demonstrated from a reference to the customs returns, that, under our system, a very much larger percentage of the average taxation of the country has gone into the treasury than ever before. That, Sir, is the explanation, and that is the justification of the expenditure which the government has found it expedient in the public interest to incur during the last few years. Now, I am not going to pursue the hon. gentleman through the devious mazes of the Trade and Commerce Returns further than to say this: If he will take the trouble to examine the Trade and Navigation Returns he will find that the trade with Great Britain had been steadily decreasing for ten years before the present government took office. Since we have taken office, our trade with Great Britain has exactly doubled. I am speaking of dutiable goods imported into the country, and the increase would be in all probability something like one hundred per cent on the amount that was imported in 1896. These are facts which hon. gentlemen can verify for themselves if they choose to refer to the report which I laid on the table of the House yesterday, or the report of my colleague the Minister of Customs and the Trade and Navigation Returns.

The hon. gentleman was good enough to inquire how it came about that the Hon. Sydney Fisher should have depreciated the preference, and he was desirous of knowing whether Mr. Fisher, on the occasion in question, spoke for the rest of the government. Had he taken the trouble to examine Mr. Fisher's speech, he would have seen that Mr. Fisher took great pains to point out that he spoke for himself alone and not as Minister of Agriculture. Anybody who takes the trouble to read the report of the speech will see that the whole of the context shows that Mr. Fisher was speaking in an individual capacity, as a farmer, and not as Minister of Agriculture, and he so expressly stated, I believe, the other day in discussing the matter in another place. But whether or not, I take this ground, as I have always taken it, that the preference was a benefit to the people of Canada quite as much as to the people of England. I take that ground, Sir, when we gave the preference we largely reduced the taxation of the people of Canada, and in that respect we benefited them, and the granting of that preference did a great deal to give us a substantial advantage in the markets of Great Britain, as is clearly shown by the returns of our exports to the mother country. As for the United States, it is only natural that we should deal very largely with them. Over and over again in my place in parliament I have pointed out that when you are the near neighbours of a country like the United States, separated from them only by four thousand miles of an imaginary boundary line, it is not so much a question of tariff as it is a question of freight rates and propinquity. Under such circumstances we must continue to have a large trade with the United States, and in proportion as manufactures and population increase as the country develops, in all human probability that trade will of itself increase and expand proportionately; and it is a very good proof of the extent to which Canada is developing, that in spite of the heavy tariff we have as against American

products, and the comparatively light tariff as against the products of Great Britain, it is, I say, a proof of the remarkable development of this country that we have gone on and increased our imports from the United States. It is true that a very considerable portion of those imports consists of goods which can be obtained from the United States alone, of which they have practically a monopoly. It is utterly impossible for us to obtain anthracite coal elsewhere, and it is almost impossible for us to obtain cotton elsewhere. There is a considerable number of other articles coming from the United States in regard to which no competition on the part of Great Britain is possible. There is no competition, as a matter of fact, on the part of any other country. We must take the goods from the United States or go without them, and being now in a state of active development, beyond all doubt we are importing a very much larger quantity of goods from the United States. As for Sir Howard Vincent, all I can say is that I cannot conceive how any human being who has paid the slightest attention to the trend of public affairs in Great Britain can fail to see that Sir Howard Vincent and his friends utterly and completely misunderstood the temper of the British public. Never within the memory of man has there been so complete and utter a defeat of a political party as that which the high protectionist party recently suffered at the polls in Great Britain. Why, Sir, within a very few days a declaration tabled in the House of Commons shows that, I think, something like 500 members or thereabouts recorded their distinct declaration that they would have nothing to do with the protectionist principle, and so far from Mr. Chamberlain being able to count one hundred and fifty supporters, to the best of my recollection he was only able to muster 84. There is a convincing proof how far and how correctly he and his followers read the mind of the people of Great Britain on that important question. I am not going to follow my hon. friend in a disquisition on the railway policy of the government. When the papers are brought down it will be time enough to deal with the matter, and I shall be happy then to deal with it.

In the meantime, let me remind my hon. friend of two things. One is that the present government have retained and secured absolute running powers over the Canada Atlantic railway for the purpose of carrying grain or other freight from Georgian bay to Montreal if they so see fit, and if it is found expedient to do it. The other is that there is every ground to believe that the route which has been selected from Quebec to Winnipeg is likely to prove an exceedingly advantageous route for the transport of heavy goods. We are informed that there has been rarely found in any country, over a similar extent of territory at any rate, an equally favourable line with equally favourable grades and equally free from the curves which unfortunately interfere with the working of the Canadian Pacific railway line to the south of it. It has been discovered by our engineers, and I have no doubt whatever of the fact, that in the construction of that railway there is every ground for believing that, at any rate, so far as concerns the part of the line which the government are constructing, very important and very valuable tracts of territory will be made available which, without that line, would have been utterly useless to us for a great many years to come. As for the allegation that the Grand Trunk Pacific is unduly paralleling other lines, I beg to point out that, as every one knows, when you fix Winnipeg as one point and Edmonton as another, it would have been utterly impossible, under these conditions, for the Grand Trunk Pacific or any other company, to construct a line of railway between these two points without, to some extent, paralleling the existing roads; but that it will fail to open up a very large and important tract of country is, I must say, entirely in contradiction of the reports which we have received from those who are best acquainted with the country and best able to offer an opinion with regard to it. With respect to the other remarks of the hon. gentleman, all I can say is that I have not very much fault to find with them. A great deal of his speech, and of the speeches of his predecessors, was taken up more by criticisms of each other than with criticisms of the government. I have no objection to that; it amuses them and certainly does not hurt us; but the hon. gentleman diverged from that pleasant task of criticising his own friends. He diverged into constitu-

tional questions, and he was good enough to read a lecture to the Lieutenant Governor of the Northwest Territories on an alleged infraction of constitutional usage because, forsooth, he did not see fit to summon Mr. Haultain to become his chief adviser. It occurs to me, Sir, that the hon. gentleman has either never known or has entirely forgotten everything that has ever been written on the question of constitutional law by writers who are entitled to respect in dealing with that subject. If there be any one thing more than another which the Crown, either in England or through its representative the Governor General or the Lieutenant Governor—if there is one privilege more than another which they are entitled to under the conditions which existed in the Northwest Territories at the time of the creation of the two new provinces, it is that of selecting their own advisers. That is practically almost the only remaining prerogative of the Crown. It is a prerogative which has been exercised again and again in the past reign if not in the present. It is a prerogative inherent in the Crown. The Crown has a perfect right, under such conditions as existed in the territories last year, to select its own adviser, whomsoever he may be. In the case of Mr. Gladstone, it is well known that the Crown saw fit to exercise this prerogative, and it was only when the ministry so formed retired, and not till then, that Mr. Gladstone was sent for, and it would be perfectly justifiable to-day either here or in England, or in the case of our lieutenant governors whenever such a case arises as existed in the Northwest Territories, for each official representing the Crown to select his own adviser. If the Crown makes a mistake, then it is for the people or the people's representatives, as the case may be, to rectify that error; but in the first instance, I beg to state to the hon. gentleman, that there can be no doubt whatever as to the prerogative which the Crown possesses of selecting its own adviser to begin with. As far as my own opinion is concerned, I think the discretion was very wisely exercised in the case of Lieutenant Governor Forget.

The hon. gentleman proceeded, and so did some of his friends, to dwell at some considerable length on the question of indemnity and pensions. I do not propose to discuss that matter at any very great length on the present occasion. It may be that the whole subject will come up for revision either here or in another Chamber, and, when it is brought before us, then will be the time, I think, to discuss the matter in extenso; but I will say this, and it is all I propose to say on the subject at the present moment, that I for my part have never been able to see that there was any reason for the granting of pensions to judges which did not apply or could not apply with quite as much force to the granting of pensions to cabinet ministers after a certain length of service; and for these reasons: it is in the highest degree in the public interest that every man who is entrusted with the high and important duties of a cabinet minister, conducting a department, should be financially independent. I say that that is in the highest degree in the public interest. In the next place if there are any men on the face of the earth—and I think the gentlemen who sit opposite to me will bear me out in this—who are continually subjected to unforeseen and unexpected demands for all kinds of purposes from their constituents and supporters, it is the members of the cabinet of the day. If there are any set of men in this Dominion of Canada who it is desirable in the public interest should give their whole absolute and undivided attention to the affairs entrusted to them, it is the cabinet ministers of Canada, either past or present. Sir, should these men make an error, a mistake—I am not speaking of questions of maladministration, but of errors of judgment arising from hasty decision of important questions --every man who has had experience in public affairs knows that such errors may cost the people of the country, I will not say hundreds of thousands of dollars but millions of dollars, yes tens of millions, hundreds of millions as the result of errors or mistakes committed by these men; and I add further—whether they have always lived up to the ideal standard or not—that it is in the very highest degree in the interests of the public at large that the men who are entrusted with such responsible duties should be men of high integrity and of large capacity. I shall say no more on that subject at this present moment, but I have a word to say particularly, as special allusion was made to it by the hon. gen-

tleman who preceded me on this question, of testimonials to which he alluded. And more particularly I have a word to say as to the testimonial which was presented to Sir John Macdonald a considerable number of years ago. Now, on these matters I have an advantage over the hon. gentleman: I speak from personal knowledge; the hon. gentleman speaks from hearsay. I perfectly well remember, and if the hon. gentleman desires further information I could refer him to the life of Sir John Macdonald, by Mr. Pope—I perfectly well remember that in 1870 or 1871, Sir John Macdonald was struck down by what was supposed to be a mortal illness. Under those conditions, knowing perfectly well as people did that Sir John Macdonald was at that particular time an embarrassed man, it was thought—and I think it was thought correctly—by many of his friends and admirers, and by some who were not his particular friends and admirers, that an occasion had arisen on which very fairly and very appropriately a testimonial might be made up for the purpose of saving Sir John and his family from the results that would probably happen to them if he were prematurely taken away. Now, it so happens, that a matter of some 14 or 15 years ago this question was brought up in the House of Commons. I am not going to inflict even a summary of that lengthy debate on the House, but I shall read to hon. gentlemen some few remarks that I made on that occasion. They will be found on page 3827, vol. 2, of the 'Hansard' of 1891. My remarks were as follows:

> Now, Sir, in our own case, with respect to this testimonial business, it is unfortunately too true that the beginning of the evils of which I complain, and which I desire to rectify, took its rise in the first instance in a testimonial which was presented a considerable number of years ago to the late Sir John A Macdonald. That was very much to be regretted, and the more to be regretted, because I have always maintained, and I feel it due to myself to say here now, that in the first inception of that testimonial I believe that the motives of the men who originated it were pure and honourable. The circumstances of the case, which the House will pardon me for reciting briefly, are these: Sir John A. Macdonald had been struck down by a very dangerous illness. It was perfectly well known that he was in deeply embarrassed circumstances; deeply indebted, I believe, and that but a very slender provision indeed had been made for his family. Under these circumstances, Sir, if ever, it was quite justifiable for the hon. gentleman's personal friends and admirers to have contributed for the purpose of relieving his family from any danger of want, and had two or three very obvious and very reasonable precautions been taken, no blame could have been attached to the parties who were concerned in getting up that testimonial. Unfortunately these precautions were not taken, unfortunately publicity was not given, as I have always said publicity should be given, to the names of persons who subscribed; and, still more unfortunately, precautions were not taken to see that subscriptions to that fund were not accepted save from sources from which they could honourably be accepted. Now, Sir, I am not going at the present moment to repeat what I have found it my duty to say on other occasions on that subject. But, as hon. gentlemen on the other side of the House have lately developed an extreme respect and admiration for an eminent gentleman no longer with us, Mr. Edward Blake, I propose to read to those hon. gentlemen, rather than give any words of mine, the language in which Mr. Blake found it necessary to speak of that particular testimonial. What Mr. Blake said was this:
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> 'Another case was the gift several years ago to the present First Minister by means of a settlement upon his family of the sum of about $80,000, which was subscribed for and presented to him or to his family while he was First Minister of Canada. It was so subscribed and presented largely by actual and intending contractors, whose business it was to obtain favourable contracts from the government, and having obtained them to get the largest prices for the least returns, and the most liberal allowances for extras that they could manage. It was subscribed largely also by public corporations greatly indebted to the treasury, and dependent upon the executive for favourable settlements of their indebtedness and favourable adjustment of their financial relations.
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> That Mr. Speaker do not now leave the chair, but that it be resolved: That the acceptance of gifts or testimonials of any kind on the part of ministers of the Crown or of any member of their families from contractors, government officials or other persons having pecuniary relations with the government, is entirely opposed to sound principles of administration, and is calculated to bring parliamentary government into contempt, and that the example thus given tends to corrupt and demoralize the officials serving under ministers who have accepted or permitted the acceptance of gifts or testimonials as aforesaid.

That was moved, although not as want of confidence, in going into Committee of Supply. It was accepted by Sir John Thompson, who was then leading the House. I am not quite sure that he was premier—I think not—but he accepted the motion and it was passed unanimously. I think that very fairly defines the position which ought to be assumed with respect to testimonials of any kind presented to ministers of the Crown occupying office. After men have ceased to occupy office, if their friends so desire, there is no objection whatever to their presenting them with testimonials to any extent and in any shape

or form they wish, but while in office they should not receive testimonials from men who have any business relations with them. That principle was unanimously accepted by the House. It is sound in itself and deserves being maintained in its integrity now. It bears, as the House will see, considerable on the question before us, and I do agree with several hon. gentlemen who have spoken, that on the whole it is better, if these things are done at all, that they should be done openly and publicly out of the public chest, rather than they should be done by sending the hat round in the fashion it was found necessary to do on several previous occasions. I think that the whole question may, perhaps be considered in reference to some remarks that have been made, and it is quite probable and quite possible that some amendments may be found desirable in the present Act; but as regards the matter in general, I think the government will be found on the whole to have acted wisely in what they did, and they are fully prepared to accept the responsibility for it.

Hon. Mr. WOOD—I do not intend to enter upon a discussion of the financial questions which have been so ably dealt with by the hon. Minister of Trade and Commerce, and by my hon. friend from Marshfield, who preceded him. It is perhaps not necessary for me to say more than to make one or two observations with reference to the statement with regard to the policy of the present administration and the financial result, and the reply which the hon. minister who has just taken his seat made to those observations. If I understood the hon. gentleman right, he said in reply to the charge made by the hon. senator from Marshfield, that the taxation of the country had been more than doubled since the present administration came into power, that the policy of the present administration had reduced the taxation and increased the revenue. I sat for many years in the House of Commons and heard a good many speeches delivered by the hon. gentleman, bearing on the fiscal policy of this country. I well know, and we all know, how at all times and on all occasions he denounced the tariff policy of the late government on account of the protective features which it contained, and I believe there was no stronger advocate in the House of Commons in those days of the abandonment of the protective tariff and the adoption of a revenue tariff as being the policy best calculated to promote the interests of this country. I would have expected, when the hon. gentleman claimed that the present government had reduced taxation, that he would have been able to preface that statement by showing the House that the present government had adopted the policy which he had so long advocated and always claimed was necessary in order to produce those results. It is, however, surprising that he defends now practically the same policy with regard to fiscal matters which was adopted by the late government. The only change for which the hon. gentleman took credit to the present administration was the preferential tariff adopted as regards our imports from Great Britain and other portions of the British empire. While I entirely approve of that change in the fiscal policy of the country, and heartily endorse what the government has done in that direction, I cannot agree with the hon. gentleman that this has been the cause, or is a sufficient reason for justifying the statement which he made that the general taxation of the country has been reduced although the revenue has been increased; for it was pointed out by my hon. friend from Marshfield, and not contradicted by the hon. Minister of Trade and Commerce, that although this preference had been given to imports from the mother country and other portions of the British empire, the increase in our imports from Great Britain had been very small compared with the increase of our imports from the United States and from other countries. The hon. gentleman claimed too that this preferential tariff had given the Canadians a great advantage in the British market. I can hardly understand how that could result when, as we know, the free trade principle has always prevailed and still prevails in England. The only point which I intended to make in referring to this feature of the hon. gentleman's speech, is that it was difficult to understand how the government could claim that the protective policy of the late administration had the effect under that administration of increasing taxation and reducing the revenue, and how the present administration adhering in every material res-

pect to the same policy had been able to reduce taxation and increase the revenue.

The other observations of the hon. gentleman I do not intend to refer to now. My principal object in asking the indulgence of the House for a short time in the course of this debate, was to refer to another subject which has been imported into the discussion, and to which considerable attention has been given by different gentlemen who have addressed the House. I refer to the measures passed last session altering the allowance to members of parliament. It is well known, I assume, that my views on this question differ from those of the great majority on both sides of the House. The hon. Secretary of State, in addressing the House, made the statement that when this Bill was introduced last session it met with no opposition. I agree with what has been said by different speakers in condemning the time and manner in which the Bill was introduced. It was brought here in the last days of the session. I believe it was not printed, and I was myself unprepared for many of the provisions which it contained and there was no time or opportunity to discuss it. I did the only thing I could do, under the circumstances, that is, made a general protest against the principle of the Bill. I am not aware that much benefit can be derived from opening up a discussion now, but I feel that it is only right, since the subject has been referred to, that I should embrace this opportunity of making my views more clearly known and having them placed on record. My opinion has always been that the principle of allowing a salary or remuneration to members for their services while attending parliament, or such losses as they may sustain in connection with their private business during their absence at the sessions here, was not a wise principle or one in the interest of either this parliament or of the country. I formed these opinions early in my political career and chiefly as the result of opinions expressed both publicly and privately in my hearing by the late leader of the Conservative party, Sir John Macdonald, and subsequently to a more limited extent by Sir John Thompson and others with whom I have been associated in parliamentary life. My own study of this subject and my own observation of political life in Canada since, has had the effect of strengthening and confirming my opinion on this question. It will be apparent at the outset that if such a principle is adopted it will be very difficult—absolutely impossible—to find any standard by which a rate of compensation can be given which will be at the same time uniform and equitable and fair and just. The members who attend parliament, come under very different circumstances. There are some, quite a considerable number, who have retired from active business and come here without any material inconvenience. A larger number perhaps have considerable business interests in the country, and act on the directorate of incorporated companies or business enterprises. Their personal attention is not necessary to the conduct of the business in which they are interested. Such persons come here not at any great loss or inconvenience to themselves, and their income does not suffer any diminution in consequence of their absence from their homes.

There are of course other classes represented in both these chambers—those who are engaged in active business, whose incomes suffer to a greater or less extent, and who, no doubt, feel considerable inconvenience in being absent from their homes for the length of time required to attend the sessions here. I am drawing attention to these facts merely to make this point, that the circumstances of individual members of parliament are greatly different in this respect; that there is no standard by which you can fix a rate of compensation which would be equitable and fair to all. If you attempt to make a standard for the loss sustained in connection with their private affairs, it is evident that while a very trifling sum of perhaps one thousand dollars would be sufficient to compensate very many who attend here, and others attending here really suffer no loss at all, yet in other cases the compensation would not be more than sufficient if five or even ten thousand dollars a year was granted to make up what the representative might lose by the neglect of his business affairs at home. The same difficulty arises if it is attempted to adjust the compensation in proportion to the services rendered. We know there is a great difference in the amount of services rend-

ered by different gentlemen who attend parliament in both chambers. Some give their attention principally to the local affairs of the constituencies which they represent and very little study to the more important and general legislation which comes before parliament, devoting a great deal of their time to their private business and the direction of their affairs at home. Others devote a great deal of attention to the general business of the country, give their time and devote their energies and thoughts to studying and perfecting general legislation which comes before parliament. It is evident, therefore, that if compensation were attempted to be adjusted upon that principle, as a reward for the services performed, the same difficulty would arise, that no uniform amount could be fixed that would be equitable and fair to all concerned. There are services of a general public character, and I may say the majority of the services of a public character are of such a nature, that no money value can be placed upon them. This is true of the services rendered from time to time by men who have performed great and notable and heroic deeds. It is also true of those who devote their lives to philanthropic work, to men who give their time and often at great personal inconvenience devote their energies and talents to the advocacy of principles or the promotion of schemes which have for their object the betterment of the human race. The services of such men to the country or the human race are in almost every case, I think I am correct in saying in every case, voluntary and, as I have said, no money value can be placed upon them. In my opinion the services which a member of parliament is called upon to perform have a very striking analogy to the class of services to which I have referred. I would in this connection like to direct the attention of the House to this fact, that these services are voluntary in their character. There is no one obliged to accept a position in this Chamber, nor is any one obliged to accept a nomination to contest a constituency for the House of Commons. I do not see that any obligation can rest upon any man to accept either of these positions if he feels that he cannot afford to accept them, if his circumstances are such as to prohibit him from doing so. One of the objections that might be urged against the argument I am making now is that unless remuneration is attached to the position there will be a difficulty in finding candidates, that the class of persons will be too much restricted from which a choice can be made. I do not think that is a practical difficulty. I have yet to learn that in the history of Canada there has ever been a gentleman requested to accept a seat in this branch of the legislature refusing on account of the small remuneration which the members of the Senate received. So far as my experience and observation go the same remark may be made, with not perhaps quite the same force, in reference to the House of Commons. The difficulty has generally been in my experience not that there was a scarcity of candidates but, rather, that embarrassment resulted from there being too many anxious to serve their country in that capacity. It has also been claimed that under the old system of remuneration the representation of the country would be confined principally or altogether to the richer classes. I do not think that the experience of the past sustains that theory. It certainly cannot be stated that a large number of gentlemen who occupy seats in either chamber of the legislature are gentlemen of wealth. We have some among us, in both chambers, but they also contain a very large number of gentlemen who are in what I should perhaps properly call comfortable or moderate circumstances, so that our experience in the past shows that the practice which has hitherto been adopted has not had the practical result of excluding the less wealthy classes from either branch of the legislature and confining the representation of the people to the wealthiest classes. I would like, however, on this phase of the subject, to invite the attention of hon. gentlemen to a danger in the opposite direction. The danger which may threaten us if the principle is adopted of paying members of the Senate or members of the House of Commons what may be considered a competent salary. I have heard no argument advanced in favour of the present change which is claimed to be a compensation, or in a certain measure as a compensation for the time and trouble and loss sustained by those who attend parlia-

ment which might not with equal force be used in advocacy of a much larger amount, say $5,000 or $10,000, so that while we have adopted $2,500 as a compensation for the present, if this principle is adopted, we cannot say how long it may be before an agitation will again arise to have the amount still further increased. I want to point out, in connection with that, the danger that may result with regard to the representation in either of the branches of the legislature if the principle is adopted of attaching to these positions a salary which affords the occupant an independent and comfortable living. We know that under our system of government abuses have crept into the civil service; that the gentlemen who are promoted in that service are not always chosen because they are best qualified to fill the positions which are given them, that the choice is often made not so much with regard to the qualifications or the fitness of the person who is to be appointed, as to the influence of political friends or wealthy relatives with the government of the day, and whose object in securing these appointments is not to provide a person who is well fitted and well qualified and who will discharge in a satisfactory manner the duties of the position, but rather to provide an office for some friend who has not been very successful in his business or professional career and give him a comfortable living without imposing upon him any very onerous duties. This evil, or abuse, has, to some extent, at least, crept into the civil service of the country, and I want to warn this House that if the same policy of adopting a sessional salary which makes the position in either branch of the legislature one which affords a comfortable living for the person occupying it, it will open the door for the same abuse to creep in here. I am not making these remarks as casting reflection upon any gentleman who occupies a position in this House at the present time. I am not casting any reflection upon the appointments of the present government, or upon the appointments of any other government. I am only pointing out the danger which may be apprehended at some time in the future if this principle is adopted, and carried, as it possibly may be carried to a greater extent, and the amount of the remuneration considerably increased. The practice in the United States has been referred to. I think my hon. friend from Marshfield (Hon. Mr. Ferguson) called attention to the amounts which are at the present time paid to representatives in the United States Congress, and I understood from him that a measure was now proposed which contemplated a further increase in the amounts paid there. In order to induce us to follow the example of the United States in this respect it will be necessary first to establish the fact that this has resulted beneficially upon the life of their public men and upon the legislation of the country. We have had, in the past, two entirely opposite practices prevailing in the United States and in Great Britain. In the United States they have paid what may be regarded as a large salary for the services of members of Congress. In Great Britain, up to the present time—I regret from my point of view to see that a change has been introduced there—but, up to the present at all events, they have followed the practice of requiring representatives in parliament to serve without remuneration. The result of my study and observation of political life in Great Britain and the United States has led me to the conclusion that the effect of the practice which has been followed in Great Britain has been to bring prominently into public life a class of men who have strong convictions on public questions, who enter public life, not with the hope of any remuneration or reward, but merely to advocate the principles which they believe in, and to use their votes and influence in parliament in order to bring about the reforms or advance the legislation which they believe to be in the best interests of the country. On the other hand, in the United States the practice which has prevailed there has, in my opinion, had an important influence in leading public men to look upon the position as one to be used for their own private or personal advantage. The disclosures which have recently been made, as the result of investigations which have been held there, establish the fact that not only have large and wealthy corporations and influential interests in the United States used their wealth and paid large sums of money to influence the action of legislative bodies, but there have been

numerous instances in which those large corporations and wealthy interests have elected men to sit in the legislatures whom they could control, and these men have remained there year after year, enjoying a life of ease and even a life of luxury, at the public expense, merely to watch the interests and forward the schemes of the corporations or interests which they represented. I trust we shall pause before we adopt the principle which has been adopted there, for, in my opinion, if we follow their example in this respect, and, as I have stated before, attach to these positions such a salary that it affords the occupant a comfortable and easy livelihood, the same results will follow here.

I do not intend to say much more upon this question, except to refer again to the manner in which this Bill was introduced into parliament and passed. In my opinion, if this change was to be made, and if this new policy was to be adopted, if we are to receive something in the nature of a salary or a compensation for our services or for the losses we sustain, instead of a reasonable sum merely by way of an indemnity for our living expenses while attending the sessions at Ottawa, it should have been brought before parliament and there discussed and then submitted to the people before it was adopted. We are here, not as paid representatives of the people; we are here, in my opinion, as trustees of the public funds. There is, in my judgment, a very striking analogy between the position which members of parliament occupy and the position which trustees occupy in the ordinary business of life. We know that the laws with regard to trustees are very strict, and if, in any one respect, they are more strict than in another it is in this, that trustees shall not fix their own remuneration nor in any way appropriate to their own use or receive as a reward for their services anything from the trust funds, unless such remuneration has first been granted them by the person who created the trust or fixed by a judge of the Supreme Court. Our position, it appears to me, is analogous to that of trustees in this respect; we are here as guardians of the public interest and of the public treasury, and while there is no other power which could grant a salary to members of parliament except parliament itself, the least we could have done, if we decided upon that course, was to submit the question to parliament, have it fully discussed and receive the sanction of the people whom we represent, before such a change was brought about. The hon. the leader of the opposition referred to what I might call the good features of this Bill. He submitted statements in which he compared the amount that shall be paid under the present Act and the amounts which were paid under the old law. I do not think his figures were exactly correct. I have not had an opportunity, however, of testing them; but, certainly, under the old law many abuses crept in which have been corrected by this Bill. Under the old law, as he pointed out, it was possible for a gentleman to attend parliament, be present at a very few sittings and by spending a short time at a committee and in other ways, draw a very large proportion of the sessional indemnity and give very little attention really to the business of parliament. This abuse has been corrected under the provisions of this Act. I only wish that in this respect it had gone a little further, and that the clause of the Act allowing members of parliament to receive pay for fifteen days when they are absent from their duties should have been repealed. For my part, I can see no reason why, if members of parliament find it necessary to be absent from their duties here to attend to their private business at home for fifteen days, or for any other number of days, that they should receive their pay for the days when they are absent.

With regard to the other legislation which has been referred to, the salary which has been granted or the increased indemnity or sessional allowance which has been granted to the leader of the opposition in the other House, I have not very much objection to make. I have often felt that the leader of the opposition in the House of Commons was entitled to some remuneration. Indeed, unless he is a man of great wealth, it is impossible for any man to hold that position unless he is remunerated from some source, and he must either be remunerated from the public chest or in the way to which my hon. friend has referred—the way in which remuneration was given to some of the leading statesmen in the past, by subscriptions collected by his friends and supporters, voluntary

donations from those who desired to retain him in that position. I do not share the opinion expressed by the Minister of Trade and Commerce, and am not so very averse to this remuneration. I do not believe that in the cases which have been referred to that there was any corrupt intention on the part of those who contributed to these funds, or that they had any corrupt influence whatever upon the gentleman who received them. I think it is quite possible that this system could have been continued and that the leader of the opposition could have been remunerated by voluntary subscriptions from his friends and admirers and those who desired to see him retained in the position, without paying him from the public funds. However, I do not believe that this is a very serious matter, and I do not think there is any very serious objection to the manner of paying the leader of the opposition in the way proposed in this Bill. There is, of course, the constitutional difficulty that there is no recognized person under our constitution holding the position of leader of the opposition, and it is quite possible that more than two parties might exist in the House. We might have here a third party, or we might possibly have a fourth party, and it might be difficult to decide which of the leaders of these parties was entitled to the vote, or whether the money should be divided among them in proportion to their followers. However, under our system of government, where party lines are pretty clearly drawn, I do not think we need apprehend that this will become a practical difficulty ; therefore, it is not a serious objection to the policy which is now proposed.

With regard to the other question of pensions to ex-ministers, if I understood the Minister of Trade and Commerce aright, this subject is likely to be reconsidered, and any remarks we have to make in regard to it had better be made at a later date. I may say that I am not entirely opposed to granting some pension to ex-ministers. I think, however, that the provisions of the Bill which was passed last session were very ill-considered and inequitable. I do not think it is right to grant the same amount to every minister who has served five years in a cabinet position. I can see no reason why persons who leave the cabinet because possibly they differ with the government, or it may be for other reasons, who are in the prime of life, and who enter into business or into the practice of a profession which gives them a large and remunerative income, should be entitled to a pension from the government. However, we cannot make distinctions of persons; but it appears to me that if this principle is adopted there should be a graduated scale something on the same lines as superannuation in the civil service, and that ex-ministers, if they are paid pensions, should be paid an amount bearing some proportion to the number of years they have occupied the position. I am inclined to think too, that some age limit might be inserted in the Bill; something similar to the provision in regard to judges, so that young and active men who, when they leave the cabinet are not incapacitated from carrying on their ordinary avocations should not be pensioners upon the public funds, but that the older men, men who had spent years in the public service, and who were, to a large extent, incapacitated for other duties, are fairly entitled to consideration and have a very much stronger claim upon an allowance of this kind than the class to which I have referred. I have no further observations to make, but desired to embrace the opportunity which presented itself at this time to place on record my views upon this question.

Hon. Sir MACKENZIE BOWELL—There seems to be some misapprehension as to the basis on which I made the calculation that I gave to the House yesterday. It may possibly be on account of my not being sufficiently explicit, but I think if members who listen to me will look at the report of the remarks I made, it will be seen that I based that calculation upon the interpretation which had been given to the present Act, and they will remember also that I stated at the time that I was not in accord fully with the opinion that had been given as to the interpretation of the Act; but taking the interpretation which had been given and applying it to each senator to show the affect of the law as it stands on the statute-book, I then made the comparison from that, giving full effect to the interpretation which had been given and showing what would be the effect as com-

pared with the old law. I think, probably, I may not have made it as clear as I should have. There are other calculations which can be made, providing that interpretation which has been given to the law is not correct. My hon. friend (Hon. Mr. Wood), referring to the allowance to the leader of the opposition, said he saw in that a constitutional difficulty. To my mind it is simply a question of policy. Constitutional difficulties do not present themselves to my mind. He says the leader of the opposition is not known in the British constitution. That is quite true, and neither is the premier of the country recognized as an official position in the constitution. Yet we have it, and it is only since Campbell-Bannerman recently became premier of England that the office of a premier has been recognized in the order of precedence either in England or in Canada. It is said, and I believe with authority and correctly, that the present King saw the propriety of giving the premier of England some status in order of precedence which he had not occupied before, and it was offered to Mr. Balfour, but that Mr. Balfour declined to acquiesce in the suggestion made to the King.

Hon. Mr. MILLER—During his tenure of office.

Hon. Sir MACKENZIE BOWELL—During the tenure of office of Mr. Balfour, but just as soon as the change took place, then the King exercised his prerogative and placed the premier in a position which, to my mind, he ought to occupy; and I think the present Governor General of Canada has recognized that fact, as I noticed at the late state dinner the premier of this country was given a position that he had never been given before during my forty years' recollection of attending state dinners. I was glad to see it. I discussed this question with Sir John Macdonald when I saw men who had just come into office taking precedence of the premier of the country, at state dinners.

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

The motion was agreed to.

The Senate adjourned until three p.m. tomorrow.

SENATE.

OTTAWA, Thursday, March 15, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MUTUAL RESERVE FUND LIFE ASSOCIATION.

INQUIRY.

Hon. Mr. CLORAN rose to inquire:

If the accounts of the attorney and of the insurance expert employed by the special committee, which was appointed by order of this House to investigate into the affairs in Canada of the Mutual Reserve Life Association of New York, and which have been certified to, as regular and legal, on order of the said committee, by its chairman, have been yet paid, either in full or in part?

If not paid in full, why not?

If paid in part when will the said attorney and expert receive the balance of their accounts?

Also, if the government is aware of the fact that the president of the said Mutual Reserve Life Association, Mr. Frederick A. Burnham, of New York, who refused to obey the summons of your honourable committee to give evidence during the said investigation, has since been arrested and indicted by the grand jury, and arraigned in general sessions of New York, on five indictments found against him, two for grand larceny in the first degree, and three for forgery in the second degree, all in connection with the administration of the affairs of the company affecting the interests of Canadian policy-holders?

If the government is aware of the fact that George D. Eldridge, second vice-president of the said company, who appeared before the said committee, as the principal witness in the interests of the said company, during the said investigation, was also recently arrested and indicted by the grand jury and arraigned in the general sessions of New York on five indictments found against him, two for grand larceny in the first degree, and three for forgery in the second degree, all in connection with the administration of the affairs of the company affecting the interests of Canadian policy-holders?

Also, if one George Burnham, brother of the president of the said company, also a director thereof, and counsel for the same, is held by the police and judicial authorities of New York under the same charges as mentioned above?

If the government is aware that this executive action by the authorities of criminal justice in New York, against the said two Burnhams and the said Eldridge, was suggested by and is largely based upon the results of the parliamentary investigation ordered by this honourable House two years ago?

Hon. Mr. SCOTT—I can best answer the categorical questions put by the hon. senator who has just sat down by referring to the account which was sent in by the

Attorney, Mr. Coster. The account as originally furnished was :

C. J. Coster, K.C.—	
Retainer..	$ 250 00
Hotel expenses, 54 days at $5..	270 00
Travelling expenses..	83 60
Counsel fees, 54 days at $50..	2,700 00

The accounts, as is usually done with accounts in which lawyers' charges are concerned, was referred to the Department of Justice. The department considered the account excessive and it was taxed as follows:

Retainer..	$100
Hotel expenses (which was the amount allowed by this Chamber, 54 days at $5..	270

The department allowed the full amount for travelling expenses of $83.60 and $600 for attendance before the committee, making a total of $1,053.60. The following session the hon. gentleman (Hon. Mr. Cloran) brought up this question before the Senate and maintained that the Department of Justice had not been sufficiently liberal. A committee of this House was therefore formed. I presume at the instance of the hon. gentleman that committee made this report.

Committee Room,
Friday, 14th July, 1905.

The special committee to whom was referred the claim of C. J. Coster, K.C., regarding legal services to the special committee appointed last session to investigate the affairs of the Mutual Reserve Assurance Association, and to examine the said claim and to report to the Senate thereon, have the honour to report as follows :—

1. Your committee recommend that Mr. Coster be paid at the rate of ($30) thirty dollars per day for the time devoted to the work of the committee, being the per diem allowance fixed by the Department of Justice.

2. Your committee find that the Department of Justice, with the information before them, limited the number of days to be paid for to the number of days occupied by the sittings of the committee.

The Justice Department thought that that would be a fair payment for every day that the committee sat, thirty dollars a day. The committee liberally interpreted the reference and said we will allow Mr. Coster all the days during which the committee sat.

Your committee have, however, ascertained that Mr. Coster was actually engaged on the work of the committee for forty-six days in all, for which he received on account $600, leaving a balance of $780, which your committee recommend that the Clerk of the Senate be instructed to pay to Mr. Coster.

That brought the amount up to $1,833.60 which he has been paid. I presume as this Senate has already disposed of it in the most liberal manner it would be useless for the hon. gentleman—

Hon. Mr. CLORAN—When was he paid the last amount, yesterday or to-day ?

Hon. Mr. SCOTT—The cheque was sent about ten days ago I believe; it might not be so long ago as that. The clerk informs me that the $700 cheque has been sent recently.

Hon Mr. CLORAN—Yesterday I think.

Hon. Mr. SCOTT—Some days ago.

Hon. Mr. CLORAN—Since the notice has been put on the paper ?

Hon. Mr. SCOTT—In reference to the other matter, the simple answer is, the government of Canada know nothing about the circumstances to which these inquiries referred; they take no special interest in either Mr. Eldridge or the Messrs. Burnham, or affairs transpiring in the United States in which they are concerned and know nothing at all about them.

PATENT MEDICINE LEGISLATION.

INQUIRY.

Hon. Mr. DAVID rose to inquire:

Does the government intend to propose at this session some measure to control the sale of patented medicine, in order to protect the public without injuring legitimate trade ?

Hon. Mr. SCOTT—The subject is under the consideration of the government.

MUTUAL RESERVE LIFE INSURANCE ASSOCIATION.

MOTION.

Hon. Mr. McMULLEN moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate a return of the number and amount of policies transferred from assessment section to legal reserve section under Act of 1904, by the Mutual Reserve Life Insurance Company of New York ; also the number and amount of policies written by the company during the year and the cash payments made thereon.

Hon. Mr. SCOTT—There is no objection to the address being presented.

The motion was agreed to.

WRECK OF THE STEAMSHIP 'BAVARIAN.'

MOTION.

Hon. Mr. LANDRY moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid upon the table of this House a copy of all the instructions given, of all the evidence heard, of the judgment rendered, and of all communications exchanged on the subject of the wreck of the steamer 'Bavarian' last autumn upon the Wye rocks, and of the inquiry held thereinto, as well as of the correspondence exchanged between the Department of Marine and Fisheries and any person whomsoever regarding the choice of the judge holding the inquiry and of his assessors.

Hon. Mr. SCOTT—There is no objection to this address.

The motion was agreed to.

THE EXHIBITION AT LIEGE.

INQUIRY.

Hon. Mr. LANDRY inquired :

Who was appointed commissioner for Canada at the Universal Exhibition held at Liége (Belgium) ? At what salary ?

Hon. Mr. SCOTT—Perhaps it would be most convenient to answer each question as it is put.

1. There was no special commissioner for Canada appointed for the Universal Exhibition held at Liége.

The Exhibition commissioner, Mr. William Hutchison, an officer of the Department of Agriculture, by direction of the Minister of Agriculture, was in charge of the Canadian exhibit at the exhibition at Liége. His salary is $3,000 per annum.

Hon. Mr. LANDRY—By whom was he paid ?

Hon. Mr. SCOTT—I do not know whether he was paid at all or not; he was not paid by the Dominion. The next question is :

Had the commissioner for Canada at the Liege exhibition a sufficient knowledge of the French language to authorize his appointment, or to make it useful, at an exhibition held in Belgium ?

Mr. Hutchison had the qualifications necessary to warrant his appointment, and to enable him, with the assistants furnished him, to make a most successful Canadian exhibit in Belgium. Several of these assistants were of French origin; and others, while of different origin, were thoroughly familiar with that language.

Hon. Mr. LANDRY—Who discharged the functions of assistant commissioner for Canada at the same exhibition, and at what salary ?

Hon. Mr. SCOTT—There was no assistant commissioner for Canada at this exhibition. Mr. Hutchison's principal assistant was his secretary, Mr. James Brodie, whose salary is $1,500 per annum.

Hon. Mr. LANDRY—Was one honorary commissioner or were several honorary commissioners appointed ?

Hon. Mr. SCOTT—There was one honorary commissioner appointed, the Honourable Adélard Turgeon, Minister of Lands, Mines and Fisheries, for the province of Quebec. He was appointed generally, without reference to any province.

Hon. Mr. LANDRY—Who represented more particularly the province of Quebec as commissioner or honorary commissioner ?

Hon. Mr. SCOTT—There was no representative as commissioner or honorary commissioner for the province of Quebec in particular.

Hon. Mr. LANDRY—By whom was he paid ? Was it by the Dominion or by the province ?

Hon. Mr. SCOTT—The Honourable Mr. Turgeon, being an honorary commissioner, was not paid by the Dominion government; and the Department of Agriculture is not aware that he was paid by the government of the province of Quebec.

Hon. Mr. LANDRY—Is the government aware that the aforesaid commissioner positively refused the use of the Canadian pavilion for the distribution of a pamphlet containing information as to the province of Quebec ?

Hon. Mr. SCOTT—The aim of the government was to make the Canadian exhibit a national and provincial one; the resources and products of the Dominion being displayed as a whole, without reference to any particular province; and the literature prepared for distribution was of the same character, there being no publication dealing with any one province exclusively.

Hon. Mr. LANDRY—I think that is not an answer to the last question ; I am not asking what were the instructions given to

the commissioner; I am asking if the government is aware that notwithstanding the instructions to the commissioner that the commissioner refused the distribution of a pamphlet setting forth the advantages of the province of Quebec ?

Hon. Mr. SCOTT—I put the question to the Minister of Agriculture, and he answers me in the way I have indicated, that, as it was a Dominion exhibition, no one province was to take precedence and that the information furnished must be general.

Hon. Mr. LANDRY—It was not a question of precedence it was a question of refusal. If I understand the minister correctly he got that information from Mr. Fisher ?

Hon. Mr. SCOTT—The Minister of Agriculture ?

Hon. Mr. LANDRY—Speaking as a minister or as a farmer ?

Hon. Mr. SCOTT—Speaking as a minister.

DECEASED SENATORS.

Hon. Mr. SCOTT—Before the orders of the day are called, it has been suggested to me by an hon. gentleman that it might be a convenient time to make those usual references to gentlemen who were with us a year ago, and who are not now here. Death has been active during the last year. Since prorogation in July, 1905, no less than four senators have departed from this world. The death of the first could not be said to have been unexpected. It came in the natural order of time. He went to sleep as peacefully as a child. The time between life and death was not marked by any event that could be in any way noted. He had lived more than thirty years beyond the time allotted by the psalmist as the life of man. The death of Mr. Wark was like his life, calm and peaceful. It had been my good fortune to be associated with him for five years, during the Mackenzie administration, and I then learned not only to like but to respect the qualities which marked the man. During the eighteen years from 1878 to 1896, when I sat on the side occupied by my hon. friend, Mr. Wark was still an advisor and counsellor of mine and his judgment was always sound and reliable. Again I had the pleasure of welcoming him to this Chamber after the change of government in 1896. Hon. gentlemen will remember the affecting scene that took place in the month of April, 1904, when he had completed his term of one hundred years. This Chamber, both sides uniting, presented him with an address. On that occasion, the leading members of the other House, Mr. Borden, Sir Wilfrid Laurier, and other gentlemen from the House of Commons, attended in this Chamber and addressed very kind remarks to Mr. Wark, who occupied, for the time being, the Chair that you Mr. Speaker now sit in. Perhaps if I read the concluding remarks of the answer he gave to that address, and the answer that he gave to the observations made by my hon. friend the leader of the opposition and my friend on my left (Hon. Mr. Power) and myself, it will give one a clearer idea of his character than any language I could make use of. In closing his observations, he referred this way to the present time :

I join with you most cordially in the belief that God exercises a wise providence over the affairs of this world, and especially over the affairs of this empire ; that He intends to make it a powerful, populous and prosperous empire united under our gracious sovereign, in policy of peace, and that it will be greatly blessed under His guidance in bringing about the time when the earth shall be filled with the knowledge of the Lord, as the waters cover the sea. I thank you again for your kindness and for the kindness of the whole House.

That language is a clear indicaion of the marked characteristics of the man. His career has extended over a period in our history that is and always will be the most important—the change from a number of scattered provinces to the union of this young nation, the confederation of the Dominion. Senator Wark had been in the local legislature, part of the time in the provincial government, for a period of sixteen years. He was one of the members that were enumerated in the Royal Proclamation by the sovereign in calling together the Senate of Canada. He was the last of the Liberal members—the last link but one that connects this body with that important epoch, and I am glad to see that my hon. friend who sits at this table still continues to enjoy vigorous health—that the years he has passed do not seem to tell upon him, and we hope that we will long have him with us, the last link binding us to the youthful days of confedera-

tion. Senator Wark's life, as I have said, was unique in many particulars. I do not know that even in the British House of Commons or House of Lords, there is any case on record where a man has acted in a legislative capacity for a period longer than Mr. Wark, upwards of sixty years—a long term. His life was a most useful one. As a member of this Chamber, he always gave calm and clear advice. On the committees they had the advantage of his impartial judgment. While he adhered strongly to the political party with which he had long been associated, yet on questions in which politics were not at all involved, he gave evidence of a judicial cast of mind. We can scarcely say that we should regret the manner of his death. We would all be only too glad to live as Mr. Wark did the last quarter of the century of his life. It was a peaceful end. The change between life and death was scarcely visible, it was so natural. No one function, no one part of mind or body, physical or mental gave way before its natural period.

I now come to the loss of another member of this House, a gentleman who sat on the other side, Mr. Black, who, though he had only been with us for two years, soon occupied a position of prominence in this Chamber. His utterances were always marked with good sense. They were terse. He did not seem to be tied particularly with the party who appointed him, because on several occasions he spoke independently of the views I had myself expressed on this side of the House. His death came unexpectedly. Although he had reached the three score and ten years, still he was apparently physically strong, and I was certainly very much shocked when I heard of his death.

The next senator to leave us was the one who occupied the seat now filled by my hon. friend Mr. Young—the late Mr. Fulford. We will miss his cheery face and bright smile. He always came into this Chamber bright, happy and friendly with everybody. Unfortunately, we did not receive much of his time. His private business required his personal attention, I may say the world over. It was not confined to this continent, and therefore he travelled about and we only saw him at short periods towards the end of the session. He was a man with many estimable qualities, a man who showed his good sense by making his home wherever he happened to be. His family was not large, and in his travels abroad, whether to Europe or Asia, he took them with him and so was at home everywhere. He had been very successful in life, and his death was an extremely sad one. Hon. gentlemen will recollect the circumstances. Riding in one of those modern machines which have dealt with human life so freely —so many deaths occur by the automobile— going down an incline the automobile came in contact with a passing car, and he with his companions were thrown out. Some internal injury was sustained by Mr. Fulford, and though it was hoped for some days that he would survive, because he was a man of strong and vigorous constitution, still some vital organ had been injured and his death followed.

The next death to which I should allude is that of our friend Mr. Church. He had been with us a year or two longer than Senator Fulford. He was very well liked in this Chamber. He occasionally addressed us and always in good temper and with sound judgment. He had been ill for a good part of last session and only came to Ottawa towards the very end of it, I think, so he was in delicate health, and his death was not altogether unexpected, although he had not attained such an age that a fatal termination might have been looked for. There are, I presume, other hon. gentlemen who know more perhaps of the lives of some of those gentlemen to whom I have referred and who perhaps can convey to this House their thoughts and impressions on the characteristics they possessed.

Hon. Mr. KIRCHHOFFER—I trust no body will accuse me of trying to supplant our leader in taking a few moments before catching an early train to say a few words. I should like to make some remarks with regard to our late colleague, Senator Wark, whose career as a politician in this country deserves more than a passing reference.

One has to think over some historical fact, to enable one to realize how extraordinary was his longevity. The mere statement that he lived over 100 years conveys but a dim expression of his great age, but when we consider that he, a boy of 15 years of age, might have gazed upon the face of general Brock in his coffin or have seen Tecumseh

going forth to do battle, it seems astonishing to think that he lived and spoke amongst us within so recent a period as a few months ago. The youngest people who remember well the Crimean war are beginning to find too many gray hairs about their temples, yet they are but little over a score of years older than our late brother was when Wellington and Blucher entered Paris after Waterloo. He was a contemporary of Frederick the Great, and might easily have remembered events that occurred before he died. When Kosciusko rose against the oppressors of recently partitioned Poland, he was old enough to 'take notice.' Warren Hastings had only recently been impeached. Burke, Sheridan, Lord North, Lord Granby, Grattan—he might have conversed with them all. George III, not yet half through his long reign, was participating with Queen Caroline in the pleasure of haggling with tradesmen over the price of fruits and groceries when our late member was a well grown boy. He was the subject of four sovereigns, and lived through the whole of one and the greater part of the other of the two longest British reigns. Mungo Park first visited Africa in the year he was born. Beau Nash had not established the Argyle rooms when he was 16. Gladstone was not born till some ten or twelve years later. Beaconsfield was only fourteen years old. Macaulay but eighteen.

At first mention of the names of great writers who made their fame after he was almost middle aged, it sounds almost as if there was no English literature before his time. Sir Walter Scott was but an infant when Mr. Wark was a grown up lad. Sir Walter died at 61; that was 65 years ago and Mr. Wark, who died yesterday, was then 40 years old. Wordsworth, Southey, Coleridge, Keats, Shelley Byron, Carlyle, Lamb, Thackeray, Dickens, Tennyson, George Eliot, all came and vanished 'like snow upon the desert's dusty face' during his lifetime. How great a change in political ideas his world saw. He was six years old when the Duke of York and Charles James Fox were struck off the list of Privy Councillors for proposing and seconding the toast of 'The Majesty of the people.' He was the contemporary of seven Popes, seven Sultans of Turkey, five Kings, two Emperors and three Republics of France; thirty-four Lord High Chancellors of England, eight Archbishops of Canterbury, fifty-five Attorney Generals of England, five Kings of Prussia. He was grown up at the union of Ireland with England and outlived the time of forty-two viceroys, eighty-six coercion Acts and twenty-seven parliaments. The independence of the United States was acknowledged some nine years after his birth. He heard the names of twenty-two presidents and saw the population of the republic grow from 5,000,000 to 80,000,000.

Mr. Wark could have remembered the French revolution, the taking of the Bastile, the execution of Louis XVI and Marie Antoinette, the assassination of Marat, Napoleon's advent, his wonderful campaigns, his fall, banishment and death. He was nine years old when Nelson bombarded Copenhagen, and was born but a year or two after the one in which Rodney beat De Grasse. The 'Young Pretender' had drank himself to death only a year before he was born. The mutiny at the Nore occurred when he was a boy of five. Men old enough to remember well the surrender of Abdel Kader, have long been grandfathers, and Mr. Wark was then fifty-five. He was at middle age when Byron died at Missolonghi. There was then no independent Greece. He was an old man when Italy achieved freedom, and he saw scores of principalities wiped off the map. In his time the population of the whole world was thrice renewed, and he may be said without exaggeration to have outlived forty hundred million of contemporaries. And now

> The mossy marbles rest
> On the lips that he had pressed
> In the bloom,
> And the names he loved to hear
> Have been carved for many a year
> On the tomb.

The world in which his character was originally formed was not our world at all. Then, even though Peter Pinder and Junius, Rousseau and Voltaire were writing and speaking, kings felt their crowns very firmly fixed on their thrones. 'Democracy was still generally regarded with abhorrence, workingmen scarcely dreamed of combining for their own protection. Pitt's proposition to reform parliament had to wait nearly fifty years for fulfilment. Fast coaches had not even been established when our centenarian

was a child. He was forty-three when Huskisson was killed at the opening of the first real railway in England. He was middle aged before the first steamboat ran, and quite old at the introduction of telegraphs. Geology was an embryo science in his infancy. The first daguerreotype was taken when he was forty-six. Since he was eighty the Darwinian theory was broached. When he was already an aged man science was in such a state that 'caloric' was talked of in the schools, and every new discovery of truths about nature was howled at as jeopardizing religion. Rifled ordnance had not been heard of in the wars of his youth and the earliest iron clad was then forty years in futurity.

What a length of days, what stores of observation and experience this ancient gentleman must have possessed. Must have possessed I say, for he was, by the testimony of all who knew him, a singularly shrewd, intelligent and wise, as well as good man and it is to be hoped that those survivors who passed much time with him since he transcended three score and ten, and few others who then knew him well can be alive. will not fail to record what they remember of his recollections and sayings by which labour of love our late brother may long be distinguished, not only as a well authenticated centenarian, but as one remarkable for large endowments of sense and feeling.

Hon. Mr. ROSS (C. B.)—It has been my privilege to board with the late Senator Wark during a whole session. We agreed in a great many things. We belonged to the same church and went to church together. While he was an Irishman by birth, he was a Scotchman in thought, in breeding, and in almost everything that tended to adorn his character. He was a great reader, was well informed, courteous, gentlemanly and kind, and I only rise to endorse what has been so well said by the hon. Secretary of State of the character of that great and good man.

Hon. Sir MACKENZIE BOWELL—I am not at all surprised at the feeling exhibited by the hon. Secretary of State in referring to a colleague with whom he had been associated for so many years. I do not know that I can add anything of importance in reference to the death of Senator Wark to that which has been mentioned by the hon. Secreary of State. The historical events which have occurred during the period of his life, as given to the House by the hon. senator from Brandon, have been very interesting. It only shows how the world progresses in science and in every other respect, even during the lifetime of one of ourselves. My principal reason for rising just now is to add a few words of commendation, and to show my respect for one with whom I was associated in parliament since 1867. I had the pleasure—because it was a pleasure—to sit with that gentleman on the joint committee on printing thirty-nine years ago. Never during that whole period, except upon one occasion in a committee, did anything unpleasant occur between us. Once we had a few words upon some item on which we differed. I have often thought of the remark made at that time as the venerable gentleman was leaving the room, and have never ceased to regret having used it, because it was unwarranted, but under excitement, on occasions of that kind, we sometimes give utterance to sentiments which, perhaps, we felt at the moment, but afterwards regret. I was acquainted with him intimately in my associations on committees, and formed a very high opinion of his character as a man in every respect during the time I sat in this House with him. I shall not refer to his many good qualities, nor do I intend to allude to his political history, nor to his political character. I was very much struck however, when I read an account of his funeral, when his colleagues from this House and I think of the ministry, sent their respect to the family with the motto which was placed in flowers upon his coffin—'Faithful to the last.' When I reflect on his character I think that he was well deserving of that tribute of respect. He was not like many other politicians. In his public career I have never known him to differ from the opinions which he had formed upon political questions, no matter what positions others of his party may have taken. He seems in his early life to have formed strong views on the Liberal side in politics, and he adhered to them to the last, and his character was truly represented in the motto 'faithful to the last.' That he took a deep interest in every event that was passing is evidenced by the fact that during

the excitement of the Autonomy Bills he wrote me a letter. He was then in his 102nd year, and I treasure his letter very much. He asked me what my views were upon the question of the Autonomy Bills, and what I thought the result would be in the Senate ? I mention this fact to show what a deep interest a man of his advanced years still took in the political events of the day.

Hon. Mr. FERGUSON—Would my hon. friend have any objection to reading that letter so that it may go on record ?

Hon. Sir MACKENZIE BOWELL—I have no objections. I have it in my desk and will read it later. I want to refer however to another event. It shows that during his life, when his party, to which he was devotedly attached, was agitating for unrestricted reciprocity and other things of that character he took strong grounds against them, and wrote a very intelligent letter of two columns protesting against the course then being pursued by his own political party. So pleased with that letter was Sir John Macdonald at the time that he wrote Senator Wark a letter thanking him for the views which he had expressed, saying that they were the sentiments of the party of which he was leader, and that they were in accordance with what he conceived to be the convictions of a truly loyal and patriotic man. In saying that I do not wish to be understood as saying that all those who advocated unrestricted reciprocity were not loyal or true to their country. I merely mention it to show that having formed strong opinions in his early days, he adhered to them to the last and, therefore, the motto 'faithful to the last' was as complimentary a tribute as could possibly be made to his memory. On the fifth day of May, 1905, I received the letter which I am about to read. I made a memo. upon it in order that those who might see it afterwards might know that the writer of the letter was at the time in his 102nd year. The letter is as follows :

My dear Sir Mackenzie :—I am glad to know that you are well, as I see your name in the proceedings of the Senate. You have not done much in your House this term, but I have no doubt you did all that you had to do. I see that the two long discussed Bills have now been sent up to you, and I would like very much to hear from you how you and the Senate are going to dispose of them.

I am yours truly,
DAVID WARK.

Hon. Sir MACKENZIE BOWELL.

I think that letter is in his own handwriting—it is quite evident that it is and that it was not dictated to, and written by any one else. To that letter I replied as follows :

My dear Senator :—Thanks for your letter of the 5th instant, which brought the gratifying intelligence, that you are, notwithstanding your great age, still in the enjoyment of such health and vigour of mind as to enable you to continue to take an intelligent interest in public affairs, particularly on questions which are now agitating the public mind, the equitable settlement of which will materially affect the future peace and harmony of the people of the Dominion. The long debate to which you refer has just closed, and the Bills are now in committee. You have no doubt followed the discussions in the Commons sufficiently closely to know that Sir Wilfrid has slightly modified the terms of his first propositions in re the separate school clauses. It is, therefore, in view of the diverse opinions held by members of the Commons—some that the clause does not go far enough, and others that it goes too far in fastening separate schools on the people of the two new provinces—uncertain what the provisions of the Bill may be when it reaches the Senate. I may add that the government, having now a majority in the Senate, the Bill, no doubt, whatever provisions it may contain, will in my opinion be accepted and passed.

Permit me to express the hope that so soon as the weather becomes more settled we may have the pleasure of seeing you again in your seat in the Senate.

I am, my dear Senator,
Yours sincerely,
MACKENZIE BOWELL.

I must confess that I cherish that letter very much, coming from a gentleman of his great age. When he was a hundred years old, it was my very great pleasure to bring him to his seat in this House and as my hon. friend the Secretary of State has already said, when he was 101 a committee was appointed to draft an address which was presented to him, and which he answered in the terms which have been read by the Secretary of State showing that even at that time, any one who takes the trouble to read critically the answer of that old gentleman, will come to the conclusion that his mind was as clear and acute as that of a man of 40 years of age. I deeply sympathize with his family. Although we could not expect to have him much longer with us, by his death the Senate lost an honest man and his own province and the Dominion lost a man in whose footsteps every one of us might find it to our credit and benefit to follow.

I have very little to say in reference to the death of Mr. Black. I never knew the

gentleman, except by reputation, until he came to the Senate; but, like my hon. friend the Secretary of State, I formed a very high opinion of Senator Black of his character, and his keen appreciation of what he believed to be the duties of a senator. Whenever he spoke it was to the point. He had a high ideal of what a senator ought to be, and he often expressed his astonishment at some of our acts in this Chamber as not being in accord with the character and dignity of a body of this kind. I was very much surprised when I read of his death.

As to Senator Church, I sat in parliament with him many years ago in the House of Commons and I always found him to be what my hon. friend says, a man of strong convictions and opinions, straightforward and honest so far as I ever learned in any transactions politically or otherwise.

The death of Senator Fulford is one we must all regret. Perhaps I felt it as much as any one. When I was a boy I was very intimate with his father and mother, and all his acquaintances. They were all intimate friends of my wife's relations and consequently I always felt a deep interest in the late senator from the fact that I always looked upon him as a Bay of Quinté boy. There is a kind of freemasonery among those who come from that part of the country. It was the boast of the late Sir John Macdonald that he was a Bay of Quinté boy. That pleasant and beautiful part of Canada has produced if I may be permitted to say so, some of the first men of the Dominion, and every one who comes from that section of country feels proud of the fact. Consequently I have always looked upon Senator Fulford from that standpoint. He was generous in character; he had as my hon. friend said acquired great wealth and had been very successful in business. He was genial in his character, always with a smile, treating all, no matter whether he was a political friend or foe, in a like manner. I think the country, and particularly the locality in which he lived, have lost a very good man.

It might not be out of place for me to say, although my hon. friend did not refer to it, with regard to the death of the late Mr. Prefontaine, Minister of Marine and Fisheries, that I used to hold an opinion of that gentleman politically which it is not necessary for me to express just now, but I have learned that in his capacity as a minister of the Crown he displayed such talent and perseverance in his efforts to make Canada what I think she ought to be and particularly in the matter of defences, that I hesitate not to express the opinion that in the loss of the Hon. Mr. Prefontaine the country has lost a valuable minister. I am speaking of him distinctly in his official and public character and of his political career. He was a man to my mind of indomitable pluck and energy. He formed strong opinions as to what he thought was the duty of Canada in reference to the defences of the country, and to my mind he took a noble stand during the time of the South African war. In opposition to many of his confreres he boldly advocated the sending of a Canadian contingent to that country. I remember meeting him when the first contingent was being sent off, and I said to him 'Prefontaine you have done a great many things I do not approve of, but for one thing, the action you have taken in reference to this South African contingent, I will, as an Englishman forgive you all your past sins.' That was said jocularly and we exchanged the compliments which I think should always pass between gentlemen. For these and other features of his public career I have taken this opportunity, although I have said many hard things against him politically, the last one that presents itself to me, to give a frank expression of the opinion I hold of that gentleman as a minister of the Crown and as a progressive minister, one whose example it would be well that his colleagues should follow. I apologize for having said so much but I though it my duty under the circumstances, and particularly in view of the position I have held toward the government, and the position I hold this present moment, to give expression to my honest convictions.

Hon. Mr. ROSS (C.B.)—I would ask permission of the House to say a few words with regard to the late senators Black and Church. I should have done so when I was on my feet before. I had not so much acquaintance with Senator Black, because he was living in the county of Cumberland. Senator Church was a citizen of Halifax for a number of years, and oc-

cupied the position of Minister of Mines and Public Charities in the Fielding and Murray government until such time as he was appointed to the Senate. He was an extremely temperate man, mild in his character, gentlemanly and courteous. It was my privilege to call to see him on New Year's Day. On meeting Mrs. Church she informed me that the senator was improving. He came down stairs to see me and I said I am glad to hear that you are improving. 'Yes', said he 'they say so, but I don't feel like it.' Three days after that he was dead. We have now the sad news of the death of one who was the Minister of the Crown under the Mackenzie government, I mean Governor Jones of Halifax. I called to see him on the day that I left, the 6th inst., and he desired me to convey his best wishes to all old friends who might inquire after him, 'as' he said 'I never hope to see Ottawa again.' He was then hale and hearty and able to walk across the room. I do not wish to institute any comparisons, but I must say that there never was a governor appointed for Nova Scotia by the government of Canada who has been more acceptable to the people of that province than the late Governor Jones. I think I am allowed the privilege of making these few remarks. He was my own personal friend. We were in parliament for a long time together and I cherish for him and his memory the highest respect.

Hon. Mr. POIRIER—As senior member in this House for New Brunswick since the death of Senator Wark, I crave permission to add my tribute of respect to his memory. Senator Wark spent his youthful days, taught school, toiled—toiled hard—met with his first political and other successes in the county of Kent which he was supposed more particularly to represent. When the thought first occurred to me that I might raise my eyes to this honourable House and through the influence of my friends possibly be elevated to it, it was as successor to the senator for Kent, as he was then called, that I thought my chances lay. That was in 1885 twenty-one years ago. Senator Wark had then passed his 80th year. He had reached the limited days ascribed to men of our generation. He was an old, a very old man ; he had lived to see the face of the Senate renewed. Old and young had fallen by his side and around him. Only fourteen now remain in of those who sat with him and me in 1885. While of all those who were appointed at confederation with him, only one now survives. All the others slumber their eternal slumber beneath the sod. It has been said that life is a dream and death is an awakening. Very few among us hon. gentleman will now dream very long. The grim mower is constantly at work harvesting from among us. There is no necessity of prophesying the reform of the Senate through Providence making room for new comers ; whether reformed or not we are certainly changing. Vacancies occur every year ; every succeeding session sees vacant seats amongst us. Conservatives go and Liberals also go, and except that a Conservative majority has given way to a Liberal one, the reform of the Senate, so far as its improvement goes, is not very visible. Possibly but few among the latest appointees are better men, better Christians, better citizens, better senators than Senator Wark was, while none among the ancients, among those of my generation, will claim to be so. His life may well be pointed to as a model for all Canadians. For a full century he was a useful and a dutiful citizen of New Brunswick first, and, after 1867, of Confederated Canada, a Britisher with profound convictions and liberal ideals, ideals that were liberal not merely in profession and in word, but in deed and reality, a man of charity in deed and in act. A christian he was and as a true Canadian his memory hon. gentleman will endure among us, no doubt, as the memory of the patriarchs did endure in Judea.

Hon. Mr. CLORAN—I rise with a sentiment of deep gratitude to the hon. leader of the opposition in this House, who has, I think, done a great deal this afternoon to cement the feeling of harmony and union which should exist among all our people in the different provinces of this Dominion. He has paid a national tribute to the memory of a man who has done a great deal for his own city and for his own province, and who, with the opportunities afforded him in the past two years accomplished a great deal for this Canada of ours and for the British empire. Coming as I do from the province of Quebec, I gratefully thank the

hon. leader of the opposition, Sir Mackenzie Bowell, for the tribute he has paid to the memory of Hon. Raymond Prefontaine. The Hon. Raymond Prefontaine was a man who had no mean qualities, a man of energy and action, a man loyal and true as steel to his friends, and in no way malicious to his opponents and adversaries, a man who bore no hard feeling against the men who tried to down him in life's struggle, a man who stood frank and true for his friends. As he did in social and private life, he brought these qualities into active public life, and his loyalty to his friends was duplicated in his loyalty to his country and to the empire. We have the proof of it in the fact that the two greatest nations of the earth, France and Britain, paid a tribute to his memory and to his ashes, such as has never before been paid to a colonial statesman, and Canada in its turn did likewise. I am proud to see that in the lower House, and in this House to-day, his political opponents should mention his name and his virtues and recount what the state owed to his works and his achievments. Therefore, I say that Sir Mackenzie Bowell has rendered a service in thus cementing the bonds of harmony and union between our peoples, and I have every certainty that the people of Quebec will be thankful to him because the people of the province of Quebec loved and admired the Hon. Mr. Prefontaine for his sterling qualities, for his active political life, his life of duty to his fellow-citizens, and had learned to admire him for the great things he accomplished during the past two years. I have not much to say in regard to my other colleagues, two of them were my neighbours, Senators Black and Church. They have gone. Death is a fearful thing to meet. Senator Fulford also was a friend of mine and Senator Wark as well. I had the pleasure of receiving a kindly remark from him one day. I offered to aid him as he was coming up the stairs without a cane, but he declined my aid. He said: 'No, I don't need any assistance just now.' and he asked: 'Who are you?' 'Oh,' I replied, 'I am the baby senator.' Well, 'he said, you are the makings of a fine boy.' I have always kept the memory of Senator Wark green in my heart since then. I thank the House for the attention they have given me and I thank the leader of the opposition for his remarks in regard to the Hon. Mr. Prefontaine.

Hon. Mr. McGREGOR—I desire to add a few words of testimony to the character and worth of the two senators from Nova Scotia. I had the honour of a seat in the local legislature with both of them. Both were members of the local government for a period of years. Senator Black, the older of the two, was a member of the government without portfolio. For many years he occupied the position of chairman of the Board of Agriculture, and his experience as a successful farmer and stock raiser was of great value to the province he served so long. Senator Black was also a member of the exhibition committee for all the years during which the exhibitions were held in Halifax. He was a prominent member of that committee and Nova Scotia has reason to deplore the loss that has been sustained by his death. Senator Church held the position of head of the Department of Public Works and Mines. No more honourable man ever filled a public office than Senator Church. The office which he held is one in regard to which the public have always entertained some degree of suspicion, particularly with regard to the gold mines, that things were not quite as they ought to be. There was a feeling that in regard to applications for licenses and attempts to obtain special favours in this and other matters, things were not as they should be. That was prior to the time Senator Church took that office. But from the day Senator Church took that office never was there a suspicion of wrong-doing. If it was not a personal matter I should like to relate to the House an incident which shows the character of the man, an incident in which I knew him to do an act of justice under circumstances which showed that he was a man who would swear to his own hurt. That is the character of the late Senator Church. No more honourable man ever held public office, and I can only say I think it was appropriate to both these men that they rest from their labours and their work doth follow them.

THE ADDRESS.

The Order of the Day being called:

Resuming the further adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the

second session of the tenth parliament.—Hon. Mr. Power.

Hon. Mr. POWER—I think my first duty is to congratulate the hon. gentleman who moved the address in reply to the speech from the Throne. He is a gentleman whose acquaintance I had not the pleasure of having before he became a member of this House, but his name is a well known one in the lower provinces and I am satisfied that he is a worthy member of a distinguished family. I am satisfied too that he is going to prove a very worthy and useful member of this body. He has experience in public life, business capacity, and can make a good speech, and those are all qualifications which are very necessary in a senator. And there is this about it, that the hon. gentleman, I hope, will not form for a great many years the subject for the kind of notice we have just been having, of gentlemen who have left us. It is not necessary to say anything about my colleague from Nova Scotia who seconded the address. We all know him and have come to respect and admire him.

With respect to the speech of the Governor General, and to the discussion which has taken place on it, I may make this general observation; that it covers a good deal of ground. There are a great many topics mentioned in the speech; still the discussion with respect to it, has covered a great deal more ground. In fact, probably the greater portion of the discussion has been with respect to matters which are not mentioned in the speech at all. The discussion resembles that discourse which was said to deal with matters and things in general and several things besides. I propose to deal, I hope briefly, with some paragraphs in the speech. The first one that I shall say something about is that in which His Excellency says that it gave him much pleasure as a representative of His Majesty to take part in the inauguration of the provinces of Alberta and Saskatchewan. That was a sentiment that we thought we could all share in ; but I noted that the hon. leader of the opposition, in dealing with this paragraph of the speech, expressed regret apparently that His Excellency was not accompanied by some one who could give him the other side of the story—could exhibit the other side of the shield. You know, Mr. Speaker, that when there is a question of canonizing a man of exemplary life in our church, important functions are discharged by the ecclesiastic who for the time being is known as the 'Devil's Advocate,' who points out all the things that can be said against the person whose canonization is proceeding. The hon. leader of the opposition seems to think that on the occasion of His Excellency's trip to the west there was no 'Devil's Advocate' present. Well, I have been informed that there were at any rate three gentlemen present who, I think, could play that part very well. Two of them were members of the other Chamber in this parliament and one was a member, I think, of the late legislative assembly of the Northwest Territories, and I know that whatever those gentlemen could have done in the west they certainly played the part to which I have referred in the east at an earlier stage of the autonomy question. As a good deal has been said about the educational clauses in the Autonomy Bills, I may be permitted to say just a few words. The provision embodied in the two provincial constitutions with respect to education is substantially the provision which was embodied in the Act passed by this parliament in the year 1875, modified to a certain extent —not to a very great extent, by the results of the experience of the Northwest Territories.

Hon. Mr. LANDRY—To a large extent.

Hon. Mr. POWER—The legislature of the Northwest Territories had been dealing with the schools of that country. They had made certain modifications in the Dominion Act of 1875 in working under it and the provision embodied in the constitution of the two new provinces is to all intents and purposes the provision of the Act of 1875, as modified in actual practice by the provincial legislation. I do not see how any one can regard it as an outrage upon the provinces that this parliament when giving Alberta and Saskatchewan a constitution should have given them with respect to education, the provision which had been practically in operation for several years in the province under the legislation of the territorial legislature. Something has been said as to the provisions of the British North America Act. It would be a difficult thing, under the circumstances, and looking at the

fact that this Act of 1875 had been passed by the parliament of Canada, to make the British North America Act applicable. To have made no provision with respect to schools, and to have given no protection to the interests of the minority in that country, would have been a breach of faith, because, as the Secretary of State pointed out the other day, in 1875 the leaders of both parties took it for granted, and some of them expressed the distinct opinion, that they were settling this question for all time, and the people who went in there to colonize that region on the faith of those statements and of that Act of 1875 would have been in a way defrauded if the provincial constitutions had not contained some provision for their protection.

Hon. Mr. LANDRY—Why did you change the Bill ?

Hon. Mr. POWER—I am not going to discuss that question at any length. We discussed that last year. I noticed that the hon. leader of the opposition quoted a letter which I understood was a private letter, and which one would suppose was hardly a proper subject for discussion in parliament; but in this letter there was some reference made to the fact that the premier of this country had swallowed certain convictions of his own.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman would leave the impression on the mind of any one hearing his speech that I quoted from a private letter. I quoted from a letter which was not marked private, and which had been published in the newspapers.

Hon. Mr. POWER—It was a private letter. published in a Conservative paper. I do not think that that really improves the position very much.

Hon. Sir MACKENZIE BOWELL—It improves it so far as I am concerned.

Hon. Mr. POWER—There is this to be said with respect to the premier; one of the most important benefits which he has conferred on this country is that he has always tried to promote peace and good-will amongst all classes of our population.

Hon. Mr. BERNIER—At the expense of our rights.

Hon. Mr. POWER—Not at all. I have not heard that there is any serious discontent in the Northwest provinces over the educational provisions of the Autonomy Bill.

Hon. Mr. BERNIER—There is.

Hon. Mr. POWER—The truth is, with respect to these Autonomy Bills that we have not heard any complaint from the people directly interested : the people of the Northwest have not been making any noise about it. The noise has been made at this end altogether, on both sides. The Conservative organizers and head centres in Ontario have been denouncing the government for interference with provincial rights and imposing denominational schools on the new provinces and the gentlemen on the other side, in the province of Quebec, have been denouncing the government because they have not done enough in that way; but we have not heard any strong expression of opinion from either side in the Northwest ; and it seems to me that, after all, if the people who are directly interested are satisfied, there is no reason why we should howl about the matter and I think howling is the only expression which will describe the noise that was made during last session when those Bills were before parliament. Sir Wilfrid Laurier, has, when necessary, shown courage and firmness enough. I remember having been particularly struck by that fact on the occasion of one of his visits to France. When, before a French audience where he might have to a certain extent, perhaps, curried favour with his audience by being very French and criticising England, he was more English and spoke more highly of the English form of government than he is in the habit of doing when he is amongst English speaking people on English territory. I think that he acted wisely, that getting what has been got with the good-will of all parties was a much better thing for the country than to have fought and created a lasting disturbance by trying to get something more. My honest conviction is, as I stated last year, that the arrangement which has been made is satisfactory. The policy of peace is certainly better than the firebrand policy or devil's advocate policy.

Hon. Mr. LANDRY—Excepting in Quebec.

Hon. Mr. POWER—We have heard from the people of Quebec, and I suppose we

shall hear again. Gentlemen like the hon. member from Stadacona talked in the same way in 1896 and in 1904, before the elections. We know what the result was, and I think that probably the people of Quebec will show their good sense on future occasions, as they have done in the last two general elections. Whatever we might think about this question theoretically, I take it that the result of the local elections in these two provinces and the result of the Dominion by-elections held there, afford a triumphant vindication of the government. If circumstances had been otherwise, if the government of to-day had been Conservative and the results been such as they are, we should have had all these gentlemen claiming that the elections ratified the action of the government and that we had nothing more to do with the matter. The hon. gentleman from Marshfield did take that line rather. In the course of his speech on this subject he said that we had nothing to do with this Northwest school question now, that the question was settled and disposed of.

Hon. Mr. FERGUSON—Oh, no.

Hon. Mr. POWER—If the hon. gentleman will turn to page 44 of the debates of this session he will find himself reported as saying :

> For my own part I think, that, important as that discussion was and great as were the principles involved, and however unpleasant the result has been in a constitutional sense to many of the people of the Northwest and how much the co-religionists of the minority in the other provinces of Canada feel that they have not obtained what they were promised or what Sir Wilfrid Laurier proposed to give them, or pretends even yet that he did give them,—I feel that this question might well have been allowed to pass from public discussion for the present.

I think that bears me out.

Hon. Mr. LANDRY—For the present.

Hon. Mr. POWER—Then the hon. gentleman goes on to say :

> We have so many questions of great importance pressing themselves upon us that we cannot afford to be going back over the work of a previous session and bringing it into the next. We must deal with the issues that are coming before us each session as we meet them.

I think I was perfectly justified in the reference I made to the speech of the hon. gentleman. He adopts the poet's doctrine that the dead past should bury its dead with respect to a contest the echoes of which are still ringing in our ears. But the hon. gentleman had not gone very far when he found it proper to go back to what the Finance Minister said, when a provincial leader in Nova Scotia twenty years ago. It shows how thoughtless and unfair some wise men may be. Then the hon. gentleman said something with respect to Mr. Haultain. He was understood to lay down some extraordinary doctrine, evolved for the occasion, as to the duty of the lieutenant governor. That has been answered already by the Minister of Trade and Commerce ; but there is another small circumstance which I think would have carried weight with the lieutenant governor, that Mr. Haultain had been a resident in the province of Alberta, and consequently was not just the man to send for to act as premier of the province of Saskatchewan. The truth is, and I have noticed it very often in this Chamber, and it is true elsewhere, that a Conservative may steal a horse while a Liberal may not look over the fence. That is the sort of justice we get. I trust I may be pardoned for having dealt so long with a matter which, as the hon. gentleman from Marshfield said in part of his speech, had better be left behind.

I do not propose to say anything with respect to the paragraph of the speech which deals with the bountiful harvest and the impetus to our exports and imports. The leader of the opposition said, and truly, that Providence deserved thanks for that. I know that under a former administration congratulations of this kind were very common and, although Providence was then, I suppose, doing His work as He does now, the government claimed a good deal of credit for what was done. In the present case, if we take this paragraph in the speech and the next paragraph with respect to the flow of immigrants, I think it will be clear that a good deal of credit is due to the government. The hon. leader of the opposition spoke of the fact that the Canadian Pacific Railway had been completed some 20 years ago and was in operation for several years before the present government came into power. Well, the railway was completed as far as Winnipeg at any rate about 1881, so that the railway had reached the prairie fifteen years before the change of government. That western territory was just as fertile then as it is to-day : there were mul-

titudes, thousands and hundreds of thousands of people leaving the over-crowded countries of Europe and seeking homes in the new world all those fifteen years, but practically none of them came to Canada, or if they did come they did not stay here. It was only after the change of government and the introduction of business methods into our immigration department that the immigration set in, and that these lands began to be filled up. I am particularly surprised that a gentleman like the hon. member from Marshfield, who claims to stand on a somewhat higher platform than most of us, should have overlooked that fact and that he should not have given credit, being an impartial man, to the present government for the great success of their immigration policy. That policy has been so successful that we find Australia sending gentlemen here to find out how we do things, in order that they may as to their own country imitate the policy which is working so successfully in Canada. So I think the government deserve much credit even though Providence deserves the most.

The right hon. Minister of Trade and Commerce has pointed out the circumstances in connection with the treaty of Japan which made it of special value. There is another matter mentioned in the next paragraph of His Excellency's speech which I think is of very great consequence, that is the subject of preserving our forests. I do not propose to go into that. Every one recognizes the importance of the matter; but I think it only right to call attention to the great service done to this country by the premier in summoning the forestry convention to meet at Ottawa at the beginning of this year. That was one of those acts which, I think, indicate the statesman. There were no politics in the matter. The question of forestry did not come into politics at all; but the premier saw that it was a question in which vital interests of this country were concerned, and he summoned this convention, with the result that in the various provinces to-day the local legislatures, where they had not before dealt with the matter, are now dealing with it, and the care and protection of the forests has received an impetus such as it could have got in no other way.

The next paragraph of His Excellency's speech refers to the garrisoning of Halifax and Esquimalt. The leader of the opposition said, very properly, that the garrisons of British troops in those places formed a bond of union between Canada and the mother country. I cordially endorse that sentiment, and take the liberty of saying that the views which I expressed here a year ago on this subject are unchanged. I don't blame the government of Canada for having fallen in with the views of the imperial government; but I must say that in my humble opinion the change is not in the interests of the empire nor is it in the interests of Canada. However, as there was pressure from the mother country as I understand, to have this change made, I assume that the government of Canada felt that they were doing only their duty in meeting the views of the imperial government. The next two paragraphs of the speech I do not wish to say anything about. We have had investigations in insurance matters in this Chamber, and I do not suppose that hon. gentlemen care to discuss that subject just now.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman allow me to ask him a question? I understand him to say that the British government pressed upon the Canadian government the taking over of the Halifax and Esquimalt fortifications. I was under the impression that the offer was made voluntarily by Canada. Could the hon. gentleman or one of the ministers say what the facts are in reference to that, because it may leave a wrong impression on the minds of many who read the hon. gentleman's utterances.

Hon. Mr. POWER—I really cannot say. I have no official information on the subject. I understood that the imperial government were very anxious to get rid of the expense of garrisoning those places, but just what correspondence took place between the two governments I cannot say.

Hon. Mr. SCOTT—It was a natural result which arose out of the conference in London. It was then pointed out that Canada was not contributing what the imperial government considered a fair proportion—we had been paying a portion of the cost at Esquimalt for some years—I think that was

going on before the change of government. We paid one hundred and twenty thousand dollars.

Hon. Sir MACKENZIE BOWELL—That is correct; that was the bargain made when the graving dock at Esquimalt was built.

Hon. Mr. SCOTT—When the question arose as to Canada's share, the simple solution which suggested itself was to say, 'Well, we are only paying a portion of the cost at Esquimalt now; we will pay it all and take over Halifax as well. We have a permanent force organized, and they may just as well be stationed there as anywhere else.

Hon. Sir MACKENZIE BOWELL—That verifies the opinion I had on the point.

Hon. Mr. POWER—The next paragraph in the speech that I shall refer to is the one which refers to the surveys of the eastern sections of the National Transcontinental Railway. His Excellency informs us that:

> Satisfactory progress is being made in the exploration and surveys of the eastern division of the National Transcontinental Railway, and it is expected that contracts for the construction of two important sections embracing together about 400 miles will shortly be executed.

Since His Excellency delivered that speech, I see that the tenders have been received for those sections to which he refers; and I understand that a remarkably good line in the matter of grades and curves has been found so that it is to be hoped the work will be prosecuted successfully. There was some reference made by the hon. leader of the opposition, I think, and also by the hon. gentleman from Marshfield (Hon. Mr. Ferguson) to the Quebec-Moncton section of the line. I may say that as to this, I feel exactly as I did last session. Some reference was made to a statement made by the right hon. the premier. Now, that was in the session of 1903. The premier at that time spoke from information which he had received from people who would naturally be expected to know what they were talking about, and he said that he was given to understand that the distance between Quebec and Moncton would be shortened from 120 to 140 miles by the proposed line. It now turns out, even after the very latest surveys—it will be remembered that last year we had only a preliminary report based on the first surveys—now that further surveys have been made, no shorter line than the Intercolonial Railway has been found between Quebec and Moncton. That being the case, it is to be hoped that this new line will not be built, and I do not think that any member of the government or any member of parliament would have dreamed three years ago of building this line if it was not to be an improvement on the Intercolonial Railway.

Hon. Mr. McGREGOR—I understand that the line will not be any shorter, but are not the grades very much better so that a great improvement may be expected in that way, very much heavier loads can be carried in consequence.

Hon. Mr. POWER—Undoubtedly the gradients of the recently surveyed line are easier than those on the Intercolonial Railway. When the Intercolonial Railway was built, the standard grade was one per cent; and now, on the Transcontinental, the grades going east are supposed to be four-tenths of one per cent, and those going west six-tenths of one per cent. That is a considerable advantage, but my contention is this—I may be wrong, but I think inquiry should be made at any rate; the government engineers may have recently inquired into this point. For all I know the inquiry may be going on. My own conviction is that the gradients on the Intercolonial Railway can be reduced to the four-tenths and six-tenths of one per cent respectively without very much lengthening the road, and at very much less cost than would be involved in the building of a new road.

Hon. Mr. FERGUSON—Can the hon. gentleman inform the House is there any further report than the interim report discussed in this House, and which we all had in our hands last session—the interim report made by Mr. Butler, and to which my hon. friend refers—Has there been any further report made public?

Hon. Mr. POWER—I think so. I think that there was further information given in a reply to a question which was submitted in the House of Commons within the last day or two. At any rate, my information is that no shorter line than the line

mentioned in the preliminary reports of last year has been found. My own view is, as it was last year, that if it is found—everything depends on that—if it is found that the grades on the Intercolonial Railway can be reduced to the Transcontinental standard and the curvatures can be cut down to that standard without very great expense, the better and wiser plan would be to improve the Intercolonial Railway; and then if the government wished to lease the Intercolonial Railway from Quebec to Moncton to the Grand Trunk Pacific company they should do that rather than build the new line at great expense and lease that new line to the company. The lease, if made, should contain such condition as to running powers and rates as would protect the people living in the districts affected. I particularly direct the attention of the hon. gentlemen who represent the government in this House to the fact that if the country builds this new road, then the Intercolonial Railway from Moncton to Quebec is condemned to perpetual deficits. The local traffic on that part of the road, which would be pretty much all that the road would get, is not of such a character as to make the road pay; and it would simply mean that that portion of the line would be involved in continuous deficits. It may be said that two roads would be required to do the business. I hope that the business will increase rapidly in the future, but I wish to direct attention to this fact that all engineers say that, at the very least estimate, a road with double tracks will do four times as much work as a single track road, so that if you get the proper grade and curves of the Intercolonial Railway and the business increases, and the government double track that road, they would be in a position then to do twice as much business over the Intercolonial Railway as they could do over the Intercolonial Railway and the new road, both roads being single track roads. I hope the House will excuse me for dealing at such length with a subject about which perhaps I am not supposed to know anything.

The speech goes on to say:

> A report has been received from the Transportation Commission containing several important recommendations; the document will be laid before you.

With respect to this paragraph, the hon. gentleman from Marshfield (Hon. Mr. Ferguson) had a great deal to say, and in dealing with that subject he departed from the line which he had taken with respect to the Autonomy Bill and undertook to fight over again the battles which had been fought in 1903. Considering the fact that the elections of 1904 were conducted on that question chiefly, in fact almost altogether, it is rather late now to talk about the policy which the country at that time condemned. The hon. gentleman shows a certain want of consistency also in this that he finds fault with the government for so locating the Transcontinental Railway that it parallels, in some parts of the west, the Canadian Pacific Railway and the Canadian Northern Railway. Now that is an argument in favour of which something can be said, but when he comes to Ontario, the hon. gentleman wants the government to adopt the policy of acquiring the Dominion Atlantic Railway and entering into competition with the Grand Trunk Railway and the Canadian Pacific Railway in the province of Ontario.

Hon. Mr. FERGUSON—I beg the hon. gentleman's pardon; I do not suppose that he wishes to misrepresent me, but that would be the effect of his remarks. I pointed out the opportunity that had been lost by the government in allowing the Canada Atlantic Railway not the Dominion Atlantic Railway—to pass into the hands of the Grand Trunk Railway. Instead of the policy of building a new line in the north, they should have adopted the hon. Mr. Borden's proposal.

Hon. Mr. POWER—The policy of the leader of the opposition, which the hon. gentleman supported, was not only to acquire the Canada Atlantic Railway—I made a mistake if I said the Dominion Atlantic,—but to build a further line up to Sudbury. As I understand, that line is now being built by the Canadian Pacific Railway, and the Canadian Northern are also building a line to that neighbourhood. It amounts substantially to what I said, that the government are invited by the hon. gentleman to enter into competition in Ontario with the Grand Trunk Railway, the Canadian Pacific Railway and also the Canadian Northern

Railway. Now, whatever we may think about government ownership, it must strike one as being very unfair and unbusinesslike that the government should enter into competition with roads which are owned by companies who have put their own money into them. The hon gentleman in speaking of the right hon. the Minister of Trade and Commerce and of the Minister of Finance quoted some saying which I do not remember to have heard before—I have forgotten now to whom the hon. gentleman attributed it—'Keep your mouth shut and you will do.' I think that the hon. gentleman himself is open to a suggestion of that kind. The hon. gentleman is not one of those who hesitate about expressing their opinions at considerable length, and with considerable force on a great many subjects, and he is open to the charge of sometimes not being as wise as if he had not said so much. That is all I propose to say in respect to the speech of His Excellency, but about two amongst those other things to which I have referred as forming part of the discussion I propose to say a few words. A good deal has been said with respect to the Act providing for pensions for ex-ministers.

I think, hon. gentlemen, that the Act is right in principle. If a gentleman has given his services to the country for a considerable number of years, and when he leaves the government is in straitened financial circumstances, it is not creditable to the country that he should not to a certain extent be provided for. In England there is a provision of that kind; and I think the measure was right in principle, but that some of the details were decidedly objectionable. I notice that the right hon. the premier intimates that amendments will be made in the measure this session. In my humble opinion it would have been wise on the part of the framers of this measure to have adhered more closely to the lines of the English law. There are two points on which I look upon this measure as being defective. I shall just read one provision of the English law, which I regret is not to be found in our Canadian law:

> Whenever any person seeks to obtain a pension under this Act, his application for that purpose shall be made in writing.

In this case it would be to the Governor in Council I suppose—

> To which he shall subscribe his name and which shall contain not only a statement of the services performed by him and the grounds on which such pension is claimed, but a specific declaration that the amount of his income from other sources is so limited as to be inadequate to maintain his station in life and without such declaration no pension shall be granted under this Act.

If our Act had contained a provision such as that which is contained in the English law, a great deal of the objection to the measure of last year would have been removed, because the country would have been satisfied that only those gentlemen who needed the pension were to get it. I have heard it stated that it would unduly humilate an ex-minister to require him to make a declaration of that kind. Now ex-ministers in England make that declaration and do not feel that they are unduly humiliated; and I do not see why, if men like Lord George Hamilton and the late Sir Stafford Northcote, afterward Earl Iddesleigh, were able to make a declaration of that kind without feeling undue humiliation, a Canadian ex-minister should not do the same. I think myself there is no humilation in a gentleman's admitting that he is not well off, and that he needs a pension. That is less humiliating than to accept a pension that he does not need. The other defect which I humbly submit is to be found in this measure of last year is that it contains no provision for deducting the amount of indemnity which an ex-minister receives as a member of either house of parliament from the pension. That does not need to be enlarged upon at all. When a gentleman receives a sessional indemnity of two thousand five hundred dollars, there is no reason why he should receive three thousand five hundred dollars in addition. I think therefore, that there should be no pension in that case, or that the amount of the indemnity should be deducted from the amount of the pension. It was suggested by the hon. gentleman from Sackville (Hon. Mr. Wood) and I think there is a great deal to be said in favour of his suggestion—that there should be an age limit. I suppose the hon. gentleman meant that if an ex-minister was under 45, or some such age as that, he should not be entitled to a pen-

sion. If he were still young enough to hustle for himself and succeed in some other occupation he should not be allowed a pension. I think that is a point which deserves consideration. With respect to the indemnity, there has been a certain amount of misapprehension apparently on that point. The hon. gentleman from Marshfield (Hon. Mr. Ferguson) thought that the government were responsible. He said :

> With regard to the increase of pay of the members of parliament, and in regard to all measures of a like nature which were brought down last year, I have no hesitation in saying that I hold the government very blameable.

Now, at first sight, it occurred to me in listening to the hon. gentleman that he was a little inconsistent, because almost immediately he proceeded to approve of the increase in the indemnity, and one would rather get the impression from his remarks with respect to the pay of members of Congress in the United States that he would be prepared to go further than parliament had gone here.

Hon. Mr. FERGUSON—The hon. gentleman just stopped short reading from my speech in a way which enables him to make this comment, but if he had read a little further on he would have found that I held them blameable for bringing down the measure so late in the session—not that I had such strong objections to the measures themselves as I had to the late period of the session when they were introduced.

Hon. Mr. POWER—I was making my own speech, and if the hon. gentleman had only waited he would probably not have interrupted as he has done. I read what he said, and then was just going to turn to the debates of last session to show that what the hon. gentleman said with respect to the lack of time for consideration was not justified. Now I find in the debates of last year, at page 852, on July 18, that :

> A message was received from the House of Commons with Bill (202) an Act to amend the Act respecting the Senate and House of Commons.

The Bill was read the first time, as every Bill in our House is, without any motion, and then the Hon. Mr. Scott moved the second reading of the Bill. He said :

> This is a Bill to increase the indemnity to members of the Senate and House of Commons from $1,500 to $2,500.

I want to call attention to this fact. An impression has been attempted to be created that this Bill was smuggled through the Senate, and that the House knew nothing about it; but I have read the explanation given at the time by the leader of the government in the Senate. Then the hon. gentleman from Marshfield rose and made a fairly long speech. This is the gentleman who complains now that the measure was brought down so late that there was not time to consider it. The hon. leader of the opposition said he had looked over the Bill hastily, and Mr. Macdonald, (B.C.) spoke; then Mr. Wood spoke in the same sense in which he spoke yesterday, and made a speech of some little length. Mr. Domville, Mr. Lougheed, and Mr. Landry spoke, and Mr. Poirier made quite a little speech. The leader of the opposition spoke a second time, and your humble servant said a few words; that was on that day. Then on the next day, at page 919 it is reported that the House resolved itself into committee of the whole on 'Bill (202) An Act respecting the Senate and House of Commons.' You see there was no rushing through or smuggling through, and in the committee Mr. Macdonald (B.C.), asked if there was an alteration in reference to the 'days of grace,' to which Mr. Scott replied, 'no, it still continues.' Then Mr. Ellis asked a question and Mr. Scott replied. All these hon. gentlemen were present, and there was ample opportunity to discuss the measure in committee, and the hon. gentlemen did not avail themselves of the opportunity. I hold that the hon. gentleman from Marshfield is not in a position to complain that no opportunity was given to discuss the measure. That is the point I make; and now the hon. gentleman is welcome to any comfort he can get out of the fact that I stopped reading the speech where I did.

Hon. Mr. FERGUSON—Will the hon. gentleman be kind enough to turn to his own remarks on that occasion, when he rebuked the whole of us for talking of a Bill that we had not properly before us ? I do not think the Bill was in the hands of members at all, and the hon. gentleman rebuked us all for talking about it because we had not the Bill in our hands.

Hon. Mr. POWER—If the hon. gentleman thinks that will improve his position I shall

be very glad to read what I said. We all know that every member of this House knew about this measure. It had been talked about for weeks and months, and the idea of any hon. gentleman rising here now and wishing us to assume that he did not know about this measure, is perfectly absurd. No one was surprised. The hon. gentleman made his speech and then Mr. Scott said;

It is a pity to discuss the Bill when it is not before us.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. POWER—Mr. Scott continued :

It was only agreed upon the day before yesterday, and I am not sufficiently familiar with its details to discuss them.

Then I said :

I would suggest that the second reading be agreed to now, and we can discuss the details in committee.

There was ample opportunity next day to discuss the details in committee and no hon. gentleman took the opportunity to do so, though the Bill had been printed and distributed. Every one has a right to pass an opinion on this measure. My own views on the subject are not altogether remote from those of the hon. gentleman from Sackville. The government are responsible for this measure, but everybody knows how it went through; that there was what is called a round-robin signed quite as universally by the members of the opposition as by the members of the government side, and the duty of the opposition—their first duty I think—if they saw the government doing anything improper in making an attack on the treasury, was to guard the treasury, but they did not do so. There is just one circumstance in connection with the measure of last year which I regret. I regret very much that the allowance of fifteen days absence to each member has been retained. There were certain valuable changes made in the Act which will hinder gentlemen from coming here for one day and then drawing a large sum at the end of the session, but I think it is very much to be regretted that this fifteen days absence was allowed, because it just comes to this; if there are no absent days allowed, then members who are anxious to earn the whole indemnity will remain here and attend to the public business. They will be anxious that the session shall terminate as soon as possible, and will try to accelerate business and enable us to get away earlier, but under this fifteen days arrangement these gentlemen can go home to their families and business and they are indifferent or almost indifferent as to whether the session ends or not. I hope that the fifteen days allowance will be done away with. I am not undertaking to blame any one in connection with this indemnity matter, but I venture to say that the principle upon which these indemnities are based is altogether wrong. My contention is that it is altogether wrong that any body of men should have the uncontrolled power of fixing their own pay. Senators and members of the House of Commons have all of them more or less human nature about them, and if a man is in a position to fix his own pay he is certainly not likely to err on the side of economy. It is perhaps to be regretted that there is not a provision in our constitution which would provide that between the proposal of an increase and the enactment of increase there should be a general election.

Hon. Mr. BERNIER—I want to direct attention first to the allowance question. Perhaps this debate on the subject is out of place, because the Senate has not much to do with it unless we reject the Bill entirely, which I think would be an absurd thing for the Senate to do. We have not much to do with money Bills. However, an hon. gentleman last night has likened us to trustees. I am quite willing to accept that comparison. The law in some provinces—in my own province at all events—allows a trustee, when the Act appointing the trustee does not mention anything about it, five per cent of the whole assets. At that rate I take it for granted the revenue of Canada being about $80,000,000, that the trustees are entitled to five per cent of it, which would be $4,000,000. Give $3,000,000 to the House of Commons and let us have $1,000,000. I am quite willing to accept that position. Up to the present the Senate has not by any means gone up to that amount in its expenditure.

I desire to congratulate the mover and the seconder of the address. It is a pleasant duty to discharge, but, without reference to any particular gentleman, I think it is regrettable that this year the old usage has not been followed of having one French speak-

ing gentleman move or second the address. This, I admit, is no right at all, but it is a courtesy which goes a long way to establish harmony and accord between us. If the government would take that into consideration in future years it would be very acceptable to every one. It is also regrettable that we have no French minister on the treasury benches. It seems to me that if the government could find way to remedy, what I consider a wrong to some extent, it would also be very acceptable.

The address refers to the death of the King of Denmark. The reference is quite proper. The King of Denmark was one of the most distinguished monarchs in Europe. There is hardly a throne in Europe now which is not adorned with one of his family, so much so that he was styled the father-in-law of Europe. But what concerns us much more is the relation of the King of Denmark with the royal family of England and it is proper that we should express regret at his demise.

The address refers also to the prosperity of Canada. It is true that we are enjoying a period of great prosperity, but perhaps people do not look to the real causes of that prosperity. Possibly the action of the government has something to do with it, but I attribute the present prosperity of the country principally to confederation itself. It is quite true that the two great parties of Canada had something to do with it and are entitled to some credit when we consider that; but confederation has enlarged our Dominion and brought it prominently before the whole world. It has perfected the acquisition of the Northwest, and altogether has improved the transportation facilities of Canada and fostered its industry, and therefore I attribute the greatest part of the present prosperity to that union of the provinces. Another cause of the prosperity is the development of the west. The hon. gentleman from Halifax has referred a little to that. He said that for a certain number of years, up to 1896, we had almost no immigration at all and the west was not developed. The railway was built, he said, at least to Winnipeg, in 1881. It is true we had access to the Northwest in 1881, but it was by a long circuitous route. We had to pass through the United States, and there was but a link of the Canadian Pacific Railway built then, from Emerson to Winnipeg. I had myself to travel by the long route through the United States, and I know what it was. The Canadian Pacific Railway was not completed until the fall of 1885, and it was only in the spring of 1886 that it began to produce some effect on the settlement of the west. Besides the inconvenience of not having better facilities to reach the Northwest, there was one thing then that retarded the settlement of the country, and that is the attacks of the American press and the Liberal press of Canada and the leaders of the Liberal party of this country on our Northwest, depreciating the soil and climate and consequently preventing people going there to settle. That policy of depreciation was carried on for a long time. Then we had frosts in 1882, 1883, 1884 and 1885, which killed the crops. That was not a good advertisement for the country. But now the west is developing, better methods of tilling the soil have been adopted, and I do not entirely dissent from those who say that the policy of the government may have had something to do with our prosperity. But I maintain that the greatest part of that prosperity is due to our bountiful crops. That is an advertisement much more effective than anything the government have done. I say also that the prosperity is due to efforts made by previous governments to open new channels of trade and commerce. I remember when the reciprocity treaty was abrogated, the government of the day went to work and tried to open new channels in Europe, Asia and everywhere. That also has produced its fruits. Then another cause of the prosperity is the continuation of the National Policy, which the present government has not abandoned. They have accepted the National Policy practically almost in its entirety, so that the prosperity of the present day if attributable to the policy of the present government must be due largely to its commercial policy. In fact they are to-day in the position of those who are reaping the crops of those who put the seed in the ground.

Now, I come to the Autonomy Bill of last year, since reference has been made to it. It has been said that the people in the west are satisfied. I have had the opportunity of talking with the people out there, high

and low, and they are not satisfied. First, everybody knows that a faction has arisen under the pretext of protecting provincial rights. These people are not satisfied. Then there are the Catholic people who are not satisfied either. They have accepted, to a certain extent, the position as it is, because they could not do any better. They were between two fires. Mr. Haultain and Mr. Bennett made such a sweeping declaration at the time of the election as to wiping out the rights of the Catholic population that the latter thought it had no other course left to them but to fall in with the Liberal government of the day; but to say that they are satisfied is quite inaccurate. The law does not give them what they are entitled to in every way, both by the constitution and by the dictates of their own consciences. One hon. gentleman has said this afternoon that the law is now what the law of 1875 was, as modified by the ordinances. Well, that is a very great change. The modification has been very great indeed; it has wiped out all the privileges that the Catholic population had in 1875, and which were intended to be secured to them. It has tried to make it appear that the western population have a system of separate schools, while, as a matter of fact, they have not. They have the words but they have not the genuine institution, the true separate schools. Originally the separate schools were understood to be denominational schools. Now, the meaning of that word has entirely changed. It is restricted to the school-house. They may have separate school-houses, but they have not denominational schools, or what I call separate schools. The present system gives only one advantage, and that is the possible advantage of choosing the teacher, which is something no doubt; but it is not all and it is not sufficient. The fact of having half an hour of religious instruction at the fag end of the class day does not give the character of denominational schools to these schools. The hon. Secretary of State has referred to the judgment of the Privy Council on the Manitoba school case, and to my mind he has not given to the House the exact meaning of those judgments.

Hon. Mr. LANDRY—He does not understand them; he never understood them.

Hon. Mr. BERNIER—There were two judgments. The first judgment was on one point and the second was on an entirely different point. By the first judgment it was decided that we had no right by usage or practice before confederation. That was the point which was referred to the Privy Council the first time, and that was the only point. It is distinctly stated in the judgment of the Privy Council that that is the only point affected by the judgment. We contended that we had by usage or practice the right of having separate schools, that right arising out of the position we occupied before the entry of the province into confederation. That point was decided against us. Afterwards we appealed to the government at Ottawa, in accordance with the provisions of the law, and our petition was, in course of time, referred to the Privy Council again, and this time we were supported in our contention as regards the rights we had acquired after the entry of the province into confederation. It will be seen that these two judgments have no connection with each other, and that they are not necessarily inconsistent. The last one is the law of the country at the present time, and it has been supported by the order in council passed in 1895 which governs the case entirely. It has been said that this matter is an apple of discord. Well, if it pleases somebody to apply to us that term, we have to put up with it I suppose. But it is not an accurate description of the evil. If any one possessing rights in this Dominion and claiming those rights is liable to be called a disturber of the peace it is really to be regretted. Any one who has a right must have the privilege of claiming that right without being called a disturber. We are not people who wish to foment discord in this country—very far from it; but surely, when we have rights, we must be allowed to claim them, and to fight for them. Speaking of the decision of the people in this connection is to my mind a distortion of the constitution. The constitution says expressly that these matters are to be decided by the Governor in Council and not by the people. That clause in the constitution was framed with a great deal of care, and it was adopted so as to protect the minorities in the Dominion, which is not the

case to-day in the Northwest. The hon. Secretary of State has referred to the hon. gentleman from Hastings (Hon. Sir Mackenzie Bowell) and has commended him on the attitude he has taken in this matter. He said that the Catholic people owed a debt of gratitude to the hon. gentleman. That is true, and I am glad to express my own gratitude to the hon. gentleman; but then if the action of the hon. gentleman was right, the action of those who held opposite views was wrong, and if he was right in taking one course why should the people decide in favour of the other gentleman who took the very opposite course ?

It being six o'clock, I move the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Friday, March 16, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RULES OF THE SENATE.

MOTION.

Hon. Mr. POWER moved :

That the third report of the special committee of this House, appointed during the last session to consider and revise, and if deemed necessary, to add to the rules, orders and forms of proceedings of the Senate, the consideration of which was on the tenth day of July last postponed to the present session, be committed to a committee of the whole House to consider and report on.

He said : I do not suppose that it would be the wish of the House to proceed at once to consider these rules, because the address in reply to the speech from the Throne has not yet been disposed of. Perhaps if this motion is passed I could then be allowed to name a day when the House would go into committee on the rules. I therefore make this motion now with the understanding we shall go into committee on Tuesday next.

The motion was agreed to.

AN ADJOURNMENT.

MOTION.

Hon. Mr. CHOQUETTE—Before the Orders of the Day are called, I should like to say that it would be important to know from the leader of the House what is going to be done about an adjournment ? I think we ought to know whether the adjournment will be from now until after Easter, or next week only. We have been here all week debating on the address. It has been very interesting, no doubt, but we came here with the intention of doing as was done last year. So far nothing has been said about an adjournment and I think we ought to know to what date the Senate is going to adjourn.

Hon. Mr. SCOTT—I think the feeling of the House is that there should be no adjournment at present. This is not a time to talk about an adjournment; it does not follow that because we had an adjournment last year we should have one now, I for one do not favour it.

Hon. Mr. CLORAN—I think when we adjourn until Monday, the House should not meet until eight o'clock p.m.

Some hon. MEMBERS—No, no.

Hon. Mr. CLORAN—It may suit the convenience of three or four senators to meet in the afternoon, but there are fifty or sixty senators in this Chamber whom it would very much convenience to meet at eight o'clock on Monday evening. It would suit the convenience of senators coming from the west and from Toronto. it would suit the convenience of senators coming from the east as far as Quebec. It may suit three or four to meet at three o'clock for half an hour. because we do not have very much business to do on Monday; but by meeting at eight o'clock, time would be given to a great many others to leave their homes in the west on Monday morning, instead of forcing them to leave on Sunday afternoon, and it would also give gentlemen coming from the east a chance to do business all day in Montreal and have our meeting here Monday evening. We did that last year to the satisfaction of everybody. I simply throw out the suggestion and would repeat that if it

does not suit the convenience of three or four, it would suit the convenience of three-fourths of the members of the Senate.

Hon. Mr. SCOTT—I think the sense of the larger number of members should be taken and considered on the point. Last session we made a rule to adjourn from Friday until Tuesday at three o'clock. There may be reasons for which it would be more desirable for the present to meet on Monday. If any considerable number of the members of the House should leave for their homes on Friday evening and cannot get here by three o'clock on Monday, it certainly would be a reasonable concession to allow the House to meet at eight o'clock. If that is the sense of the House I should agree with it and with the consent of the House I move that when the Senate adjourns to-day it do stand adjourned until eight o'clock on Monday evening.

THE ADDRESS.

DEBATE CONTINUED.

The Order of the Day being called :

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

Hon. Mr. BERNIER said : When the House rose last night, I was dealing with the school legislation of last year for the Northwest. My contention was that the Roman Catholic population of the Northwest had not received all they were entitled to. In support of that contention, I want to quote the words of the hon. Minister of Trade and Commerce. They are as follows :

I am quite free to admit that as far as I can judge it is considerably less than the actual legal obligation incurred by us in the Act that we passed in 1875.

In connection with that, I desire to recall a remarkable passage in the speech of the hon. Secretary of State in the present debate, where he complimented so highly the hon. gentleman from Hastings (Hon. Sir Mackenzie Bowell). After referring to the stand the hon. gentleman had taken in 1870, he went on to say :

It will redound for ever to his memory, and the minority, the Catholics of Canada, owe him a debt of gratitude for the manner in which he adhered to the principle which parliament had adopted. In 1875 when we provided the future constitution which should be given to the new territories it was specially laid down by parliament that it was better then and there to settle the school question and remove it for ever from being a source of discord in the new territories. My hon. friend's voice was silent ; I assumed therefore that he concurred. There was no vote taken upon it, and there was no dissenting voice raised to it in 1875 in the House of Commons. There was in this Chamber. I had charge of the Bill; the whole subject was thoroughly threshed out and we carried it by a very narrow majority. The Liberal party, to a very considerable extent, deserted the leadership of Alex. Mackenzie, and but for the support of the Conservative party, the Bill could not have been carried.

Well and good, and if that course taken by the hon. gentleman from Hastings was deserving of such a compliment, surely those who took a totally different course are not deserving of such compliments. The hon. Secretary of State continues :

I think, therefore, it is regrettable that my hon. friend has not been consistent in the course which he laid out for himself some thirty years ago. His career has been a long and distinguished one, and I should have been glad had he seen his way to observe the same principle in 1906 that he adopted in 1875.

Here is a charge of inconsistency against the hon. gentleman from Hastings. Well, I do not see my way to admit that. If the political course of any hon. gentlemen has been consistent in this House, it is the course taken by the hon. gentleman from Hastings. After the principle had been adopted by parliament, as well as in the constitution, that there should be legislation to establish separate schools, or denominational schools, the hon. gentleman complied with the constitution all through, whilst the hon. Secretary of State, although proclaiming the rights of the Roman Catholic population to such legislation, voted directly against it. That is, the hon. gentleman from Hastings (Hon. Sir Mackenzie Bowell) has voted in compliance with the constitution, while the hon. Secretary of State has voted against the constitution—he has spoken one way, and voted another way. If there has been inconsistency, it lies with the Secretary of State and not with the hon. gentleman from Hastings.

I shall now refer to the remarks of the hon. Secretary of State with reference to the position of Sir A. T. Galt in Quebec be-

fore confederation took place. He wanted to make a point for what is called provincial rights. The action of Sir A. T. Galt in the province of Quebec, was not in that direction. The Protestant minority then, whether right or wrong it is not for me to say at present, complained that they had not secured to them under the proposed Confederation Act all the protection they were entitled to. Sir A. T. Galt went so far as to withdraw from the government on that question. The Conservative party of Quebec led by Sir Geo. E Cartier, together with his friends, gave Sir A. T. Galt a pledge that as soon as the province of Quebec had its autonomy, after confederation, they would remedy the alleged wrong complained of by the Protestant minority, and so they did. They kept that pledge after confederation and the status of the Protestant minority in Quebec to-day was at that time fixed by provincial legislation; but it was so fixed in virtue of a pre-arrangement, a virtual pledge made before confederation; therefore that case does not support the view of those who urge provincial rights to carry on legislation against the views of the Roman Catholic population. The hon. gentleman who seconded the address has been kind enough to make some complimentary remarks about the separate schools in the Northwest. Surely we are indebted to him for that, although it is to be regretted that we had to wait until after the whole legislation is fixed, to have such testimony. It comes somewhat late; all the same we are very thankful to the hon. gentleman for the compliments he has paid to the separate schools.

Now, hon. gentlemen, I want to refer to remarks made yesterday with reference to the death of our esteemed colleague, Mr. Wark. It is not my intention to raise any controversy on this point, yet, with the permission of the House I want to refer a little to one of the speeches. The hon. gentleman from Brandon (Hon. Mr. Kirchhoffer) in his very elaborate speech, spoke of the achievement by Italy of its freedom. The hon. gentleman had, no doubt, in his mind the conquest of Rome by Victor Emmanuel. I am a student of history and I cannot accept that statement as made here. It is a reflection on the head of our church and on ourselves, and I cannot admit that, under the Pope, Italy was not free. I do not want to prolong my remarks on this point, but these remarks of the hon. gentleman might very well have been omitted.

Hon. Mr. KERR (Toronto)—It was not my intention to take part in this debate, but it appeared to me there was an aspect of a good part of the debate which has not been sufficiently noticed here. Because, as I understand and interpret the discussion for the first three days here, there appeared to be what might be considered an interesting struggle for the leadership of the opposition, conducted by three of the most prominent members on the opposition side of the House. We had first the hon. senator from Belleville (Hon. Sir Mackenzie Bowell) who has conducted the opposition for so many years acceptably, as I always understood, to his party, and certainly with great courtesy to all the members of the House so far as I have ever been able to hear or know. We had the hon. senator from Richmond (Hon. Mr. Miller) who is the senior member of the Senate, sometimes called the father of it, and we had the hon. senator from Queen's, (P.E.I.), (Hon. Mr. Ferguson) without whom no important debate is complete in this House. We can recall the resignation of the hon. leader of the opposition. We heard him utter the words of farewell and yet we find him in his place. It reminded one of a coy maiden, while declining yet consenting; resigning to-day he resumes to-morrow. Resigning on the last day of last session, he resumes on the first day of this session, and he charges with the same vigour as of old. He has no great lance to break with anything that is before the House at the present time, so for want of a better cause he makes an attack on the school clauses of the Autonomy Bill. He disregards the fact entirely that those clauses were framed and passed for the regulation of schools in the Northwest by a Conservative local administration under Mr. Haultain, who is spoken of almost with bated breath. When he comes to talk about the dreadful manner in which that gentleman was treated, he ignores the fact that the Autonomy Bills and the school clauses of them have been passed upon and approved of by a vast majority of the people of the Northwest who are most affected by them and most interested in them. That, how-

ever, was the line which he took. Then we have the hon. senator from Richmond (Hon. Mr. Miller) who denounced the leadership of Mr. Borden of the great Liberal Conservative party. Everything about that party must be great of course. He (the hon. senator from Richmond) intimated also that Mr. Borden's persistence in the leadership would demand his withdrawal from the party, and then, having done so, he went on to denounce the course which had been taken amongst others by the hon. senator from Belleville (Hon. Sir Mackenzie Bowell) on the school question, because it is well known from the record that the views which met the approval of the senator from Belleville are in accord with the views of the leader of the opposition (Mr. Borden) and, of course, it is well known that the views of the senator from Richmond differ from theirs entirely. So that we can easily see that in hitting over the head of Mr. Borden he was hitting at the senator from Belleville, not only in that respect did he also express his views with regard to the public attitude of the senator from Belleville, but we find him attacking the clauses of the Indemnity Act, which, with so much elaboration and so much accuracy the hon. senator from Belleville had defended, and approved of when he established that under the provisions of the new law in that respect the government were securing an absolute saving of money and economy in expenditure; and pointed out that, the increased indemnity was to be paid to those who earned it, if in any case it could be said that the indemnity was being earned, by reason of attendance at the sessions of the House, and would not go to those who did not attend. Then the senator from Marshfield (Hon. Mr. Ferguson) demolished entirely the argument of the senator from Richmond with reference to the allowance that was made last session to Mr. Borden as leader of the opposition. The hon. senator from Marshfield then passed on to make an appeal with reference to the question that had been raised of hostility to the school clauses of the Autonomy Act—that they should be passed out of sight, by which I have no doubt he meant practically that they are to be buried, but whether buried for ever or not or buried for resurrection later on——

Hon. Mr. KERR (Toronto).

Hon. Mr. FERGUSON—Pardon me: I neither said buried nor passed out of sight. I used neither one expression nor the other.

Hon. Mr. KERR (Toronto)—That they should be pased over for the present was the expression used, which means that they should pass out of sight for the present. I apprehend that means that they should not be brought up or considered or discussed at present.

Hon. Mr. FERGUSON—If my hon. friend will allow me to say so, he has not read what I said on the point.

Hon. Mr. KERR (Toronto)—I have it before me.

Hon. Mr. FERGUSON—I did say that the matter might be dropped here for the present.

Hon. Mr. KERR (Toronto)—Pardon me the words are passed over.

Hon. Mr. FERGUSON—Because there are other questions which are pressing for attention.

Hon. Mr. KERR (Toronto)—The expression was that they were to be passed over for the present. I repeat the words as they are reported. However, if the hon. senator prefers, I will take his present version: they were not to be the subject of discussion. He deprecated any further discussion of them now and here at all events, but, whether to be resurrected here or in the country, we leave it for him to determine and for him to state in his own way. But whether he raised here, or tries to raise it here, or elsewhere, his mind may be perfectly at rest. The obsequies have been already performed with reference to these provisions, and the whole hostility and the whole question of carping at the legislation with respect to that matter may be said to have been buried out of sight if not by him, at all events by the avalanche of votes in the Northwest at the recent elections. And, feeling all this to be the case, a reason had to be suggested for it, and it was rather suggested more than stated by the hon. senator from Belleville, that there were frauds in the elections in the Northwest. That is a grave charge to make. And if its

only foundation is in the one case in which fraud has been established, I think it is a charge which ought not to be made. But at all events in the case where fraud has been established, all of us in this House—all I may say who belong to either of the great political parties—will denounce these frauds as they were exposed. The fraud in question is the one perpetrated in the Prince Albert election case, and no one will be more determined to denounce it and mark disapproval of it than the members of this House on this side as well as the members upon the other. But I understand that this is not the first time that there have been frauds in elections. We remember frauds in the MacDonald election case in the province of Manitoba; we remember that was a case where ballots were switched by the returning officer, under the instructions of an emissary sent out by the organizer of the great Liberal Conservative party. I do not know that I have ever heard the hon. senator who spoke on this subject denounce that election fraud. He certainly did not do it at the time the fraud occurred, and he did not call on his party to undertake any part in the prosecution of the criminal who had been guilty of it. On the other hand, in the case we are dealing with, the man who committed the fraud has been punished and punished by a prosecution instituted by the only people who are charged with responsibility in connection with it—the local government of the province—the Liberal government of the province who are entitled to take control of any such prosecution. We have heard of other frauds. We remember ballot boxes being stolen and votes in the South Grey election case. It was a Liberal Conservative government which was in power then and I do not remember hearing that fraud denounced, nor did I ever hear of proceedings being taken for the prosecution of the returning officer.

We remember the case of North Ontario where a ballot box was abstracted and votes were changed and doctored in order that a different result might be presented. I have no recollection of hearing any such protest made with reference to that fraud, or any attempt to prosecute those who were guilty of the act. It reminds me how careful one should be in condemning those things unless there is consistency about it. It is so easy for one to see the mote in another's eye and not to see the beam in his own eye. That was, however, a very poor explanation of the result of the elections in the Northwest. This all points to what has been rather an eye opener to me here. I have often heard it said that in the Senate there should be no politics, that this was a place where party politics were not a subject of discussion. I call attention to these things, because it appears to me this is very much over the border line in the way of discussing politics, and if we are going to discuss politics the mask had better be thrown off and let us understand it at once. Then fault was found with the government by the hon. senator from Belleville for undertaking to garrison the fortifications at Halifax and Vancouver, and for assenting to the withdrawal of British troops from Canada. This was looked upon as one of the first steps towards the separation of Canada from the motherland. Hon. gentlemen, however, will remember that this is not the first time that British troops have been withdrawn from Canada and our fortifications have been garrisoned by Canadian militia. In 1871 British troops were withdrawn from Quebec which from that time to this, that is for thirty-five years, has been garrisoned by Canadian militia. That, I submit, if there is to be any conclusion drawn from such an act, is the first act to which attention might have been called. What government was in power in 1871? Because it seems to make a difference as to what government was in power when we are discussing these matters. If it was right for a Conservative government to undertake the defence of the fortifications at Quebec, is it not right for the Liberal government to undertake in these years of grace the maintenance and garrisoning of the fortifications at Esquimalt and Halifax, or on what possible principle can a line be drawn? On what principle can it be said that it was proper to do in 1871 an act that was all right then but which is wrong if done now.

Hon. Mr. SULLIVAN—If the hon. gentleman alludes to the government of Sir John Macdonald, I may tell him that Sir John

was utterly opposed to any removal of British troops from Canada and sought by every means in his power to have them restored. It never was done with his consent or the consent of his government at the time.

Hon. Sir MACKENZIE BOWELL—We all know that.

Hon. Mr. KERR (Toronto)—I suppose it was done by the government which best knew its own business, the British government. I suppose that troops were withdrawn by the same government which withdraws them from Halifax and Esquimalt. I suppose the garrisoning of Quebec was assumed by the Canadian government on behalf of the British government and as an act of grace towards the British government, and I assume the same thing is done with reference to the garrisoning of the fortifications at Halifax and Esquimalt at present. I want to know on what possible principle can there be condemnation in one case that does not apply to the other? On the contrary, there is much to be said in favour of the proposition that after thirty-five years have passed by since Canadian militia took charge of the fortifications at Quebec that the Canadian militia have shown themselves worthy of being entrusted with the honour of British prestige in defending fortifications or on the battle field. So that the argument, as far as I can see, is a very far fetched one to say that this is the first act towards separation. Surely we cannot shut our eyes to what has transpired during those thirty-five years. Surely we can point with confidence to what Canada has done in those thirty-five years. Canada never stood in the eyes of England in the same favourable light that she occupies to-day. England never took the same interest in Canada as she is taking to-day. Since the change of government in 1896 the policy of the present government has attracted the notice, won the esteem and commanded the respect of the people of England as it never had succeeded in doing before. What has been done by this government in the way of preferential trade? Colonial conferences and these acts of assuming obligations at Halifax, Esquimalt and elsewhere, have attracted the attention and commanded the respect of the British people. We must understand too that with the growth of Canada its responsibilities are growing, its prestige and its position are growing. That follows as a matter of course. The fact that we are assuming new responsibilities, that we are getting more control over our affairs than we had in former times, does not necessarily mean separation. Look at domestic life—look at the small community of the family. A young man grows up to strength and vigour, leaves the old home and moves into a home of his own, establishing his own home, working out there his own destiny. He controls his own affairs, and assumes his own responsibility; and, as it is with families, so it is with countries. If we take the history of this Dominion from the days of the early British settlers, we find that they came to a country sparsely settled and governed from Downing street. They gradually developed however, until the country was ready to assume responsibility, and when it demanded responsible government with all the national rights and liberty pertaining to it, it was conceded and with the growth and development of national life, and national responsibility, Canada has grown and matured until she is now able to command the respect and esteem of the old motherland and other countries as she had never done in years gone by. When a few years ago England stood in need of men for the maintenance of British power in South Africa, Canada sprung to arms and fought side by side—not behind—the English, Irish and Scotch regiments the flower of the British army. When we recall what happened and remember the conduct of our troops in Africa which did no discredit to the best traditions of the British army, and when we remember that the bones of many of those brave men lie buried beneath the sands of South Africa, and we recall their heroic deeds, surely we can say that the men of Paardeburg and of Hart's River and of a score of other trials and triumphs can be well trusted to maintain and hold aloft the British ensign on the battlements of Halifax and Esquimalt. Such suggestions as have been offered with reference to it here were unworthy of the place in which they are spoken. I submit that so far from these acts weakening the ties which bind the mother country and

Canada together, the assumption of these national responsibilities, these British responsibilities in our own land, by our own government, with our own troops, will serve not only to bind those ties more strongly together, but also serve to teach us reliance upon our own people as well as the part we should take in discharging our obligations as a component part of the British empire.

Hon. Mr. SULLIVAN—I have no idea of replying to the hon. gentleman's assertions, which I do not think are relevant to the subject under discussion. If I were going to reply to him, I might say that I know something about those gentlemen whom he has seen fit to talk about as differing from each other, and I can assure him he need have no concern about them, that they are in entente cordiale and that they have simply exercised a right which is claimed by educated gentlemen everywhere to differ from each other. I have no idea of attempting to follow the hon. gentleman in discussing the sins of both parties. I dare say there will be sins committed in every party where there is party government, and a severe struggle for power; but the sins of the Conservative party have been venial compared to those of their successors. The present party in power have not quite purged themselves or gone through the purgatorial punishment they ought to have suffered for their sins.

I wish to say something with reference to the subject under discussion, to which the hon. gentleman for the moment drew my attention. This speech from the Throne is a very long one. It taxed the vocal powers of the Governor General to read it in both languages. I think he should have expected a little more moderation on the part of the framers of the speech. It is a speech which is delightfully discursive, and which takes you all over, from Saskatchewan to Alberta from Alberta to Japan, and from Japan to Esquimalt, and then down to Halifax, so that every man in the Senate has an opportunity of airing his vocabulary if he has any idea of discussing any particular subject. It is the most diversified speech from the Throne I have ever read, and has elicited from this hon. chamber more attention, I think, than any other on record. We have put a feather in our caps, to use a common expression, because the House of Commons disposed of this important document in eight hours, and here in the Senate, which is supposed to be very listless, indifferent and anxious to get as much rest as possible, discussing it a whole week, and God knows how long they will be discussing it, before they come to a conclusion. I have no idea of taking up the speech by paragraphs. There are eighteen paragraphs in all, and my idea is that the premier gave each member of the cabinet a paragraph to write, and I think I could pick out a few paragraphs were it not that some members of that body are not present.

The first is one which we must all acquiesce in, the general prosperity. The second is one which certainly no speaker could overlook, no matter how happy has been the expression of sympathy and condolence on this occasion—namely sympathy with our gracious and beloved Queen. We all remember when the laureate led the acclaim in one of his noblest odes, which welcomed that lady to England. He called her 'the blissful bride of a blissful heir.' He said:

> Oh, joy to the people, joy to the throne
> Come to us, love us, make us thine own
> For Saxon or Dane or Norman we,
> Teuton or Celt or whatever we be,
> Each are all Dane in our welcome to thee,
> Alexandra.

These sentiments have never lost their force, and English speaking people throughout the world, in the United States as well as here, all accord to her a unique position among the ladies of the earth, an honour to her sex and one of the noblest women who was ever queen consort to the occupant of the Throne. It is not to be wondered at when we remember she was educated under such a noble woman as our late Queen. There is one thing to which I wish to refer with gratitude, and express sympathy as strongly as possible, it is the great interest she had taken in dispensing charity and assisting the poor. She established a hospital in England and sent to Copenhagen for the man who made the discovery with regard to a new system of treatment of diseases of the face, malignant and otherwise. That hospital has done incalculable good to people from all parts of the world. She also recently initiated the movement

which resulted in the donation of millions to the great hospitals of London, which we know are open to every one, not only the people of the country but strangers from every clime. Therefore I thought it was necessary that I should say a word about it.

The next subject is immigration. I have nothing much to say about that, only that I hope the day has ended when the influx of Doukhobors, Galicians and above all that abominable sect, the Mormons, will enter Canada. I hope there will be a rigid inspection, because Canada is now in such a position that she can afford to cull the people who try to avail themselves of her immense resources, and can afford to see that they are of good quality and free from disease or contamination. It is our duty to do so. While Canada has in years past gone slowly it has been a decided benefit in one way. We have had a purer and cleaner immigration and, therefore, I hope no government will try to bring great numbers into the country and swell the population by allowing immigrants to come in indiscriminately. It is necessary to have a board of inspection or a board of health. It will have to be established sooner or later and part of its duties will relate to this subject. I know there is an inspection now, but I do not think it is as rigid or as efficient as it should be.

With regard to the matter of insurance, I think the appointment of the commission has been a very good thing, but the discussion on the subject might have been deferred until we saw the result of the investigation and had the full report of the investigation being carried on in the United States. That investigation has been a great success, and no doubt valuable improvements will result from it. The full recommendations of the commission may not be adopted, but a great many are likely to be. The important matter of deferred policies and tontine will be remedied and the investments will also be looked after. I am sorry that there is no insurance man on the Canadian Commission. There is a senator in this House who is perhaps better qualified than any other man in Canada to speak on such matters, one who began as a young man—he is not very old yet—in insurance, and who has been the means of assisting a Canadian company to a position that is a credit to the country, and a solid comfort and a dispenser of benefits to widows and orphans innumerable since its establishment. It now occupies the highest position of any company in Canada, and a man possessed of the information which he has and of the good business qualities and tact which he has, should have been a member of that commission. On the United States commission there was a member named Hughes, a lawyer, who, like a sleuth-hound, was placed on the track of these companies and has succeeded in exposing a great deal of wrong-doing, and his work will bring about incalculable benefit.

Something has been said about garrisoning Esquimalt and Halifax with Canadian troops. I differ somewhat from the gentlemen with whom I am accustomed to act, in that respect. I think Canada might garrison these forts—not that any sentiment of loyalty to Canada is wanting in these gentlemen who advocate the continuance of the British garrisons in these ports, but I think Canada as she advances should feel a certain amount of self reliance. I do not think that Canada will ever require a navy of any extent so long as we can rely on the navy of Great Britain; but I hope something will be done this session to show that we are entitled to claim the protection of that navy. We are accustomed to speak a great deal of our loyalty; we can hardly meet together without singing God Save the King, and any man in the assembly who did not take off his hat would be in danger of his life. But what have we done as a practical exhibition of our loyalty? When I was in London some time ago—I was only there once, I asked a young man who appeared to be of the working classes to show me where Whitehall was and he replied, 'I am accustomed to get remuneration when I give information.' I said to my daughter that man has diagnosed me rightly; he knows that I am a Canadian. This incident will give you an idea of how much we do for Great Britain.

In connection with the matter of loyalty, I might remind the House that some years ago one of the most illustrous of Canada's statesmen died in the Queen's household itself, under the most tragic circumstances. The conduct of Her late Majesty—who, I

hope, is now enjoying her reward—in selecting the most appropriate wreath she could obtain and inscribing her own name under it and placing it on that man's bier, sent a thrill of pleasure and of satisfaction and of love through the hearts of the Canadian people. Further than that, the finest warship in the British navy was sent to convey his remains to Halifax. Could there be anything more noble or generous than that ? This action was repeated in the case of the death of an eminent member of the present government who went abroad for the purpose of serving Canada last fall. In his zeal and his enthusiasm for his country he overtaxed his powers and was afflicted fatally. The honours paid to that man by the French people require in my opinion special acknowledgment in some way. I have no love for the French government. I think they are a diabolical set who desecrate the altars of the Lord and try to pull down the worship of The Most High in France, but that does not detract from their conduct in doing honour to a Canadian statesman. I am told by one who was there at the time that more honour was shown to his remains than would have been shown in the case of a high official of France itself. But I turn with greater pleasure to what was done in that case by the British government. The admiralty immediately sent a warship and conveyed his remains with the greatest respect to Halifax, thus repeating what they had done in the case of the late Sir John Thompson. These honours call for some acknowledgment. Are we to sit in silence and say nothing of these noble efforts ; are we so dead to impulses of ordinary humanity as to allow such occasions to pass unnoticed ? Perish the thought. The government may have in their mind some means whereby they will acknowledge this great honour shown to a Canadian. I am not going to impose my little ideas upon those gentlemen, but I have felt the pulse of Canada so far as it has been within my reach for the past fifty years, and from all I know of the Canadian people there is not a man, woman or child possessed of sound reason in this country who would not endorse the government's action in recognizing this tribute. I suggest that we contribute a battleship, fully equipped, to the English government as an expression of Canadian feeling. It seems to me that the admiralty was trying to sound us when they sent over the 'Blenheim' and the 'Dominion' as if they were trying to see what Canada would do. I think it would not be unworthy of this House and of the government to take some notice of this matter, and if it be not inconsistent in any way with the rules which regulate the intercourse of nations, I say we ought to manifest Canada's appreciation of the honour in some tangible way.

I shall not take up much time on other subjects; they have been better discussed by those who have preceded me, but I wish to refer to the matter of preserving the scenic effect of the Falls of Niagara. I think that is of the utmost consequence. I do not speak now of the power. The power has nothing to do with what may be called the beauty, the grandeur, the attractiveness of Niagara Falls. Canada has the good fortune to be the owner of the grandest work of nature, the Horseshoe Falls, and I think it is the duty of the Dominion government whether they act through Britain or in whatever way, to see that no lust of power, no insatiable craving of money should tempt them to allow any one, whether American or Canadian, to interfere with in any way or damage or injure in the slightest degree the nobility and grandeur of that fall.

One other matter I might refer to, and that is the shipment of fruit. Fruit or other food products packed in Canada cannot be thoroughly relied on, I am sorry to say, without inspection. I think the due inspection of fruit will lead to Canada sustaining her reputation. If we export articles of food, they should be of the best quality properly packed, and in that way they will sustain the reputation of the country. During the last rebellion in the Northwest, I had charge of the purveying in the medical department—hospitals, &c. I found at that time that every article of preserved food from Canada was bad and we had to throw it out. The only good articles we had there came from Chicago and Omaha. That is some years ago and I presume that things are better now.

There is one other subject I wish to speak of, that is the indemnity. I do not know how it was brought into this discussion, but I think, with the leader of the opposition, that it is settled and fixed now, and I for

one have not the slightest objection to the action taken. That action was taken by the House of Commons and by the government. They took the full responsibility for it; we did not initiate the measure but we are the receivers, and the receiver is as bad as the thief; therefore I think we are exactly in the same boat. The statistics furnished by the leader of the opposition should, I think, settle this question beyond all peradventure. Senators should cut out what he said and paste it in their hats, and when they are attacked on the subject, they should refer to those figures and they will then be able to offer a complete defence of anything the Senate may have done. Every one knows that the Senate cannot add to nor subtract from any money measure. We would not if we could, and we could not if we would, so I take it that any hon. gentleman who has indignantly rejected that indemnity and left it to the country should be known. It is too bad that he should hide his great act of self-abnegation. The man who gave that money up is a patriot and a martyr or else he is a lunatic. Some men would value their services at fifteen hundred dollars. Well, hon. gentlemen you have not touched yet the value which I place on my services—you are a long way off yet. The man who thinks that twenty-five hundred dollars is more than any hon. gentlemen is worth here should be made the subject of a lunacy commission immediately, and should either receive condign punishment or be locked up. I hope I have not occupied the time of the House too long. I thank hon. gentlemen for the opportunity of saying these few words, and for the attention they have given to them.

Hon. Mr. KING—I may say at the outset that while I have listened with a great deal of pleasure to the eloquent speeches which have been delivered during the past week on the subject now under discussion, I had about concluded not to take any part in this debate, were not that reference was made in the speech from the Throne to a subject which interests the people among whom I live in the maritime provinces, and that that subject has been referred to by two or three members of this House in the most disparaging manner so far as our interests are concerned. Had that not been the case I would have refrained from speaking at this time. I will go further, perhaps, and say that so far as the leader of the opposition and the senator from Marshfield are concerned, I might have allowed their remarks to pass unheeded, but I find the senator from Halifax standing up in his place and repeating his speech of last year—I was not present in the House yesterday when he spoke but I am told the speech he made with regard to the Transcontinental Railway, that is the Moncton-Quebec section of it, was simply a repetition of what he said last year. Now, let me say at the outset if there is any problem confronting the people of the maritime provinces who are anxious to devise some scheme to improve their condition so far as trade matters in this country are concerned, it is the question of transportation. We are up against the problem in St. John and Halifax; we have competition with Portland, Maine and I had hope when the government brought down their railway policy and carried their other legislation providing for the construction of the Transcontinental Railway by the route proposed, that that difficulty we have had to contend with would have been met and disposed of; but I am surprised to find a gentleman coming from Halifax, who perhaps had as much to do with the project of the Transcontinental Railway as any other, standing up in his place in this House and denouncing the construction of that section of the railway between Moncton and Quebec. I think it would be fair on the part of that gentleman if, in giving his own views of the matter, he had given us both sides of the question. I understand the hon. senator simply takes the ground that as the report shows that the route as surveyed for the Transcontinental Railway from Moncton to Quebec is no shorter than the old Intercolonial Railway line, the new road should not be built. I do not think that he or anybody else is in a position to say exactly what the length of the new road will be, but I am willing to accept the report which was laid on the table of the House and take the figures given in it and base my argument in favour of the road on those figures. I believe I am safe in saying that when a final location survey is made it will be found that there is a considerable difference in favour of

the Transcontinental Railway from Moncton to Quebec.

Now, the hon. gentleman proposes that we should abandon the building of that section of the Transcontinental road, and in lieu of that we should appropriate and expend millions in improving the Intercolonial Railway. I give the hon. gentleman all credit for sincerity and honesty, but I am afraid that when the business men of Halifax read this second speech of the senator from Halifax, while they may not doubt his sincerity they will question his business capacity. I propose to give some figures from the blue-book. I do not attach much importance to a good deal that is said in this book, but here we have the figures supplied by the engineers under the Railway Commission. They show that we have a line with grades of four-tenths of one per cent from the city of Moncton in New Brunswick to the Quebec bridge in the province of Quebec. It is true that the Intercolonial Railway between these points is four hundred and ninety-three miles in length and the new road is four hundred and eighty-six, and I admit that so far as the mileage goes the difference in length is not material, but it is not mileage that always counts on a railway. There are doubtless gentlemen in this House better qualified to speak on this question. I confess my knowledge of railroading is very limited, but at the same time I have travelled somewhat and have seen something of railway management. I have crossed the continent twelve times in the last six years and I have noticed railway companies, both in Canada and in the United States to-day are expending millions for the purpose of improving their grades and thereby capturing trade which they could not possibly capture in any other way. Look at what the Canadian Pacific Railway is doing to-day west of Port Arthur and Fort William, I do not know why they are doing it, but they know why. They are improving their grades across the prairie country and they are improving the grades on the Crow's Nest line in southern British Columbia. Only two years ago when the branch to Fernie was opened—I was not present I did not count the cars myself, but I heard it stated that when Mr. Hill who is the promoter of the road left Jennings with 90 empty box-cars with his own private car attached to the end of the train, and came into Fernie, that after those cars were loaded with coal he went over that road from Fernie to Jennings with those ninety cars loaded with coal and his own private car attached to them.

I venture the assertion that that coal did not cost ten cents a ton to haul it one hundred and sixty miles. I may be getting away from my argument, but, to come back to the subject from which I started, I purpose putting on record in our debates, in order that it may go to the country in reply to the views expressed by the hon. senator from Halifax, a statement from the report of Mr. Butler, who holds the important position to-day of Deputy Minister of Railways and Canals, a gentleman whose authority on these subjects will not be questioned by any engineer in Canada. This report of Mr. Butler's has been on record for two years, and I have never heard the statement and calculations it contains questioned by anybody. I shall trouble the House for a short time by reading some extracts from the report of Mr. Butler made to Mr. Lumsden, chief engineer of the Transcontinental Railway :

1. The distance from Moncton to St. Chrysostôme, by way of the Intercolonial Railway, is 493·5 miles.

2. The distance from Moncton to St. Chrysostôme via the preliminary survey lines as run for the Transcontinental Railway, is 504 miles.

3. The estimated shortening of the preliminary line that will be secured by the final location is 18 miles, making the distance from Moncton to St. Chrysostôme by way of the Transcontinental line, 486 miles.

I find that Mr. Butler in the same report makes this statement :—

4. The estimated shortening from the preliminary survey lines, using 1 per cent grades both ways, is 100·3 miles, making the distance from Moncton to St. Chrysostôme, by such 1 per cent both ways, grade 403·7 miles. This estimated distance is contained in supplementary reports made by Mr. Guy C. Dunn, district engineer of district 'A,' and Mr. A. E. Doucet, district engineer of district 'B,' which are attached hereto.

If the grades which prevail to-day on the Intercolonial Railway had been adopted on the Transcontinental line from Moncton to Quebec, it would be folly on the part of the government to attempt to build that section, even to save a distance of one hundred miles. If I had to express an opinion of a line of that kind I would not stand before you now. But let us go further and see

what Mr. Butler says about a comparative statement with regard to the cheapness of transportation by these two lines: He says:

5. For the purpose of the calculation, I have taken the Intercolonial Railway locomotive No. 310, a simple consolidation, recently built by the Canadian Locomotive Company at Kingston, Ontario, and which I understand is now in use on the Intercolonial Railway.

Following up that report Mr. Butler goes on to say:

I assume that thirty ton capacity cars, which weigh when loaded, 46·15 tons, will constitute the train. The several trains which the above locomotive can haul at a speed of 15 miles per hour on the several grades below are as follows:—

Intercolonial Railway 1 per cent grades, 22 cars, equal to 660 tons net pay load.

Transcontinental Railway east-bound 4-10ths of 1 per cent grade, 42 cars, giving 1,260 tons net pay load.

What does this mean? If the road were constructed to-day and in operation, and that locomotive to which this report refers was at Winnipeg it could haul to Quebec and across the Quebec bridge, forty-two cars, but, on the south side of the St. Lawrence, the locomotive has nothing but the Intercolonial Railroad to fall back on, and must split that train in two and go on to Moncton with twenty-one or twenty-two cars. What does that mean? That in order to haul those forty-two cars she has got to double up from Quebec to Moncton. In other words she has to travel 500 miles with 660 tons of freight, has to go back over that road to the Quebec bridge, and then take the balance of the train to Moncton, covering the distance twice with a load of something over 600 tons. This would not happen if this other new route were open. The same locomotive which brought the train from Winnipeg to Quebec could take it through to Moncton. Does that not decrease the cost of transportation? If we are after anything we are after that. If any hon. gentleman can devise some other plan by which St. John and Halifax can successfully compete with the Portland route, I am prepared to drop this and take up such a scheme. It would, however, be well to bear in mind that what I have said with regard to Intercolonial grades will apply with greater force to the Quebec-Portland line, but so far as I know the only possible way to succeed in diverting traffic to the ports of the maritime provinces in the winter season is by adopting the policy of the government and building a line with grades such as I have described. It is quite true that it is impossible to bring St. John or Halifax nearer to Quebec than they are now, but if it is possible to construct a line with grades so much better than those of the Intercolonial Railway that freight can be transported for half the present cost, we will have accomplished what we set out to do.

Hon. Mr. POWER—Why not improve the grades of the Intercolonial Railway?

Hon. Mr. KING—Let me tell the hon. gentleman, I do not think that would be an impossibility, but it would be a very costly job, because I have already called attention to the fact that to adopt the Intercolonial Railway grades upon the National Transcontinental Railway between Quebec and Moncton, a saving of distance of one hundred miles might be effected. If that is a fair proposition, as stated in this report, it is equally fair to say that if you improve the grades on the Intercolonial Railway to make them equal to the National Transcontinental Railway grades, you must increase the length of the Intercolonial Railway by about one hundred miles. Of course, engineers on the ground might discover a way by which it could be shortened, but it seems to me that if the hon. gentleman from Halifax will devote himself to improving the grades between Moncton and Halifax, he will render a greater service to Halifax than by endeavouring to improve the grades of the Intercolonial Railway between Moncton and Quebec. Mr. Butler further says, in the report from which I have already quoted:

Transcontinental Railway west-bound 6-10ths of 1 per cent grade, 33 cars, giving 990 tons net pay load.

The Intercolonial Railway, 10 daily freight trains each way, will haul in a year of 313 working days (length of line, 493·5 miles), net pay tons 660 x 2, trains 2 x 10 x 10 x 313 days—4,131,600 pay tons; and to haul this number of trains will make 493·5 x 2 miles, 2 x 10 trains, 313 days, 3,089,310 train miles per year.

The cost per train mile on the Intercolonial Railway for the year 1903, as given in the report of the Department of Railways and Canals is 97·65 cents, which cost will be used for all comparisons. Hence 3,089,310 train miles x 97·65 cents=$3,016,711.21, which gives the annual cost of operating the ten daily trains on the Intercolonial Railway.

The Transcontinental Railway low grade line will handle the same tonnage, with 7 trains east-bound and 5 west-bound, although they

will not be quite loaded to the full limit, the ratio of east-bound to west-bound traffic is taken at about 6 to 4. (Length of line, 486 miles). Hence we get 486 miles x 12 trains x 313 days=1,825,415 train miles per year, which moneyed out at the same price per train mile of 97·65 cents equal $1,782,518.72, which gives the annual cost of operating the 12 trains on the Transcontinental Railway.

The annual operating cost of the Intercolonial Railway being ..	$3,016,711 21
The annual operating cost of the Transcontinental Railway being..	1,782,518 72
Leaves a net annual saving in favour of the Transcontinental Railway of..	$ 1,234,192 49
Which sum capitalized at 4 per cent per annum=..	30,854,812 25

And this amount is the increased value of the Transcontinental low grade line over and above the existing Intercolonial Railway, on the basis of ten daily trains each way over the Intercolonial Railway.

With increased business the difference will be much greater.

For instance, on the basis of 10 fully loaded trains each way per day on the Transcontinental, we get 486 length line x 10 x 2 trains x 313 days=3,042,360 train miles, which will cost per year at 97·65 cents, $2,970,864.54, and will transport 7,042,500 net pay tons.

To do this business on the Intercolonial Railway will require 34 daily trains, and we get 493·5 miles x 34 trains x 313 days=5,251,857 train miles, which will cost per year at 97·65 cents, $5,128,409.06.

The annual net savings in favour of the Transcontinental Railway on this basis being $2,157,544.52, which sum capitalized at 4 per cent per annum, gives $53,938,613, and this amount is the increased value of the Transcontinental low grade line over and above the existing Intercolonial Railway, on the basis of ten daily trains each way on the Transcontinental Railway.

In all the above calculations no account has been taken of reduced operating cost for passenger trains.

It is obvious that substantial savings will result from the use of lighter engines to haul the same passenger train. Less fuel, oil, &c., will be required, less wear and tear to track and bridges through lighter engines, better time and more uniform rates of speed may be maintained.

In referring to the Intercolonial Railway, I forgot to mention another road. We in St. John—and I dare say the same thing applies to Halifax as well—are subjected to serious competition from Portland, Maine. The fact is Canadian traffic has been going largely there. I am glad to-day to be able to say that St. John is a good second to Portland, and it has been made so by the efforts of the Canadian Pacific Railway Company. St. John owes, I will not say a debt of gratitude, but owes a great deal to the Canadian Pacific Railway Company for having brought a good deal of traffic to that city. With a line longer than the competing route to Portland, and with inferior grades crossing through Maine, the Canadian Pacific Railway has been able to revolutionize the trade from the west to the east, so that to-day St. John, if not up to Portland, is a good second, and I am prepared to say that the trade at St. John is not confined to the Canadian trade. I am glad to be able to say, however, that the promise made to St. John after this government came into power is being fully verified. I remember Sir Wilfrid Laurier saying then that it was the aim of his government to see that every pound of grain raised in Canada should find an outlet, summer and winter, through Canadian ports. He went further and said that the government would make a strong bid to secure freight from the United States. It was only last week one of the liners left St. John with freight to the value of about $700,000 and the greater part of it was secured from the northwestern states. What has been done at St. John with the means at the disposal of the Canadian Pacific Company, I am sure can be better done over a road with more favourable grades such as the government propose to build from Winnipeg to Moncton. I may be told that this road does not go to a port in the maritime provinces. A compromise was entered into between the people of Halifax and St. John to make Moncton the terminus, but no one supposed that freight brought from the west is destined to be shipped at Moncton. It will go to Halifax and St. John. I want to point out that what I have already asserted with regard to the grades on the National Transcontinental Railway and on the section to which I have specially alluded, will apply with equal force to the long stretch of country between Quebec and Winnipeg. I am not in the position to-day—I do not think any one is in a position to give official figures with regard to the distance between these two points, but I have heard it rumoured, and I believe it will be demonstrated when the surveys are about completed, that the distance between Quebec and Winnipeg does not exceed 1,316 miles. But I am willing to go further and say it is 1,400 miles, and if it is only that,

and the National Transcontinental Railway is built either down the St. John river or by the central route through the province of New Brunswick, it will be found that the line to St. John will be shorter than it is by the Canadian Pacific Railway to St. John. The Conservative party, and especially the leader of the opposition in this House, are entitled to a great deal of credit for the extension of the Canadian Pacific Railway to the port of St. John. It has done a great work for St. John, and I hope when the subsidy given for the building of the road expires, there will be no disposition on the part of the Canadian Pacific Railway Company to haul out of St. John. Taking the distances, they are, from Winnipeg to Montreal, 1,424 miles, Montreal to St. John 481 miles, St. John to Halifax 274 miles, making the total distance from Winnipeg to Halifax by the Canadian Pacific Railway 2,179 miles. By the new route, estimating the distance from Winnipeg to Quebec 1,400 miles, Quebec to Moncton 486 miles, and Moncton to Halifax 184 miles, you get a distance of 2,070 miles. That is a difference of only one hundred miles, but as I have been trying to point out it means more than a saving of that distance. If you have a road from Winnipeg to Moncton on which you can carry grain at half the cost of the competing line, you effect a saving which is equal to a much greater shortening of the distance, because you diminish the cost of transportation. That is what we are after, and unless we can get that in the maritime provinces we may as well throw up the sponge and give up the fight. Take St. John and figure the distance in the same way, you get:

	Miles.
Winnipeg to Quebec..	1,400
Quebec to St. John..	486
	1,886

I may be told that I am underestimating the distance to St. John, but I am not. I do not say that it is possible to go to Moncton, and then by Intercolonial Railway to St. John within that distance, but I do say it is possible for the St. John people to connect with that road at a point by which they can get to St. John from Quebec in 486 miles. That makes the distance to St. John by the new line 1,886 miles as against 1,905 miles by the Canadian Pacific Railway, with the advantage of the better grades on the new line equally advantageous to St. John and Halifax. I suppose it is a well known fact, at least to members of this House from the maritime provinces, that from time immemorial there has been a certain amount of rivalry—I think I might change the word and say jealousy—between the port of Halifax and the port of St. John, but I think the time has arrived in the history of Canada when both ports can do away with that feeling. What are the facts? This very year with a grain crop of 80,000,000 bushels in the Northwest, only half of it has been shipped through Canadian ports, the balance going through United States ports. If you can turn the tide to Halifax and St. John we will not be able to handle the whole of it there and more ports will be required. Does not every one know that the production of grain in the Northwest is increasing rapidly, and that the country is being filled up with population at a rate unparalleled in the history of any country. I predict that inside of five years in place of 80,000,000 bushels of wheat the amount will be 200,000,000 bushels. If some provision is not made for the transportation of that grain other than our friends propose, you can rest assured that for some time to come one hundred and fifty million bushels of that grain will go out of Canada via United States ports. But if this road is built, and the grades recommended are adhered to, as I believe they will be, there is no reason why St. John and Halifax should not get their fair quota of the trade of the Northwest. When the Intercolonial Railway was built we did not look for freight beyond the great province of Ontario, and when our friends built that Canadian Pacific Railway line through Maine there was no indication of the enormous possibilities of wheat production in the Northwest. That road was built to compete with the Intercolonial Railway when the traffic was less, and yet they condemn the government today for building a road to parallel the Intercolonial, when they themselves had done the same. I do not condemn the late government for what they did. That road has not been a bad thing for St. John. I say it ought to have been built. I supported that

project, though I did not support the government of the hon. gentlemen opposite. I am glad I did support the measure, because the results justify the course I pursued. I am equally earnest in supporting this proposition of the present government to adhere to the policy of constructing that portion of the National Transcontinental Railway between Moncton and Quebec. It is as necessary as any other portion of the line. If we forego that in the maritime provinces, we can never hope again to be in the position we occupy to-day, with the prospect of getting that road through in a reasonable time.

There is another matter which I desire to call attention, and I wish to give my reasons for the views I hold. The hon. gentleman from Marshfield the other day took advantage of that clause in the Governor's speech referring to the National Transcontinental Railway, to assail the government of Canada because they had not forestalled the Grand Trunk Railway Company in the acquisition of the Canada Atlantic Railway. I know there has been a feeling which found expression in the press of the maritime provinces, and perhaps elsewhere, that the acquisition of that road would have been a great advantage to the maritime provinces. I shall state my reasons for believing to the contrary, and if I am not right I am subject to correction. The Canada Atlantic, as I understand it, commences at Coteau. Its terminus is not in Montreal. I need not remind hon. gentlemen how much it cost to get the Intercolonial Railway into Montreal at the other end, and I might say if the government of Canada had purchased the Canada Atlantic and undertaken to extend it to Montreal, it would have cost millions more than the other cost, because it traverses forty miles of one of the most valuable sections of country in Canada, and it would be no easy task to get an entrance into Montreal to-day except by the Grand Trunk Railway, and it is doubtful if their chances in that direction would have been any better than when Mr. Blair made the attempt some years ago, for which we are paying yet. But supposing we had that road—and I am speaking from the standpoint of the maritime provinces, the section in which I am directly interested—supposing the government had forestalled the Grand Trunk Railway and acquired the Canada Atlantic Railway, would it have been worth anything to us so far as trade to the maritime provinces is concerned? I assert it would not. Why? Suppose, to-day, Mr. Emmerson as Minister of Railways and Canals could place his train along side the elevators at Depot Harbour and load it with grain, take it to Montreal and thence to St. John, he could empty his cars into the elevator there, but what would happen then? He would have some thirty or forty empty box cars to take back. Could he get a pound of return freight? Not at St. John. I may be told that he could get freight at Montreal. Supposing he could, we do not require the Canada Atlantic to reach Montreal. He might haul it to Depot Harbour, but in the winter season he would simply have to dump it on the ice or store it there until spring. He would have no way of getting round the lakes and therefore he would have to return all the way from St. John with empty cars. Then take passengers. The Intercolonial Railway is one of the best and safest roads in Canada to travel on, and Mr. Ross, the agent in St. John, may back his train down on the east side of St. John—because he does not control the bridge across the falls, it belongs to the Canadian Pacific Railway, and if he went over it the cost would be four dollars per car to cross the bridge—and out of the thousands of immigrants landing at St. John this season of the year, could he take one of them on board his train destined for Depot Harbour in the winter season? True it might be said he could carry them to where the Grand Trunk Railway crosses the Canada Atlantic Railway, but what would he get for hauling them there? He would have to make arrangements with Mr. Hays to carry them to North Bay. Supposing he said to Mr. Shaughnessy, 'We have a thousand people destined for the Northwest, what will you charge to take them from North Bay?' He would reply: Just what I would charge to take them from St. John, perhaps more. No reasonable man will contend that the acquisition of that road would give us traffic between St. John and the great lakes in the winter season, either freight or passengers. You might take

people to Depot Harbour, but unless they could skate to Fort William, they could not get there unless they were transported by the Grand Trunk Railway to North Bay. But that is not all. Suppose the government of Canada had invested fifteen or twenty millions in the purchase of the Canada Atlantic Railway and tried to work up trade with the Northwest, they do not own a steamer on the lakes, and I do not think they should. I ask you, to whom could they look for freight from ports on the other side of the great lakes? Not to the big steamship lines owned by the Canadian Pacific Railway Company and the Canada Northern. I think the Intercolonial Railway would not be in it so far as freight is concerned. I think I have disposed of that subject. I feel satisfied that I am right. If any hon. gentleman takes issue with me, I shall be obliged to him if he will show me where I am wrong. I could understand why the Grand Trunk Railway Company would want to acquire the Canada Atlantic Railway. I know that lots of people from the province from which I come—and they are not more ignorant than the people of other provinces, but on the contrary very intelligent—do not know that the Grand Trunk Railway Company have an immense system of branch railways in Quebec and Ontario independent altogether of the Grand Trunk Pacific, and can secure and transport freight all the year around; but it will not go to St. John and Halifax. I dare say the new line will be a useful adjunct to the Grand Trunk Railway system, but if they took freight from St. John in winter time by way of the Canada Atlantic Railway, when it came to Scotia Junction it could be carried north and west by the main line. I want to refer again to the fact, and to impress it on the country, that the shortening of the distance between Quebec and Winnipeg means something to the people of the maritime provinces. The lessening of the grade between Quebec and Winnipeg counts a great deal for the people of the maritime provinces. It comes to this, that if the government of this country should decide that it was in the interest of Canada to abandon the building of that section of road between Quebec and the maritime provinces, I would not think their claim in future would be very strong on the people of those provinces. I would feel myself very like resenting it, and that the people of the west had not stood by us. They appear to be standing by us pretty well. I myself would be willing to see every bushel of wheat raised in the Northwest going out by the Hudson bay route instead of coming to St. John if it would help to build up the new prairie provinces. If that would lessen the cost of carrying the wheat to the market to the man who grows it, let it go that way. We in the maritime provinces would share in the benefit, because, as I said before, the population pouring into that country would increase immensely in proportion as you decrease the cost of removing the crops, and when you get five million of people in the Northwest, a population equal to the whole of the rest of Canada, then the maritime ports will be able to take care of themselves. The towns there will go into manufacturing to supply the wants of the growing population of the west. I would not have risen to speak to-day if it had not been for the position taken by my hon. friend from Halifax, who, I think, takes a very erroneous view of this question.

Hon. Mr. PERLEY—Like my hon. friend who has just spoken, I would not have risen to address the House if it had not been for references that have been made to the section of the country from which I come. I do not intend to take up the arguments advanced by the hon. gentleman from New Brunswick with reference to the railroad question. I followed him as closely as I could, and I observe that he made one remark that might be explained in a different way from the way he explained it. He undertook to say that increased distance did not cut much figure in the construction of a railway; that if you have good grades you can overcome distance. In that case, if the Grand Trunk Pacific does happen to be a little longer than the Intercolonial Railway, why not spend a little money in lowering the grades on the Intercolonial and save the enormous expense which would be incurred in building the Transcontinental Railway through the maritime provinces? Now, there is another matter I would like to refer to before proceeding further, and that is the idea of the winter transportation of wheat to St. John, N.B. I may tell the hon. gentleman that that is entirely out of the ques-

tion. He never will be able to ship from the Northwest wheat for export by way of St. John.

Hon. Mr. KING—They do it now.

Hon. Mr. PERLEY—The Canadian Pacific Railway takes a little.

Hon. Mr. GIBSON—Nine million bushels this year.

Hon. Mr. PERLEY—The price obtainable for wheat in the mother country would not warrant it. I have been buying some wheat this year myself, and the freight to Fort William is 10 cents and a fraction per bushel from Wolseley, where I live. The freight on the same quantity of grain, per bushel, shipped to North Bay, Ontario, is 22 cents a bushel. It is only about three cents a bushel from Fort William to Montreal by water, consequently there is seven cents at least of a loss in shipping to Ontario, and to go down to New Brunswick would mean a still further charge. People need never expect that we will ship our grain by rail to St. John for winter exportation. The wheat we ship now to Ontario is for Ontario use and is ground there. I have just received returns from a car of wheat shipped before I left. The freight on it is 22 cents a bushel from Wolseley to North Bay.

Hon. Mr. GIBSON—But you shipped it there.

Hon. Mr. PERLEY—Yes, to be ground in Ontario; it is not for export, though. We could not ship it on an export basis at all. Consequently I may tell the hon. gentleman that in my judgment we will never be able to ship wheat by an all-rail route from the Northwest to St. John as a winter port. It would be much better to keep it over in the granaries. No insurance is required, and no expense is incurred, and we can ship it out in the spring to Fort William and save at least ten cents a bushel on the grain, as compared with what we would have to pay if it went to St. John.

Hon. Mr. ELLIS—I would like to point out to the hon. gentleman that in a statement issued by Bradstreet two or three weeks ago, the port of St. John on two or three occasions came up to the largest wheat shipping ports in America, and in one week the exports from St. John were two hundred and thirty thousand bushels more than from any other port in America.

Hon. Mr. PERLEY—I simply state the facts of the case from my personal knowledge. The freight on the grain from Wolseley to St. John would be at least fourteen cents a bushel more than it would be to Montreal by utilizing the water stretches. We cannot afford to pay it. That is too great a difference to overcome and you need not expect ever to make a business of the winter shipping of wheat. Every farmer in the country is anxious—and that is the reason why there is a congestion at some periods—to get his wheat down to Fort William before the close of navigation, because the prices are increased the moment navigation closes. I do not wish to speak disparagingly in any way of shipping wheat by all-rail to St. John if it can be done. I would be very glad to see it. But so far as expectations that the Transcontinental Railway is going to be of advantage in making St. John a winter port for the export of grain are concerned, I do not think they will ever materialize.

I have much pleasure in congratulating my hon. friend who moved the address in reply to the speech from the Throne, because he is a fellow-countryman of mine. He is a New Brunswicker. I was very glad to see him here and hear him make a speech. I might almost claim allegiance for him to the county of Sunbury, the county where I was born, and where I lived for a great part of my life. The hon. gentleman practised medicine in that county, and from there went to the Northwest, so that it is a pleasure to me to look upon him as coming from that county. I listened with considerable attention to what he had to say on the question of the autonomy of the new provinces. It is in striking contrast with some of the opinions which he expressed in the early days of the Autonomy Bill. He, I understand, was strongly opposed to it at one time; but, like some other people, he became suddenly converted. He likely received new light. It is possible that he had wrong impressions at the start, that these wrong impressions were corrected, and then he changed his mind. That is the right of every man in a free country. Now, as regards the good feeling existing in the North-

west, which is referred to in the second paragraph of His Excellency's speech, I do not hesitate to say that it is quite correct. I did myself the honour of accepting an invitation to attend the inaugural ceremonies in Edmonton in September last. It is well known that the Northwest people, perhaps more than the people of any other part of Canada, are enthusiastic; they always go in for anything in the way of entertainment with all their might. There is no half heartedness about them, and every one joins in. I am sure that their enthusiasm on that occasion was not on account of any warm feeling of approval in connection with the school measure as it is interpreted by some —there might be approval if it was taken as interpreted by others; but the people were rejoiced to meet His Excellency. They would at any time be pleased to do honour to His Excellency as the representative of the King. They are a loyal, patriotic people and they go into anything of that kind with their whole zest and force. The occasion was made a general holiday, and everybody turned out to enjoy it, and I do not hesitate to say that His Excellency made a very favourable impression. The people of the west, as far as I have heard, were highly pleased with His Excellency. He is very popular in that country, and for that reason the people would express themselves in the manner which he referred to in the speech from the Throne, but the question of the Autonomy Bill was not before the people at all, they do one thing at a time. They were there to welcome the Governor General, and they did it with all their might, notwithstanding that many of the people of that country are very much opposed to some of the features of the Autonomy Bill.

My hon. friend referred to the elections as having settled the school question, but he never made a greater mistake. Every day of the week there is money pouring in to Mr. Haultain to protest the elections, and in twelve months from now, take my word for it, Haultain will be in power. This school measure is a double-sided arrangement; it has two sides, brazen and silver, and both sides are being presented to the people. I heard my hon. friend from Lethbridge (Hon. Mr. DeVeber) saying that he helped to improve the school ordinance from time to time during the eight years he was in the Northwest Assembly. My hon. friend who seconded the motion told us that he attended an examination in one of the schools, and it was most admirable. Was it a separate school? Not at all. It was a Haultain school, pure and simple. It was a Haultain school from morning until 3.30 in the afternoon, and then the school was dismissed, and after that time a clergyman, whether Protestant or Roman Catholic, according to the faith of the majority of the children, comes in and takes charge of the religious instruction. In this case it was a priest; I don't know whether or not they made a proselyte of the hon. gentleman to Roman Catholicism. He told us that he received some instruction in that school which he had never received in his own church. I suppose, however, he is still a staunch member of the old Presbyterian faith. The fact is, there is a great confusion of opinion with regard to this school matter. You meet one man and he tells us it is simply the Haultain school bill pure and simple; another man tells you it is separate schools from morning till night. What is the result? The Archbishop of St. Boniface issued a pastoral letter, which was published in all the papers of the west, imploring the people to vote for Mr. Walter Scott and that they would get separate schools. Did he mean that they would get the schools we have to-day which everybody says—which the hon. gentleman himself says, is a public school to all intents and purposes? When the school is dismissed at 3.30 every one goes away who wishes to do so; those who remain receive religious instructions, either Protestant or Roman Catholic, according to the belief of the majority. Do you call that any satisfaction or any gift to the Roman Catholics in the way of separate schools? I say no. I might as well say to my hired man, after he has served me faithfully for ten hours in the day, for the eleventh hour you can do as you like. He would soon tell me that it was none of my business what he did in the eleventh hour, that he had worked ten hours for me, and that the eleventh hour was his own. It is the same way with the school system in the Northwest. Until 3.30 the schools are public schools to all intents and purposes. The

books of the common school are used, the teachers are properly certificated teachers from the Normal School, and the school is under government inspection. Why does the government not make the matter plain so that the people could all understand it. One man says, 'I will vote for Scott and he will give us separate schools.' Ninety-nine per cent of the Roman Catholics of the Northwest, in the province of Saskatchewan, voted for Scott for that reason. Mr. Haultain contends that if it had been made plain that the Haultain school law is the law that we are to have, and all the law we may expect, there would have been no opposition to it. We all favour that law; the strongest Protestant in the country would favour that, but now there is a division of opinion. When Mr. Haultain raised the question of the constitutional rights of this government to pass that coercive measure, it was the duty, in my judgment, of Sir Wilfrid Laurier's government to have left no doubt upon the question at all. It is not creditable to the parliament of Canada to pass a law which no one can understand; but that is the case with the Autonomy Act. The people do not know whether it is one thing or the other. The government should have tested the constitutionality of their measure and then the people would have been satisfied. If they had taken the matter to the Judicial Committee of the Privy Council the people would have accepted their verdict; but at the present time there is a doubt about it, and as soon as Mr. Haultain returns to power the question will be revived. He will be returned to power, and that shortly. In the district where Mr. Brown, a very strong Reformer and one of the leading men of the place, ran in the interests of Mr. Haultain and provincial rights; and in the district where Mr. Haultain was a candidate, the majorities were larger than the total majority of all the government side put together. Mr. Scott said: 'Wait until we hear from the back districts!' It was not commendable in him to say that, because, without reflecting on the back districts, I may say that the great mass of settlement and of intelligence is, along the main line, in the districts which gave majorities in favour of Mr. Haultain. It was in the districts where the Doukhobors and Galicians and others who cannot read English reside that majorities against Haultain were obtained, and these majorities were very small. In Alberta also the majorities for the government were very small, so that even with the power and influence of two governments, with all their officials and emissaries they only carried the elections by a small majority; but if the government will to-day undertake to interpret the law and say that the school ordinance is the law we have to day there will be no opposition to it.

Hon. Mr. SCOTT—It is plain enough.

Hon. Mr. PERLEY—The government do not act as if it was plain enough. Your Prime Minister, because he is the appointee of the government here, received a letter from Mr. McInnes, proprietor of the 'Standard' newspaper. Mr. McInnes was a strong Conservative until 1896; he is a staunch Protestant too, and, I presume, in 1896, when the Remedial Bill was brought down, he left his party, as did a large number of others in the Northwest, and voted against remedial legislation. He has been on neutral ground until now. When this Bill was first introduced in the House of Commons he wrote to Mr. Scott for whom he had voted, protesting against the action of the government. Mr. Scott wrote him a letter. He put confidence in him that was not betrayed, although a great many people say it was. Mr. Scott wrote a reply to Mr. McInnes which I heard read in a public meeting, finding fault with the law. He said the facts were that Sir Wilfrid Laurier had to swallow the convictions of Quebec in not carrying out the promises he made in regard to the Manitoba School question in 1896, and he also cast a great reflection, which I do not think was deserved by the Conservative French of Quebec, by saying that they had to swallow their disloyalty in allowing Sir Wilfrid to send troops to South Africa. He said at that meeting too that no English-speaking Protestant in Canada could have induced Quebec to send troops to South Africa. That speech defeated their candidate in the town of Wolseley, for they said, Quebec would not fight themselves, nor would they let us fight. Is that the idea? If it is, said some, we are against you, Mr. Scott. He wrote that letter to Mr. McInnes, and that letter was read on the public platform and,

does it not show that there are two opinions with regard to the school law? He Mr. McGregor, must have had an opinion then that it was not the Haultain law, because, if it was, Scott has not passed any legislation on the school question yet. Mr. Scott ought to know what the law means; he was in this parliament and helped to pass the Act, but the matter is not settled, and it will not be settled for a while yet. Mr. Haultain will come back into power next year, because they are going to protest twelve or thirteen seats and turn the present occupants out.

When another election comes round you will find the feeling in the country will be vastly different and Mr. Haultain will be sustained.

The hon. gentleman from Halifax waxed eloquent and bold yesterday about the prosperity of the country. Now, I have never yet said it was not a fortunate thing that this government came into power at the time it did. It is a well-known fact that this government when in opposition propounded a policy entirely different from that which they are carrying out. They were advocating free trade, commercial union, unrestricted reciprocity and other such things, and the people believed that if they were returned to power there would be a change in the fiscal policy of the country. No manufacturer in Canada during the time the present government was in opposition, dare build an annex to his factory because it was well-known that the members of the present government were very clever and able men, and it was believed that when they came into power protection would be wiped out and free trade would be the policy of the country. The result was stagnation everywhere in Canada. It was a reasonable thing for the manufacturers and the importers and all who were doing business, to fear that when the country was guided by these able and clever men, trade conditions would be completely changed, and that was one reason why we had hard times. Another great reason—the greatest reason of all was that agriculture in the Canadian Northwest was not understood as it is to-day. During the first four years of the present administration, until the pioneer farmers of the Northwest solved the problem

of agriculture, the immigrants consisted chiefly of Doukhobors, Galicians and others, the scum of Europe. That was the class of immigration the government brought in in those days. It was pauper immigration, people who had to be fed during their passage, and fed after their arrival. I have seen them fed in the town of Brandon and in Winnipeg. That is not being done to-day. We are now getting United States and English capitalists, because the problem of agriculture has been solved. I would like to correct statements which have been made in this matter. It was not because of early frosts or poor crops that our crops were frozen. The first frost we had in the year 1882, that was the first year I was in the country, was on September 23. At White Mud river, on September 23, I pulled as green cucumbers and as green corn and other vegetables in Mr. Stewart's garden as ever I pulled on July 1, in New Brunswick. There was then no sign of frost, but that night it froze hard. In the next year it froze for the first time on September 7. In 1884 the first frost was the 6th of September; in 1885 the 22nd of August. There was no shortage in the straw. It was a crop far and above that of last year, as far as straw was concerned. Last year we had too much straw, but we had a good height of straw. I have seen on the Bell farm the grain come out of the elevator and out of the granaries in the spring of those years in lumps like bushel baskets because it had been heated. It was frozen grain. The cause was, we did not know in those days how to prepare the seed bed and how to sow the seed. We did not know until 1901, and then we learned how to seed. Now we prepare the seed bed the year before, and we sow the seed four inches deep. It grows through a dry period with the help of the moisture left behind when the frost leaves the ground. This moisture germinates the seed and it grows to a height of four or five inches above the ground, when the rain comes on in June and the crop is then all right.

For the last four years we have had magnificent crops. We had good crops of straw many other years, but the grain was frozen, because the grain was sown so late and so shallow that the seed was not matured in the fall before the frost came. We never

lose a bushel of grain now by frost, and that fact is what has given the country a character. Many of our farmers raised 40 bushels of wheat to the acre last year. When you find a country producing such crops year after year it will attract settlement. Settlers are pouring in from the United States by thousands and tens of thousands. They are our best immigration agents. They are sending for their friends and bringing them in. Moneyed men are coming in and acquiring land. I have just read in a recent paper that a United States company bought three hundred thousand acres of land near where I live, and are starting farming this year on a large scale. Why ? Because they know how to work the land. New men coming in learn from their neighbours how to cultivate the land in that country, and they can go to work with some assurance of getting a crop. I regret exceedingly that the capitalists of the mother country have not invested their money in our Northwest and helped us to keep it a British country. You will soon find that the English-speaking people in the Northwest, outside of settlers from the United States, will be in the minority. The foreigners are filling up the country. It is useless to talk about them owing allegiance to the British empire. I do not see why they would. They settle in Canada to make homes for themselves and to make money, and they will sell their products where they can get the best prices. As I have already said, for four years we have been reaping splendid crops, and so long as that condition continues, we will have prosperity. Wheat bring 65 cents a bushel at Wolseley. That is cash, and no truck about it. The result is the country is prosperous. The people of the United States know a good thing when they see it, and they are coming in and taking possession of the country.

I do not see anything in the speech from the Throne respecting the tariff. There is no mention of any change to be made, though it has been suggested by the leader of the government that the tariff will be taken up in November. The tariff has more to do with the prosperity of the country than almost anything else except good crops. The tariff does not have anything to do with good crops, but it has to do with cost of goods and the development of manufacturing industries in our own Dominion. I do not hesitate to say that I am in favour of protection. In 1878, in New Brunswick I was a candidate in opposition to Mr. Burpee in Sunbury country, and came within 41 votes of defeating him. I had nobody to aid me, but just the people; all the other influences were against me, and the result was something of which I have no reason to be ashamed. I took the ground in that election that we should adopt protection. We did not know much about it then. Up to that time our tariff had averaged about 17 per cent, and as a farmer I found that implements and manufactured goods were supplied to a large extent from the United States. Our neighbours could bring in their supplies under our low tariff and compete with us while we could not sell in their country owing to tne high duty. I had looked the situation over as a farmer. I am a farmer, and it is my duty to consider the interests of the country from my standpoint. I do not want competition in the Northwest from the United States. It is my interest, as a producer of food, to have consumers for it. I say the time is coming, and I speak with some authority living in the Northwest and knowing something of its progress, with reasonable prosperity for say ten years, we will produce more wheat in the western prairie provinces than the British Islands can use and we will produce a lot of beef and other food supplies. When I say 'reasonable prosperity,' I do not mean the sort of prosperity we have been enjoying for the last two or three years, because that has been abnormal; but with fair crops we will produce more than the British Islands can consume, and what will be the result then ? The British Islands get wheat from Russia, India, Argentine, and Australia. Take the three countries which are not of our nationality, and they will be in competition with us in the English market. I do not look for big prices for wheat hereafter, because we will produce it in large quantities, and the supply will govern the price. The only way to get a market is to make a home market. We want to produce everything in Canada that can be manufactured here, and that will make a home market not only for wheat but for farm products of all kinds, and I assure this government that if they will bring down next session a tariff increasing the duties, it will have my support. I will support a

high tariff no matter who introduces it, because I believe it will benefit myself and my brother farmers, but I want at the same time a law enacted against a combine in the selling price of goods produced under protection.

I do not intend to detain you any longer, but my hon. friend must not run away with the idea that the school question is settled unless the government see fit to define their policy. Then we will know what to look for. To-day the Roman Catholics all over the country are expecting to get separate schools from Mr. Scott, and if they do not get them they will be dissatisfied. Otherwise why did the Archbishop write that letter, and why did his friends support the government? If the present system were made the law, there would be no opposition, but as it is now there is a strong opposition which will grow, and the effect will be no doubt that Mr. Haultain will be returned to power.

Hon. Mr. ROSS (C.B.)—By the permission of the Committee on Agriculture the hon. senator from Wolseley was allowed to make a speech. That speech about the depth that wheat should be sown, and everything connected with it, he has repeated here to-day, so I had the pleasure of hearing it a second time. It is not for us to say when Mr. Haultain will come into power. That is a subject that the electors have to deal with and that they will in their own proper time decide. I am not disappointed that the tariff has not been brought down this session; but when it will be brought down, I think a good many who look for high protection will find themselves disappointed. There will be some important changes, no doubt, but when those changes come, I think it will be in the interest of the country to lower, not to increase the tariff. I am not a free trader, because that is an impossibility in this country, but I am certainly opposed to a higher tariff than we have at present. That tariff, wisely prepared, has been working successfully for the years that are past, and we can well afford to let it stand for another year.

I rose for the purpose of saying some kind word for the leader of the opposition in the other House. He has been rather roughly, I was going to say unjustly, handled in this House. Because the tide of public opinion is rather against his party at present, that is no reason why we should condemn him. He has been eminent in his profession in his own province, and would succeed in the chief cities of Canada if he were to devote his time and attention to his legal profession. He is courteous, gentlemanly, and kind even to those who differ from him politically, of whom I am one myself; but I heartily endorse the remarks that were made by the hon. senator from Marshfield as to the character and conduct of the leader of the opposition. When he found himself defeated in his native province he was so much respected by his party that they provided a seat for him, and still acknowledge him and cling to him as their leader. The day may come when he and his party may come into power. I am not favourable that that day should come in my time; but speaking about the allowance made to the leader of the opposition, it was made more to the leader of the opposition than to the party. However, when that party comes into power again, the leader who will head the opposition in that time will participate in the same benefit. I was rather amused with the hon. senator from Richmond. I read his letter which was, to say the least, vain and egotistical. I am an old man and was behind the scenes when all these changes took place. To-day there was not a more pronounced anti-confederate in the party than the hon. senator from Richmond; to-morrow he was gone. Does anybody believe that anything but a seat in the Senate was in view before that change took place? Nobody, I suppose, is so stupid as to think of anything else. Sir Fenwick Williams was sent out specially to use his influence to carry confederation, and it has been well reported that in several instances he buttonholed members of the House of Assembly in Nova Scotia and got them converted.

There was an expression used by the hon. senator from Richmond. He was complaining that the honours that were due him were overlooked by Sir Charles Tupper, when he gave his outline of the history of confederation, and he made use of this expression: that when he left the party it broke like a rope of sand. Does anybody believe that his influence in the House of Assembly in Nova Scotia was such that it

was going to affect any part of it? There were only fifteen of us and we stuck together like men, and when we all appealed to the people every one of us was returned; every one got his seat, and the only man that was returned by a very bare majority was Sir Charles Tupper himself. Sir Adams Archibald and other men of prominence were defeated at that time, and the reason was this: We were not opposed to confederation from principle, but were opposed to having it forced down our throats before an appeal was made to the people. The speech from the Throne was delivered, and there was no allusion to confederation or to confederation resolutions, but by certain influences, and by securing a majority by getting so many men in the Senate and other vacancies that were made in the Legislative Council filled up, there was a large majority found in favour of confederation. I notice one thing omitted from the history that was given by the Minister of Trade and Commerce, and I think it was a very unjust omission. The great founder of confederation and the great authority on the union of the colonies was my old friend Joseph Howe, with whom I had the pleasure of sitting in both parliaments. In 1852 he said: 'There are men in my hearing who will yet hear the sound of the engine passing through the Rocky mountains.' That was in 1852. There was no man in the Dominion of Canada who had the prophetic foresight to utter those words except Mr. Howe. On the 11th of February, 1854, he made a speech, the speech of all other speeches on the question of confederation that has been altogether ignored and he described what was necessary to be done. We required a railway, and he said at that time we will have men going from Halifax to Vancouver in five days. Of course when the subject came up Mr. Howe was not in the House at all, and he was altogether ignored; but I say now that those who have been writing about the history of the union of the colonies have done great injustice to him, a greater man than any other public man who has existed in the Dominion of Canada.

Hon. Mr. KERR (Cobourg) moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned until Monday next at eight p.m.

SENATE.

OTTAWA, Monday, March 19, 1906.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

NEW SENATOR.

The Hon. James M. Douglas, of Tantallon, was introduced and took his seat.

PETITION OF JAMES ALLEN.

The following petition was read:

Of James Allen, of the city of Toronto, praying to be allowed to present a petition to the Senate praying for the passing of an Act to dissolve his marriage with Margaret Jane Allen, notwithstanding his inability to pay the fees required by rule 108.

Hon. Mr. SCOTT—This is contrary to the rules of the Senate, and unless the sense of the Senate is taken and an affirmative vote declared, it would not be possible to receive the petition. There should be a notice of some hon. gentleman's intention to move for the remission of the fee.

Hon. Mr. McKAY (Truro)—I think the practice has been for a petition of this kind to be laid before the committee, and let the committee make a recommendation. I do not think this is the proper place to deal with it.

Hon. Mr. YOUNG—While I have no doubt that this honourable body does not wish to debar anybody approaching the Senate from obtaining redress because he has not the means at his disposal to pay the required fees, still it will be easily understood that if we permit this case to go through without any further light on the matter than we have at present, we are throwing the door wide open for a free court for every such petition that may be presented. The petitioner has not established his inability to pay the fees. We have simply his statement to that effect, and I think therefore under the circumstances the Senate would not be acting wisely in throwing open the door and receiving this petition. I will read a portion of rule 108, which governs the question of the deposit of two hundred dollars:

No petition for a Bill of divorce shall be presented unless the applicant has paid into the hands of the Clerk of the Senate the sum of two hundred dollars, towards expenses which may

be incurred during the progress of the Bill ; and the said sum shall be subject to the order of the Senate.

The money deposited would be subject to the order of the Senate, and if the facts were clearly established to the satisfaction of the committee, the committee might make such recommendation as it saw fit, but I for one do not think at this stage that we should commit ourselves in this matter to the open door without some further light on the matter.

Hon. Sir MACKENZIE BOWELL—The presentation of a petition asking for anything does not commit the Senate to granting the petition. Any one could, I take it, petition the Senate asking for what they please, but the reception of the petition, without a motion to adopt certainly does not commit the Senate to the contents of the petition. The suggestion thrown out by the hon. gentleman from Truro (Hon. Mr. McKay), it seems to me is clear enough, that the petition should be referred to the Committee on Divorce, and they should make their recommendation. I take it for granted they would not make a recommendation unless the fact was established that the petitioner is unable to pay the required fee. I cannot see any impropriety in presenting the petition and referring it to the committee.

Hon. Mr. LOUGHEED—This has been done on former occasions. It is quite evident that a petition of this character must be presented to the Chamber before the petition for divorce can be presented. The rules require that the certificate of the clerk shall accompany the petition for divorce upon its presentation, hence it seems to me the only way to deal with the matter would be to permit this petition to go before the Divorce Committee. They can make inquiry into the circumstances of the petitioner and report to this House whether it is a case worthy of consideration or not. As I understand it, the petition simply asks that the fee be dispensed with. Therefore I think no injustice would be done in granting the prayer that consideration to which it is entitled, and which we have given on many other similar occasions.

Hon. Mr. YOUNG—Do I understand the hon. gentleman to suggest that we do not receive the petition, but rather refer it to the Divorce Committee without committing the House to anything.

Hon. Mr. LOUGHEED—I suggest that we receive the petition and have the case reported upon by the committee. No injustice would be done by that.

Hon. Mr. YOUNG—What is the reading of the prayer.

The prayer of the petition was read as follows :

That your petitioner is quite unable to pay the fees required by the rules of your honourable House and entirely lacks the means of procuring the necessary funds for such payments. Wherefore your petitioner humbly prays your honourable House to excuse him from the payments of the said fees and to permit him to present his said petition for divorce without the payment thereof required by the rules as aforesaid.

Hon. Mr. SCOTT—It is in direct violation of the rules. Rule 108 distinctly states that no petition for a Bill of divorce shall be presented unless the applicant has paid the sum of $200.

Hon. Mr. LOUGHEED—I was under the impression that the petition simply asked for leave to present a petition. I think the petition should be amended so as to bring it before the House in the way which I have indicated.

Hon. Mr. YOUNG—It is a direct petition to the House to dispense with the payment of the fees, and therefore it goes much further than a petition for leave to present a petition. I think the House should be seized of the facts in all their bearings. To my mind we should not receive it.

Hon. Mr. SCOTT—It cannot be presented.

Hon. Mr. YOUNG—If we receive the petition we accept and grant the prayer of the petitioner, and the petition is operative to the extent of relieving the petitioner from paying any fees for the purposes of the divorce Bill. I do not think the Senate proposes to do anything of that kind. If it is a deserving case, let the committee to whom the matter is referred make a recommendation, and I am sure this House will always be prepared to consider favourably any circumstances arising which deserve any consideration, but if a direct petition like this is accepted by the House, then the door is opened wide for this petition for divorce to come in without payment of fees.

Hon. Mr. KERR (Cobourg)—I had the honour of presenting this petition. I understand it is a very deserving case and a very

hard one. I think it would not be expedient to stop the proceedings at this stage, but at a later stage, if after consideration it is not found expedient to grant the prayer of the petitioner, the matter could then be dropped. I think it might safely go through another stage, and we would then be in a better position to judge whether we should suspend the rule requiring the payment of the fees.

Hon. Mr. LANDRY—I raise a question of order upon that point.

The SPEAKER—Does the hon. gentleman from Cobourg ask leave to withdraw the petition so as to present it in another form ?

Hon. Mr. KERR—No I did not ask that.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend that he look at the facts set out in the petition with a view of placing them before the House in a more intelligent manner than has been done. These facts apparently would warrant the petition being sent to the committee in the way I have indicated. My hon. friend seems to be unaware of the facts set out in the petition, and upon looking over the document it would seem that really it is a petition to dispense with the payment of the fee. The petitioner sets out all the facts necessary, it seems to me, to establish the granting of the prayer and winds up in this way :

> Wherefore your petitioner humbly prays your honourable House to excuse him from the payment of the said fees and to permit him to present his said petition for divorce without the payment thereof required by the rules as aforesaid.

It is therefore manifest to my mind that it is intended to ask the House to dispense with the payment of the fee; therefore the petition in the shape in which it has been drafted should I think go before the committee and the committee should make inquiry into the facts and afterwards report to the House. No injustice would be done by so doing.

The SPEAKER—I suggest to the hon. gentleman from Cobourg that he withdraw the petition and re-introduce it, asking leave to present a petition.

Hon. Mr. KERR (Cobourg)—I might say, in explanation, that when the petition was handed to me I had not really time to look into it. I assumed that it was quite regular ; it purported to be regular. I now ask leave to withdraw it so that it may be re-presented in proper form. While I make the motion, I may say that I do not see any objection, but rather a great deal in favour of the suggestion of the hon. gentleman from Calgary. That would avoid the necessity of communicating with the parties and getting up another petition. A good deal of trouble would be saved and the same result would be achieved.

The motion was agreed to.

A QUESTION OF PRIVILEGE.

Hon. Mr. MILLER—Before the Orders of the Day are called I have a motion to make. I move that this House do now adjourn. I do not feel called upon to offer the slightest apology to the Senate for making this motion, because it is the only way in which I can, in conformity with the rules of the House, reply to an unwarranted slander attempted to be placed upon the records of this House against me on the last occasion of our meeting in my absence by an individual for whom I entertain, and have always entertained, sentiments of unmitigated contempt.

Some hon. GENTLEMEN—Order, order.

Hon. Mr. MILLER—There was no question, I am told, of order when that individual took the liberty of making against me one of the basest charges that can be uttered against a public man on the floor of this House. There were no cries of order then from his partisans, but I suppose every blow was fair that he could inflict upon me. I would not crave the indulgence of this House to notice this slander ; I would not attempt to answer it had it been made anywhere else than in the Senate—had it been made on a public platform, or in any newspaper of the country, but being made on the floor of the Senate, and placed on record in the 'Senate Debates,' I feel it my duty to myself and my friends that I should take the first apportunity of stamping the slander with the opprobrium it deserves. The octogenarian senator who rejoices in this House under the name of the junior member from Halifax, in his remarks on Friday last, referring to my change of at-

titude in 1866 on the question of confederation, used this language:

Does anybody believe that anything but a seat in the Senate was in view before that change took place ? Nobody, I suppose, was so stupid as to think of anything else.

This slander is nearly forty years old. For many years I allowed it to be uttered against me, in the public press and elsewhere, treating it with contempt, but at last my friends said to me: 'You should go into court and vindicate yourself against that slander, not only on your own account, but on account of the political party with which you are associated.' Well, I did go into court in the capital of my native province in the face of all the world, and I came out of that court more triumphantly than it was the fate of many men under similar circumstances to emerge from such an ordeal, under our jury system. I came out of court with the most sweeping apology and retraction for that slander that was ever placed on record in a court of justice. I have under my hand the report of that trial in the Dominion Annual Register of 1879, but it is long and I do not intend wearying the House by reading it in full. I shall simply make such extracts from it as I think proper, but any one who wishes to read it, can have it, who has curiosity enough to ask me for it. I had engaged on that occasion eminent counsel, the late Sir John Thompson, and Mr. Rigby, one of the most eminent men at the bar of Nova Scotia in that day, afterwards a judge and now in his grave. I brought an action of libel against the Halifax 'Chronicle,' the organ of the anti-union and repeal party. The 'Chronicle' had for its counsel the Hon. Otto Weeks, also one of the most eminent men of his day at the bar of Nova Scotia, and the Attorney General of the anti-union and repeal government in that province, with Mr. Morton, a prominent lawyer of that period. My counsel opening that case used this language:—

The plaintiff's counsel, Mr. Rigby, Q.C., in opening the case, went fully into the history of the union agitation in Nova Scotia, and called to mind the bitterness that marked the discussion of that question, both on the public platform and in the press, before and after the passage of the Union Act. The plaintiff had always been favourable to the principle of confederation, but was strongly opposed to the Quebec scheme, especially in its financial arrangements. When that scheme was promulgated in 1864, he was one of the first to oppose it, while declaring himself in favour of union on fair terms. Subsequently, in 1866, the plaintiff, in his place in the legislative assembly, proposed that the Quebec scheme be abandoned by its friends, and that the whole question of confederation be submitted to a new conference to meet in London, where terms of union should be agreed to under the sanction of the imperial government. The plaintiff's proposition met the views of a majority of the provincial legislature, and the union was thus accomplished. He therefore became the object of the most violent attacks of the enemies of union, at public meetings and in the press. When the plaintiff was afterwards appointed to the Senate his opponents said his appointment was the price of his support of the union. The 'Morning Chronicle,' which was the leading organ in the province of the anti-union party, as well as other hostile journals, were allowed to reiterate this charge with impunity during the excitement of those days. During that excitement the plaintiff felt that every allowance should be made by him as a public man for the violence of his assailants, as there were some grounds for irritation, and he believed, when the heated passions of the struggle had subsided, public opinion would not deal with him unjustly. He therefore brought none of his maligners before a court of justice. But as the libel had been republished by the 'Chronicle,' in a most offensive form, ten years after the occurrence of the events to which it referred, the plaintiff considered it his duty to himself and the leaders of the union cause in Nova Scotia, to demand a public investigation before this court, in the capital of the province, of the charges therein made against him. The plaintiff's object was not to obtain damages against the defendant, but to put such sworn evidence before the country, relating to his appointment to the Senate, as would vindicate his reputation—refute the accusations of his slanderers, and the general charges of corruption that had been so often alleged in connection with the passage of the Act of Union in Nova Scotia. It was the plaintiff's intention to place on the witness stand the leading public men of the province who were concerned in the carrying of the union, and every opportunity would thus be given to elicit the truth from those best able to give it.

That suit went to a jury duly empannelled, and before half my evidence was before the court the defendant struck his colours, pulled down his flag, and, as I have said made the most abject apology and retraction ever placed on record in a court of justice of the slander uttered against me in this House the other day. Before half my evidence was before the court, the hon. Mr. Weeks rose and said :

He reminded the court that there was no plea of justification on the record. The defendant had not ventured to say that the alleged libel is true. He did not say in his pleadings that Mr. Miller was bought or bribed to support the union. Had he said so, in the face of the evidence of Sir Charles Tupper and the plaintiff, $10,000 would not be a cent too much damages to give against the defendant, and he believed if a plea of justification had been pleaded any jury empannelled in this city would give such a

verdict. But no such plea had been set up, even before the evidence of Sir Charles Tupper and the plaintiff had been publicly given in this court. In the face of that evidence (Mr. W. said) the plaintiff was bound to bring this suit, and he should have brought it long ago. Mr. Miller had vindicated his character by evidence on your lordship's minutes, which we cannot impeach, but he should have done so sooner. He should not have allowed similar charges to be made against him for years without giving the explanations that have been given in this trial. It is well for Mr. Miller that this public examination has been made, for the man who will hereafter assail him as he has been assailed in the past would deserve to be punished by a jury.

That was the vindication with which I came out of court on that occasion, and I have only to ask this House what they must think of the man, who, knowing that vindication as well as I do myself—of a man over eighty years of age, whose tottering limbs scarce bear him up the steps to the back seat he occupies in this House—of the man who at his time of life should be saying his prayers, or trying perhaps to make friends among his fellows—what I say can be thought of the man who, knowing these facts, would revamp and revive that old slander of forty years ago and prostitute his seat in the House by trying to make it of record in our Debates. I leave him to the judgment of the House, but I am not going to leave him there altogether. I am going to show you some of the incidents of the political career of this man, this toothless old viper——

Some hon. GENTLEMEN—Order, order.

Hon. Mr. MILLER—I am going to put him on record in the Debates before I resume my seat.

Some hon. GENTLEMEN—Order, order; Chair, Chair.

Hon. Mr. MILLER—That individual first came——

Some hon. GENTLEMEN—Chair, Chair.

The SPEAKER—What is the point of order?

Hon. Mr. YOUNG—The hon. gentleman is using language which is unparliamentary in calling a member of this House 'a toothless old viper.'

Hon. Mr. MILLER—If it is out of order I withdraw it, but only on that account.

The SPEAKER—I would like the hon. gentleman to withdraw the language.

Hon. Mr. MILLER—The hon. gentleman first came to the surface in the political commotion of 1873, and in that commotion he came into prominence as a member of Mr. Mackenzie's cabinet. When his name was published to the country as a cabinet minister the surprise was universal throughout the land. Everybody was surprised that without any antecedents to recommend him to consideration he should be placed into so elevated a position.

Not that the thing was rich or rare
But the wonder was how it ever got there.

However, he was not long in Mr. Mackenzie's cabinet—just long enough there to be found out, and when he was found out it is a matter of history that he was literally kicked out; but in getting rid of him it was necessary to provide him with some position, and they were compelled to give him one of the best offices in their gift, the collectorship of the port of Halifax, a position for which he was utterly unqualified by ability, or business attainments to fill.

Hon. Mr. SCOTT—I rise to a question of order. The hon. gentleman has himself been Speaker, and he is very well aware that he is committing a breach of the privileges of this House and offending against a rule which reads:

All personal, sharp or taxing speeches are forbidden, and any senator conceiving himself offended, or injured in the Senate, in a committee room, or any of the rooms belonging to the Senate, is to appeal to the Senate for redress.

I ask my hon. friend not to make his remarks in the manner in which he is doing.

Hon. Mr. MILLER—It is too late now. The hon. gentleman should have read that rule a little sooner.

Hon. Mr. SCOTT—Well I have read it now.

Hon. Mr. MILLER—I say he was expelled from the cabinet, hustled out of the cabinet because they found he was not fit to be there, but he was placed in a very important position, that of collector of customs of the port of Halifax, and it is a matter of history that before he was twelve months in that office, by his ignorance, his stupidity and his pig-headedness——

Some hon. GENTLEMEN—Shame, shame.

Hon. Mr. MILLER—I say by his ignorance and pig-headedness he had the whole

commercial community of Halifax in turmoil and confusion.

Hon. Mr. SCOTT—Mr. Speaker, this must be stopped.

Hon. Mr. MILLER—A cry went up to have him removed.

Hon. Mr. SCOTT—My hon. friend is too old a member of the Senate not to know that he is offending against the rules of the Senate in the remarks he is making.

Hon. Mr. MILLER—I labour, as the House knows under the disadvantage of not being able to hear what the hon. senator says; otherwise I should be inclined to treat it, as I have always done, with the greatest respect. I say it is a matter of notoriety that while in that office an outcry went up, and from none more strongly than from the Liberal merchants of Halifax: 'What have we done to induce the government to put this man in so important a position for which he is not qualified?' The Mackenzie government did not remain long in office, but it was an admitted fact at the time, that their defeat in Halifax in 1878 was largely due to the unpopularity of this gentleman's appointment. When the Conservative party came into power there was a wild cry among the Conservative merchants of Halifax for his removal, but the Conservative party felt that, being an ex-minister, and being provided for as exministers usually are with a comfortable retiring position, they would be chargeable with vindictiveness, and with introducing the 'spoils' system if, without the strongest provocation they should remove him; but after a while the discontent became so great that he had to be removed, and when he was removed the business community felt that they had been relieved from an incubus. But more than that, while he was collector of Halifax, it was charged that he connived at breaches of the law, by foreign vessels entering the port of Halifax; in other words that he permitted United States fishing vessels to enter the port of Halifax and obtain supplies contrary to the stipulations of the treaty of 1818. That charge was publicly made against him at the time and he never did as I had done, never brought his accusers into a court of justice and asked for a retraction or vindication of his character from the charges made against him. He had to be put out of that office ultimately.

But the worst is to come. He represented Victoria in the legislature for some years. Victoria was a small constituency, one of the smallest in the province, and the chief recommendations for a candidate in that county were that he should be a Scotchman and a Presbyterian, and undoubtedly the hon. member was both. It was a small constituency, and it was charged against him that time after time he got elected for that county because he threatened to stab his party if he were not made the candidate. On account of Victoria being a small constituency, and he being the leader of a faction in the county, he could always, by controlling as he did a couple of hundred votes, compel the Liberal party to take him as their candidate, except on one or two occasions when they let the party be defeated in order to get rid of him. Mr. J. A. McDonald was returned, not because the Liberals could not return a candidate, but because they wanted to be relieved of the attempts on all occasions of this individual to claim the right to represent the county. This state of things went on until the last general election, when the little county of Victoria was merged into the county of Cape Breton.

Hon. Mr. CHOQUETTE—I rise to a point of order. I am one of the youngest members of this House and I should like to learn the rules. A moment ago I heard the hon. Secretary of State read to the House a rule which is perfectly correct and which, according to my humble opinion, goes to show that the hon. member is out of order. I should like to have a ruling on this matter, and I ask if speeches of this kind, political speeches, stump speeches, are allowed in this House? I ask for the ruling of the Speaker.

Hon. Mr. MILLER—I am on a different subject altogether now.

Hon. Mr. YOUNG—This is a point of order.

The SPEAKER—Of course I can do nothing else but read rule 25 which says:

All personal, sharp or taxing speeches are forbidden, and any senator, conceiving himself offended, or injured in the Senate, in a committee room, or any of the rooms belonging to

the Senate, is to appeal to the Senate for redress.

There is no question, I suppose, that the speech of the hon. gentleman from Richmond, is personal and sharp.

Hon. Mr. CLORAN—I should say it is blunt.

Hon. Mr. MILLER—Whatever question might arise as to some of my preceding remarks, what I am doing now is simply narrating facts, and I certainly cannot be out of order in showing that, before the last general election, the little county of Victoria—

Hon. Mr. WATSON—The hon. gentleman might be justified in the former part of his address and in quoting what he read to us in justification of himself, but he is now attacking another member and not justifying himself it all, which I think, according to rule 25, is entirely out of order, If the hon. gentleman felt himself aggrieved and thought he should reply to the attack made upon him to justify his position and in doing so produced the evidence brought out in court, this honourable House might not take exception ; but to go on now and commit the very same offence that he charges against the hon. member from Halifax is, I think, violating rule 25, and it should not be tolerated in this House. Like my hon. friend (Hon. Mr. Choquette) I am a young member of the House, but if we have rules let them be observed. As a young member of the House, I am surprised at the hon. gentleman from Richmond setting such an example to us to-night. It is one of the worst exhibitions I have ever seen in any legislative body and I have been a member of the House of Commons and of other legislatives bodies for some 30 years. I think the Speaker should call any one to order who uses such language as we have heard from the hon. member from Richmond.

Hon. Mr. CLORAN—I am one of the youngest members of this House and probably would be permitted a latitude that elderly gentlemen would not be allowed; but young as I am, I would not dare to enter into a discussion on the basis laid down by the hon. gentleman. I have only been in the House five or six minutes this evening, and I heard attacks made on the character and past record of a man who has served his country. I have heard the motives and the character of an old public man assailed. I will not stand for it, and I say that when the Prime Minister of Canada is prepared to appoint a man to this honourable House and place him here as a member, his certificate of character is good enough for me, and he should not be attacked by any member of the Senate. What passed thirty or forty years ago in Nova Scotia, the petty squabbles of the past, should not influence our judgment in regard to immense general services rendered by the hon. gentleman from Halifax in his 84 years of life. I think it unworthy of his colleague who is nearly as old as himself, to attack him on the brink of the grave.

Hon. Mr. LANDRY—The hon. gentleman should confine himself to the point of order. What is the point of order ?

All personal, sharp, or taxing speeches are forbidden.

Some hon. GENTLEMEN—Hear, hear.

Hon. Mr. LANDRY—We will see how the transgression is to be punished.

And any senator conceiving himself offended, or injured in the Senate, in a committee room, or any of the rooms belonging to the Senate, is to appeal to the Senate for redress.

If the hon. gentleman who is attacked feels that he is injured, it is for him to appeal.

Hon. Mr. CLORAN—Another good quality he has is modesty and humility.

Hon. Mr. LANDRY—That is a quality I miss in some others. I call attention to the fact the way the point of order is raised is not the proper mode of obtaining redress.

Hon. Mr. MILLER—Fortunately for the hon. gentleman he belongs to the majority in the House and they are able to enforce their ideas of order against me ; but, as I said just now I cannot, in consequence of my physical infirmity, appreciate the argument of my hon. friend from Manitoba, and therefore I am not in a position to reply to him, though perhaps I might easily do so if I had his remarks before me.

Hon. Mr. WATSON—The Speaker heard my words and I should like to have the ruling of the Chair.

Hon. Mr. MILLER—That is very good, but I think the hon. gentleman, if he had

any sense of justice at all, would think it desirable that I should hear his remarks and have some chance to reply to them before the ruling. Would he like to have the Speaker's ruling on an ex-parte statement? That might serve his purpose, but it would not comport with justice or fair-play.

I was going to show the relations existing between the hon. gentleman's party and himself, how when he was not accepted by his party as candidate in the last general election as on many previous occasions—when the conference rejected him by a large majority, he made a determined effort to wreck his party and nearly did it, so much so that Mr. Mackenzie carried a Liberal stronghold with only forty-seven votes, which was carried the other day with over eight hundred, and I say it was because the party feared a repetition of this treachery and perfidy and baseness on his part—that he was appointed to the Senate.

Some hon. GENTLEMEN—Order, order.

Hon. Mr. MILLER—I repeat it was for this reason that they put him in the Senate.

Hon. Mr. SCOTT—Shame, shame.

Hon. Mr. POIRIER—I am not a young or old member of this House, but as a senator I call for the ruling of the Chair. This is altogether unbecoming, and is bringing us into contempt. I have great respect for my hon. friend from Richmond, but if this discussion is to be a precedent any of us can come here and malign a colleague with impunity. Every deliberative body has the power to see that decorum is maintained. Such speeches should not be allowed in any body that respects itself.

Hon. Mr. MILLER—My assailant's speech is all right, I suppose?

Hon. Mr. POIRIER—No, I have no personal feeling of complacency for the hon. gentleman who has been attacked; it is for the Senate I am speaking. I could add a page to the chapter that my hon. friend is reading with regard to the hon. senator from Halifax. While he was minister, there stood in Acadia the fort of Beauséjour with cannons and fortifications; and these cannons were sold for scrap iron against the protest of both French and English, all of whom regretted to see an old land-mark, a place where foreigners were in the habit of coming to see relics of bygone days, sold for a trifle. Therefore I have no personal amity to spare for this hon. gentleman; but I call for your decision, Mr. Speaker, to have decorum maintained in this House.

Hon. Mr. MILLER—The hon. gentleman's remarks are altogether uncalled for, I have finished.

Hon. Mr. ROSS (Halifax)—I suppose with the high compliment that has been paid to me as an individual that I should thank the hon. member for Richmond for the attack that he has made upon me. I have been before the public for quite a long time. I have been elected to the House of Commons by acclamation at three successive general elections. Where is the record of the hon. gentleman from Richmond? He took care that he did not appeal to his constituency after the change took place. As to my conduct as collector of customs I appeal to my master who is here in my hearing, the hon. senator from Belleville (Hon. Sir Mackenzie Bowell). He has gone down to Halifax several times and has held meetings in my office with the merchants at Halifax, and I ask him to say if he ever found anything unfair or unjust in my administration of the Department of Customs at Halifax? I wait for his answer.

Hon. Sir MACKENZIE BOWELL—I must admit the correctness of the hon. gentleman's statement. So far as my knowledge goes in reference to the conduct of his affairs when I have been at Halifax, it is as he has stated.

Hon. Mr. ROSS (Halifax)—I am proud to have this vindication from my old master. Now as to my position in the Mackenzie government. In the first place I studied military training under Sergeant Major Brechin, a strict disciplinarian, for two winters in Halifax. I passed my examination before a board of imperial officers, and I got my colonel's commission. That is the position that I was in when Sir John Macdonald resigned. I may say now, and I say it in the presence of Him who rules in Heaven above as well as on the earth beneath, that I had no more idea of entering the Mackenzie government than I now have of committing suicide. Mr. Mackenzie said that he would appoint two members of his government from among the Nova Scotians, whom the Nova Scotians themselves would

select. I know that there was a man at that time who was very anxious to get the position, but some of the members said to me, 'Ross, you must enter that government.' 'No', I said, 'I do not intend to. I have no desire to.' However, after thinking the matter over until next day, I said, 'if they will give me the Department of Militia, because I know something about that department, the outside workings of it at least, I will accept.' I accepted the position. I was opposed by all the force and influence of the Conservative party in Nova Scotia, and in Halifax, particularly; but I was returned by a handsome majority—by such a handsome majority that when Mackenzie appealed to the people in January or February, 1874, I was returned by acclamation. That is something of my political history. What is the political history of my hon. friend, I was going to say in this House or out of it? I leave the public to judge for themselves. I did not seek a position in the Mackenzie government. There is a member of that government present in my hearing who will bear me out—but the party in Nova Scotia insisted that I should go into the cabinet.

Now, Mr. Mackenzie was a Highlander and so was the old man Ross. Let me say here to the hon. member from Richmond that I am not tottering; that I can stand on my feet and run up and down the steps like a boy. I will challenge him to go down to the front gate and see which of us will be here first in the Senate Chamber. Providence has blessed me with considerable strength and considerable energy, soundness of mind and soundness of body, for which I should be thankful. Mr. Mackenzie wanted to move the Department of Militia from its present position in the northern building, and Powell who was at the head of the Militia Department then in Canada, asked me then to oppose that. Mr. Mackenzie wanted the office for the engineers in connection with the Pacific Railway. We opposed the moving and said if they wanted to get a place in the northern building it would be better to go over themselves. Mackenzie was not very complimentary to me for refusing. At that time he had only the railway to look after. I wanted him to survey the road through to the Strait of Canso to show to the people of Nova Scotia that we were trying to do something. I, as a minister of the Crown, wanted to show the people of Nova Scotia that I was desirous of extending the railway further eastward. It was never done until it was done by the late government, who built it to Sydney and North Sydney. The reply I got from Mackenzie was characteristic of the man. He said, 'Thank God we can do without Nova Scotians now.' I said, 'Mr. Mackenzie, you could not have done without a Nova Scotian when we forced Sir John Macdonald to resign, and the day will come yet that you will not be able to do without them.' That day was not long in coming. There was a man in the Mackenzie government who was superior to most men whom I ever knew—Sir A. A. Dorion, who was afterwards promoted to be Chief Justice of the province of Quebec. Dorion and I were personal friends. He was a man who was beloved by everybody. The moment that he was appointed to the position that he filled—I think I may say it in the hearing of the senators from the province of Quebec—with so much satisfaction to the whole people, Mackenzie took everything into his own hands. Sir Albert Smith said to me several times, 'Ross, this thing is not going to stand long.' I was offered the position of Collector of Customs in the city of Halifax, the highest office in the province. I was very glad to get out of the party whose destruction I could see was written even at that time; and I took the position when it was offered to me and I may say that my best friend in the city of Halifax belonged to the Conservative party. Among other things there was an accountant sent down to investigate my accounts with the Bank of Montreal to see if there was anything in the nature of fraud that could be found against me; and I got a certificate to say that the dealings with the Bank of Montreal and the other accounts were correct to the cent. That certificate, to a man raising a family as I was doing, was dear to me and it is dear to me still. I am not afraid of anything the senator from Richmond can say about me. I must do him this justice—and I wish to do it very frankly—to say that the trial to which he refers escaped my memory altogether. I must do him and myself the justice to be very frank with him on that point. I do not think it is necessary for

me to say much to vindicate either my public or private character. That is known to the people of Nova Scotia, to several of the members of the other House where I have occupied a seat for a long number of years, and also to some of the members now within my hearing. This is all I intend to say. I have endeavoured to speak as calmly and moderately as I could under the very trying provocation I have had to say some unkind things.

Hon. Mr. MILLER—I ask that my motion be withdrawn.

The motion was accordingly permitted to be withdrawn.

THE ADDRESS.

The Order of the Day being called :

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

Hon. Mr. KERR (Cobourg)—Owing to the lateness of the hour and the suggestion of several hon. gentlemen I move the further adjournment of the debate on the address.

The motion was agreed to.

The Senate then adjourned until tomorrow at three o'clock.

SENATE.

OTTAWA, Tuesday, March 20, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE QUEBEC BRIDGE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

Who is at present the president of the Quebec Bridge and Railway Company ?

Hon. Mr. SCOTT—Honourable Mr. S. N. Parent.

Hon. Mr. LANDRY—Since when has he occupied that position ?

Hon. Mr. SCOTT—Since September 16, 1897.

Hon. Mr. LANDRY—Who occupied it before him ?

Hon. Mr. ROSS (Halifax).

Hon. Mr. SCOTT—Colonel J. Bell Forsyth.

Hon. Mr. LANDRY—What salary does the present president of the Quebec Bridge and Railway Company receive annually ?

Hon. Mr. SCOTT—None.

Hon. Mr. LANDRY—If he does not at present receive any salary, since when did he consent to occupy the position without taking the salary thereof ?

Hon. Mr. SCOTT—Since 1st December last, 1905.

Hon. Mr. LANDRY—For what reason or at whose suggestion did he consent to the decrease or to the complete cutting off of the salary which he was receiving before having come to or having yielded to that resolution ?

Hon. Mr. SCOTT—The said Honourable Mr. S. N. Parent having been appointed Chairman of the Commissioners of the Transcontinental Railway had resigned of his own accord as President of the Quebec Bridge and Railway Company, but the directors having refused to accept the said resignation, he consented to act without salary.

Hon. Mr. LANDRY—Was the salary then one of $5,000 or more ?

Hon. Mr. SCOTT—The salary was fixed in April, 1904, at $5,000.

TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired :

In what building are held, at Quebec, the meetings of the board of directors of the Quebec Bridge and Railway Company, and those of the National Transcontinental Railway Commission ?
To whom does this building belong ?

Hon. Mr. SCOTT—The meetings of the board of directors of the Quebec Bridge and Railway Company are held, at Quebec, in a building belonging to the Honourable J. G. Bossé, judge, Court of Appeals, situated at 147 Mountain Hill. The National Transcontinental Railway Commission does not exist ; presumably the Commissioners of the Transcontinental Railway are meant by this question. If so, they do not hold any meetings in that city.

Hon. Mr. LANDRY—How much does the Quebec Bridge and Railway Company pay as the annual rent of its offices situated in the said building ?

Hon. Mr. SCOTT—Four hundred dollars from November 1, 1905, till May 1, 1906, and seven hundred dollars, including heating and taxes, for the three following years beginning on 1st May next.

Hon. Mr. LANDRY—How much does the annual rent of its offices in the same building cost the National Transcontinental Railway Commission ?

Hon. Mr. SCOTT—The National Transcontinental Railway Commission not existing cannot pay any rent ; as regards the Commissioners of the Transcontinental Railway, they occupy no offices in the said building, and therefore pay nothing.

Hon. Mr. LANDRY—Have leases been signed to that effect ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—If so, between whom, at what date, before what notary, and for what period ?

Hon. Mr. SCOTT—Between said Hon. J. G. Bossé and the Quebec Bridge and Railway Company, before C. E. Taschereau, notary, on November 4, 1905, for 3½ years from 1st November last.

MUTUAL RESERVE FUND LIFE INSURANCE ASSOCIATION.

MOTION.

Hon. Mr. CLORAN moved :

For a return of the amount of moneys paid by the Mutual Reserve Fund Life Association of New York for legal expenses, during the investigation of the said company's affairs in Canada, held by the special committee of the Senate during the session of 1904, and also, a return of the names of all persons and firms who received the said moneys, with the special amounts paid to each.

Hon. Mr. SCOTT—This Senate has no power to compel the Mutual Reserve Life Association of New York to divulge the particulars of any moneys they may have paid. I asked Mr. Fitzgerald whether that was one of the provisions under the law as it now stands, and he gave it as his opinion that it was not. A commission is now sitting, as the hon. gentleman is well aware to investigate the insurance business, and this would be a proper subject for the commission to take up. In reference to the other part of the motion for a return of the names of all persons and firms who received the said moneys, a return can be laid on the table of the moneys which have been paid. A number of people were brought here for the Mutual Reserve who received moneys for hotel expenses, and that statement will be laid on the table.

MUTUAL RESERVE FUND LIFE INSURANCE ASSOCIATION.

INQUIRY.

Hon. Mr. CLORAN—I regret very much to have to rise in my place to-day, not on my own behalf, but on behalf of a large number of Canadian citizens who are interested in the matter of insurance, and I may also add on behalf of members of the special committee who had charge of the investigation into the affairs of the Mutual Reserve Fund Life Association of New York—I regret extremely to have to say to them what I must say. The answer of the hon. Secretary of State to my previous question was not only incomplete but it was most unsatisfactory. I had put on the order paper questions asking the hon. Secretary of State, or through him the government of this country, if they knew that the officers of a foreign insurance company doing business in Canada, and to whom our Canadian people were paying in their good money, were thieves and forgers ? The answer was that he did not know. My reply on behalf of the people is that the government should know, and should have found out. Any insurance company doing business in Canada, taking the people's money, is bound through the government or through the insurance department, to give to the Canadian people an answer to their questions. To-day, on behalf of the Canadian policy-holders, and on behalf of a number of members of that special committee, I put a question, asking where this $20,000, which, in the insurance report of the Inspector of Insurance of the state of New York is charged against the Canadian policy-holders, or charged against the insurance company involving interests of Canadian policy-holders—I asked the hon. Secretary of State, and through him the government, for an answer, and he says he is not in a position to

give it. I say that he or the government should be in a position to give an answer through the insurance department. I know for a fact that there is a discrepancy in the statement. I have the information, not from the insurance report itself, because I could not get it at the library. They said 'we have no copy.' But there is an hon. member of this House who has seen a copy of the insurance report of 1905, of the state of New York, wherein Mr. Eldridge, the vice-president of the Mutual Reserve Life Association of New York, that sanctimonious gentleman who has been held up here as a paragon of virtue by the Secretary of State——

Hon. Mr. SCOTT—No, no; I am not responsible for that.

Hon. Mr. CLORAN—He made the statement that he paid $20,000 for services rendered before the Senate of Canada. His statement in the report is not what he swore to before the investigation committee, of the state of New York, at which I had the privilege of presiding with senator Armstrong in December last. Before that committee, Mr. Eldridge, vice-president of the company, said it had cost him $15,000 to defend himself, a forger and a thief, and his president, before the Senate of Canada. This is not extravagant language. Today these gentlemen are under arrest, indicted before the criminal sessions of New York state for the very acts that this honourable House appointed a committee to probe and investigate, and which was burked—I use the word deliberately—which was burked, but which was the cause of opening the eyes of the people of this American continent, of the people of England, of France and Germany, to the disreputable methods of the officers of insurance companies who so largely control the destinies of our widows and orphans. This committee, through your honourable House had a duty to perform. We performed it in spite of the most desperate obstacles, both from the opposition and from the government side of the House. We acted not on behalf of ourselves; but on behalf of the people of this country. Our report was laid low after a tie vote, but it was sufficient to arouse the authorities of New York state, after we had proved that the president of the Mutual Reserve Fund Life Insurance Association of New York had paid $40,000 to Inspector Payne to change his report. When we had proved that they had bought officials of the inspectors office of the state of New York, our report was sufficient to justify the legislature of that state to appoint a committee of investigation, and with what result? With the result that the greatest financial institutions in the United States have been shaken to their basis, not through want of confidence in their financial standing; not through want of funds, but through the infidelity of their officers—through the grasping greed of their officers, stealing hundreds of thousands of dollars in salaries, stealing hundreds of thousands of dollars through speculations with insurance funds, against the rights of the people both of the United States and of this country and of England and of other foreign countries. Our little investigation was spurned here on the floor of this House by the hon. Secretary of State and characterized as 'a disgrace.' I wish to tell him here to-day that that word has got to be withdrawn by an apology, or it will have to be wiped out by an overflow of parliamentary denunciation.

Hon. Mr. SCOTT—I rise to a point of order. Is this proper? The hon. gentleman denounces me because I cannot produce a document which is not in the possession of the government. A report of a foreign state concerning a foreign insurance company! The government of this country, most anxious to ferret out any improprieties that may have been committed in Canada, appointed a commission. It was thought to be a better way of arriving at the facts; that it would be more searching than a parliamentary committee. That commission is now sitting in this city, and it is proper that the matter to which the hon. gentleman refers should be investigated before that commission. I do not think that we should have re-enacted the farce of two years ago. The hon. gentleman has used strong language concerning me. I do not know what he calls 'spurning.' I opposed the action of that committee, because I thought the investigation was not carried on in a proper way. I thought it was carried on in a reckless and extravagant way, and I do not

think the policy-holders of that company in Canada got any benefit from that investigation. A Bill was brought in to deal with the question, and it was settled without any aid from that committee. I ask, Mr. Speaker, for a ruling on the point of order; the hon. gentleman has no right to discuss a question which is not before the House.

The SPEAKER—The hon. gentleman has not a right to speak on the motion before the House.

Hon. Mr. CLORAN—I am speaking on the subject of the Mutual Reserve Fund Life Insurance Association. The Speaker decides that there is no motion before the House dealing with that subject.

The SPEAKER—There is a point of order taken which I must decide. Rule 55 is as follows:

When a question is asked by a senator the senator putting the question and the senator answering ought to make only such observations as they may deem indispensable to be understood, and no debate is allowed except by leave of the Senate. In the House of Lords (10 May, 206) and particularly in the Senate. this rule is generally disregarded and lengthy debates often follow. If the senator questioning or answering is allowed by the Senate tacitly or otherwise to offer any opinion, argument or inference, other senators may claim the same privilege.

Hon. Mr. LANDRY—Do I understand this applies to an inquiry or a notice of motion?

The SPEAKER—This is to a question put.

Hon. Mr. LANDRY—This is not a question put; it is a motion for the production of papers.

Hon. Mr. SCOTT—The hon. gentleman spoke to his motion in the first place.

Hon. Mr. CLORAN—This has to come before the Senate sooner or later. In order to bring it before the Senate, I shall conclude my remarks with a motion. The members of that committee, myself particularly, have remained under a cloud. Now, I am going to dissipate that cloud, no matter whose head is going to break. I have been here, on the floor of this House, denounced as chairman of a committee that was 'a disgrace to the Senate.' These were the exact words of the hon. Secretary of State. I can quote the words of other hon. members, who said that we were not as a committee filling a good purpose; that we were filling a purpose that was detrimental to the people of this country. To-day the records that have been revealed of the insurance companies go to prove that our action in that instance was not detrimental, but was very beneficial not only to the people of Canada, but to the people practically of the entire civilized world. When we sat here for the past two years under that cloud of approbrium and odium cast on us, we bore it meekly and humbly and respectfully, but now the day has come when truth is stronger than hatred, stronger than the support of a corrupt company, a company that, a majority of the members of that committee felt to be corrupt through all its stages from the president down. It has been shown that the president is a public thief through the vice-president and through his officers. We knew it, and we felt it, but we were blocked at every stage of the investigation. We were blocked as far as some members of that committee could do it, in the committee, and we were blocked as far as supporters of that company could do it on the floor of this honourable House. I stand here to-day to challenge any one in this House or in this country, if the action of the chairman or of the majority of his supporters in that committee, was not perfectly justifiable in view of the facts as developed then, and especially in view of the facts that are now before the public of this continent? I say hon. gentlemen, that this charge which is recorded in the Debates of this House is not going to remain there. It must either be retracted and apologized for or wiped out by parliamentary denunciation.

Hon. Mr. PERLEY—Who is expected to apologize?

Hon. Mr. CLORAN—I want the hon. gentlemen who called our committee a disgrace to say that it was not a disgrace. I want the hon. gentlemen who called our committee a useless body to withdraw their words or they shall hear from us later on. What I have to say with regard to the charge of extravagance is this: The expenses of that investigation were as small as the expenses of any committee that ever inquired into a parliamentary matter. We sat practically three months, actually 54 sitting days, from ten in the morning until very often ten and

eleven at night, and what was the cost of the investigation? Not more than seven thousand dollars. The hon. Secretary of State said that a judicial investigation would serve the purpose better than a parliamentary one. There I beg to differ from him. A judicial investigation is one calculated to cover up the truth, to hide the facts; a parliamentary investigation is one calculated to probe the sore to the bottom, and to find out what is rotten in the sore, and that is what I have referred to in the legislative investigation in New York. Sitting next to Senator Armstrong one day in the state building of New York, and when Mr. Hughes, the attorney of the investigation, put questions most direct, most pertinent, most personal, most private, I said to him: 'Do you allow that investigation to go on?' He said: 'Yes, that is what we are here for, to probe, to find out and investigate the affairs of the Mutual Reserve Life, the New York Life and the Equitable.' They had no two hundred dollars a day lawyers on the floor to object to the questions or prevent them being put as we had. We had one lawyer in whom we had confidence, who would not sell us, who did not sell his friend Colonel Domville; and he had against him an array of legal talent, the brightest in Canada, the most able in the United States. I said to Senator Armstrong: 'You astonish me with your investigation. Why, in the Senate at Ottawa the company had an array of talent from Toronto, from Ottawa and from Montreal, from New York, from all quarters, the best that they could get, and the highest paid.' 'Well,' he said, 'we do not run our business that way; we are investigating these institutions in the interest of the people, and not in the interest of the companies.' I said: 'I am very sorry we did not have the same opportunity in the Senate in Ottawa, but little as we had of an opportunity, we did good work, and I think our investigation is the cause of your investigation,' and he had to admit it. Now, hon. gentlemen, these are the facts, still the hon. Secretary of State and Department of Justice want to give a lawyer like Mr. Coster, an expert like Mr. Thompson, $5 or $10 a day. Mr. Hughes, who only examined the witnesses before that investigation committee of New York, received a fee of $25,000, and was absolute master of every question he put to these people. His counsel, who did not open his mouth during the whole term of that investigation, received $25,000, and a junior counsel got $10,000, with unlimited services of secretaries, stenographers and everything imaginable, while our Senate demeans itself and I use the word purposely, takes from a poor lawyer what he earned hard enough. The Senate did not do itself honour in the way it has acted in regard to that matter. It was not a matter of tremendous expense, and it has accomplished good results. Many a poor man has saved money for his wife and children by not paying it into the Mutual Reserve in the last two or three years, and I hold that when any hon. senator rises in this House to obtain information respecting the business of that company he should get it. I do not rise for myself personally, but on behalf of the people who day after day, by correspondence and otherwise, are asking what they should do—men up in years, men young in years, what they shall do in regard to this Mutual Reserve Life Company, and when I ask for information from the government I am told 'We are not able to find out what they have done with the money.' I say the answer is not satisfactory. Any company doing business in this country can be required to furnish information. The government can demand it, and I shall quote not only in regard to the motion I have put to-day, but in regard to an inquiry made some days ago with reference to the vice-president and second vice-president of the company being under arrest, indicted for forgery, when the government answered that they did not know what their organ said. It was the business of the government to find out and to lay the facts before the people of Canada. I have in my hand an article from the Liberal organ, the official organ of the government, which does not coincide with the views of the hon. Secretary of State.

Hon. Mr. POWER—What paper?

Hon. Mr. CLORAN—'Le Canada,' the official organ of the government. The article is as follows:

Nous n'avons encore lu que le témoignage donné par M. Fitzgerald, le surintendant du département des assurances, dans l'enquête instituée par la commission. Et cependant nous trouvons à relever deux choses :

10. L'inspection du gouvernement ne peut vérifier que les placements faits par elle au département.

Elle ne va pas jusqu'à l'audition ou contrôle des livres, où les comptes peuvent être manipulés et faussés sans que le gouvernement puisse s'en apercevoir.

20. Les compagnies d'assurances se refusent à donner le détail des appointements qu'elles paient à leurs officiers supérieurs.

Si l'on se rappelle, maintenant, que c'est par le contrôle des livres, de la comptabilité de l'" Equitable " que l'on a pu avoir la première indication des spéculations auxquelles les directeurs de ces compagnies se livraient pour leur propre compte, avec les fonds des assurés ;

Et que ce sont surtout les énormes appointements pavés aux présidents et vice-présidents des trois grandes compagnies qui ont attiré l'attention de la commission et du public sur l'extravagance des frais d'administration, des commissions payées à certains agents, etc.;

On en viendra à la conclusion que l'enquête entreprise par la commission devra, pour assurer le public, suppléer à la pénurie de renseignements que possède le département sur ces deux points.

Remarquons que dans le cas d'une assurance d'Etat, ces renseignements sont nécessairement à la disposition du public et que le contrôle de la comptabilité devient une des fonctions de l'auditeur provincial.

Nous ne saurions faire un crime à M. Fitzgerald où à ses subordonnés de n'avoir pas fait ce qu'il leur était physiquement impossible de faire ; mais ce n'en est pas moins un avantage précieux d'une assurance d'Etat, que de ne pas avoir besoin de rien cacher de son administration, de peur de trop renseigner les concurrents.

Hon. Mr. SCOTT—Perhaps the hon. gentleman will allow me to say a few words, it may relieve him if I tell him that among the information asked of the companies by the commission which is now sitting is the following :

To furnish statement showing any moneys or other property belonging to the company at any time paid out by way of gift, donation or otherwise for charitable, political, promoting or like purposes, showing in each case to and through whom the payment was made.

Second—Furnish statement of all sums of money paid for legal, contingent, parliamentary, legislative or other like expenses showing similarly in each case to and through whom the payment was made.

The hon. gentleman's inquiry will be answered most exhaustively.

Hon. Mr. CLORAN—What is the hon. gentleman reading from ?

Hon. Mr. SCOTT—From to-day's 'Free Press.'

Hon. Mr. CLORAN—If the hon. Secretary of State had given me that information in answer to the question which I asked——

Hon. Mr. SCOTT—I mentioned that matter, and said it was going to be dealt with by the commission.

Hon. Mr. CLORAN—The hon. gentleman said he could not give any information because the companies would not be obliged to answer.

Hon. Mr. SCOTT—I told the hon. gentleman that the government believed the commission would be the best way of making the inquiry, because the most ample powers were given, and it was idle to talk about a parliamentary commission which might dilly-dally for five or six months and accomplish as little as did the commission of which my hon. friend was chairman two years ago. It was for that reason and because the government have no power directly to compel the production of this information—I asked Mr. Fitzgerald the chief of the department whether this was one of the questions that he could fairly put to the companies with the certainty of getting an answer—because it would be very undignified for me to tell Mr. Fitzgerald to write to the companies for this information and have them say in reply : 'We are not bound to answer.' The insurance law requires amendment, I have no doubt, and I hope it will be amended this session after the completion of the present inquiry. The hon. gentleman will see that the very point he is making here as to moneys paid for counsel in connection with matters which are before parliamentary committees, is one of the chief questions that is to be taken up by the comission.

Hon. Sir MACKENZIE BOWELL—I would ask the hon. Secretary of State whether the information which is to be asked for, about which he has read to the House just now, applies to the Canadian companies or to those of the United States?

Hon. Mr. SCOTT—I think it includes all companies doing business in Canada under license. I presume the Mutual Reserve Fund Life is one of these ?

Hon. Mr. CLORAN—I am quite willing to accept the explanation of the hon. Secretary of State in regard to the matter, but I wish him to convey to Mr. Fitzgerald my opinion, and I think the opinion of the majority of the committee, that he has no

opinion to offer in regard to what the companies shall and what they shall not answer. Companies doing business in Canada are bound to answer every question put by lawful authority and lawful authority is in a parliamentary committee. A judicial committee is lawful authority also, but it is restricted by rules and regulations which, I contend, are calculated to hide the truth, while under parliamentary authority, which is equally lawful, there is no restriction whatever and I hold therefore that a parliamentary investigation into this matter would be much more effective than one by a judicial committee. Mr. Fitzgerald may give what opinion he pleases—the authorities of New York state gave the same opinion, but when it came down to the question of deciding whether the Equitable, the Mutual Life, the New York Life, the chief officers of which were being paid from $75,000 to $200,000 a year salary, refused to answer the questions put to them, but the power of the state came down on them and they had to answer. Before a judicial committee, with half a dozen lawyers present paid to protect their interests, they could get behind the screen. Before a parliamentary committee, every citizen is bound to answer no matter what the consequences may be to himself. Before a judicial committee he may say, 'I will not answer because I might jeopardize my standing or my liberty,' but before a parliamentary committee there is no such jeopardy to be encountered. The parliamentary committee answers in such a case: 'You shall not suffer but you must give the facts.' I hold that in these matters, were national interests are involved, it is not a petty judicial-legal-lawyer business we want, but a fair straight inquiry into the whole sore, and nothing else. But as the hon. gentleman has stated that the recently appointed commission of inquiry is given power to ask questions of this nature, I shall drop the matter. If I have spoken with a little heat it is because the cinders have been under the ashes for two years. Do not blame me hon. gentlemen. I have stood on the floor of this House with my colleagues of that committee under a ban—degraded as it were, but to-day the cinders are aglow and will burn and burn until justice and right shall triumph, and truth shall prevail throughout the country and also in this honourable Senate.

THE ADDRESS.

DEBATE CONCLUDED.

The Order of the Day being called:

Resuming the further adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the second session of the tenth parliament.—Hon. Mr. Kerr, Cobourg.

Hon. Mr. KERR (Cobourg)—In resuming the further adjourned debate on the consideration of His Excellency the Governor General's speech on the opening of the second session of the tenth parliament of the Dominion, the remark is obvious that while the speech presents a great variety of topics for our consideration, the speeches themselves upon the consideration of the address in this House have been equally diversified; in fact the debate has taken a wide range. I will not say unprofitably so, because many of the topics which have been discussed have no doubt been suggested and have grown out of the topics embraced in the speech from the Throne. Some one asked the question long ago, 'What shall a man do who follows the King?' That question involved a very considerable amount of trepidation and embarrassment on the part of the man who asked it. I can sympathize with him, and I feel that I can ask the question what shall a man do who follows several kings in debate? I wish at the outset to have the privilege of adding my contribution to those who have congratulated the mover and seconder of the address in reply to the speech. The arrangement was a happy one. The mover of the address hails from the far west. He could tell us about the state of the country and the feeling there, and he was happy in his remarks. The seconder of the address hails from almost the extreme east. He also was happy in his remarks, and told the House about the state of the Dominion and the prospects and the feeling of hope that dwells in the breasts of our fellow-countrymen down by the sea. I read the reports of those speeches in order to form a more intelligent opinion as to their character, and I think it is only due to the hon. gentlemen who delivered them to say that they made a very excellent impression upon

my mind, and I am very hopeful of the usefulness of the mover and seconder in their future career in this House. I should like, if it would not be considered out of place, and I do not think it is, to extend a cordial welcome to those who have this session entered this Chamber for the first time. That thought is tinged, however, with a good deal of sadness, for, although I had a similar pleasure seven years ago when I entered this Chamber, it saddens me when I think that I shall see no more, faces which I have seen honoured and loved on both sides of this House. I would like as an old friend, one who perhaps has enjoyed a longer acquaintance with the leader of the opposition in this House than any other hon. member, to say with what extreme regret I heard him announce from his place this session his intention to retire from the position which he has held so long and so much in the interests not only of the successful working of this Chamber, but of the country at large. But I am not surprised that he has expressed the intention to retire. He has spent a long, a useful and, I am bound to say, an honourable public life, and it is not surprising that when one has worn public harness as long as he has, he should occasionally feel the gall of the collar and the pinch of the hames. Whoever may be his successor in this Chamber can take courage, from the fact that he will have for many a day, as we all hope, the support and the benefit of the knowledge possessed by the present leader of the opposition, for he is a storehouse of political and other knowledge, and it is the wish of every one on the floor of the House, I am sure, irrespective of political leanings, that his days with us may be many.

Coming directly to the speech from the Throne, the first paragraph invites our attention to the continued prosperity of this Dominion. I hope hon. gentlemen that we realize what that word as applied to this Dominion means. The prosperity of this country now and for some years past and likely for many years to come, is and will be simply wonderful. There is an epic of joy and hope sung now in every province of the Dominion. It is set to the sweet music of happiness and peace, and it is sung by the busy hum of the Atlantic cities; it is chanted by the glad shout of the proud iron horse, and the gay boat song of the St. Lawrence, and it is rolling and increasing in volumes as it swells over the three prairie provinces of the west. It extends beyond the Rocky mountains and is re-echoed from the shores of the bright Pacific by that province which has grown up on its shores. Now, I hope that we will all be properly thankful that Providence has given to our country such wonderful prosperity. But every joy—and it is a joy to contemplate the prosperity of this Dominion—has its corresponding sorrow. The next paragraph of His Excellency's speech calls our attention to the sad fact that Her Majesty Queen Alexandra has suffered a great bereavement in the loss of her father, the King of Denmark. His Excellency feels satisfied that the sympathy of the British empire and especially of Canada will be offered to Her Majesty in her sorrow and bereavement for such a father. King Christian of Denmark was one of nature's noblemen, and, as I have always looked upon him one of the worthiest monarchs that ever occupied a throne. I hope that that little kingdom, although deprived of his presence and guidance, will continue to flourish in the time to come. And why should not our sympathies go out to Her Majesty in her sore bereavement? From the very hour her auspicious invasion of the British Isles when she made a willing captive of the heir apparent to the British throne, down to the present time, by her noble qualities and queenly virtures she has held the British empire's heart in fee.

Our attention is next invited to the two new provinces in the west. These two provinces were long in coming into existence, but they have finally done so and I am bound to say, from all the reports I have heard, that they are the two youngest and fairest princesses of the royal family of provinces in this Dominion, they had hard struggles but I hope the struggles are over. His Excellency, I understand, was simply charmed by what he saw and observed, and his notions of Canada and its great future were not only confirmed but enlarged. I do not wish to resurrect the discussion which took place while the Bills creating those two provinces were under discussion. Whatever cry of race and creed or pre-

judice with regard to them was then aroused, I hope it has been buried a thousand fathoms deep, and that it will never be resurrected, although sometimes I feel that like Banquo's ghost, these cries will not down. I hope, however, that they will have no place in this Chamber. I would like to make a passing reference and do it in all charity and in all good feeling. I have heard in the early part of this debate, with some surprise, that the ex-premier of the territories did not receive that consideration at the hands of the government which he was entitled to receive. I do not agree with that statement. I have a very high opinion of the abilities and statesmanship of that hon. gentleman, and think he has done a great deal of good in the territories now included in the two new provinces, but I did think—and I have not changed my mind yet—that for some time before these Bills became law he had acted very badly. He acted not only unwisely, but very injudiciously, and instead of expressing surprise that he was not called upon to form an administration of one or the other of these provinces, from my point of view, I would have been very much surprised if he had been. I consider that a man to work a policy or constitution and get the best results from it, must be a man in sympathy with that policy and with that constitution. We all know that the gentleman in question—and I would not for anything say a word in disparagement of his abilities and usefulness as a Canadian—advocated making one province out of the territories instead of two provinces. I am satisfied that there is territory enough for two great provinces, and that it would have been unwisdom to have made that vast country into one province. I am very hopeful of the future of these provinces and trust that peace and prosperity will abound in all their borders.

I want to dwell for a few minutes on another item in the speech from the Throne, that is, our immigration. It is most encouraging, and while we extend a hearty welcome to those good settlers from the south who prefer, I hope, the Union Jack to their own flag, but certainly our institutions to theirs, we especially welcome immigrants from the British islands, and I am glad to see that they are coming to us in increasing numbers. I want Canada to have not only as good a population as any other, but, if possible, a little better population than any other country. I want to see Canada in industry, temperance, push and energy, ahead of any other nation on the globe, and, so far as my humble efforts will go, I shall be glad to contribute my mite to that result. Nay more, while all these qualities are admirable and necessary I want to see Canada especially a God-fearing and a God-honouring nation, and I hope that will be accomplished by the class of immigration coming to our shores at present. I should like to ask the indulgence of this House for a few minutes, in dwelling a little longer on this topic, to read an extract from a pamphlet which has recently come into my hands, an admirable address delivered by Mr. Willison, a member of the Royal Society, and editor in chief of the Toronto 'News,' who lately delivered an address on the subject of Anglo-Saxon amity, and I honour him for his courage on account of the place and the surroundings in which that address was delivered. It is worthy of the perusal and the remembrance of every Canadian. If you would kindly, for his sake, rather than for my own, give me your attention I shall read this extract, which presents ideas much needed at the present day, and gems in their way. On the subject of immigration he speaks most encouragingly. He says :—

> At last we are a light upon a hill top and the nations see from afar. At last the movement of population is towards Canada. North and west the march of settlement proceeds, and hope and confidence and courage abound. We are taking rich treasures of lead and silver and gold out of the mountains of British Columbia. We are rearing new cities on the western plains and in the valley of the Pacific. We are sending the railway over the hills and through the frowning passes, and across great stretches of virgin land before which the foot of civilization has paused for centuries. We are filling these wide leagues of western prairie with a choice immigration from the old world, and from some of the populous states of this Republic. A growing commerce is passing out of our seaports on the Atlantic and on the Pacific. An increasing volume of the products of the west is passing through our canals, over our great through railways and on by the mighty St. Lawrence—which we shall make the chief traffic way of the continent—to the eager markets over seas. We are building more factories and employing more workmen and at better wages in all our centres of population. Our manufactures, as well as our agricultural products,

are getting firmer hold upon foreign markets. Our young men have learned that distant fields are no greener than the smiling fields at home. We are absorbed in the development of our natural resources, in the settlement of our western provinces, and in the keener prosecution of industrial and agricultural pursuits in our older communities. We are a united and a confident people. The industrial east aspires to sympathetic community of interest with the agricultural west, and in all the provinces a robust national sentiment prevails. We lie closer than ever before to the heart of the empire to which we belong. We hold more firmly than ever before our great place on this new continent. We know as never before that the day of our strength is at hand, and that long before this century has run its course, Canada will be a name of power among the nations.

Hon. gentlemen: I need hardly make any apology for having read that extract.

Another paragraph in the speech to which I should like to refer is that which relates to forestry. For many years I have personally taken a great interest in that question and have mourned, so to speak, that our beautiful land should be so denuded of the forest and timber which the virgin soil produces, and I hope it will be found possible in connection with our immense lumbering interests, which I would not like to see interfered with, to devise some plan to preserve our forests. In fact I am told that it is possible and practicable to preserve a great deal of our forests now existing without seriously interfering with lumbering operations; but, be that as it may, I hope that the interest and attention given to this question will not rest simply and stay with His Excellency's admirable speech; that it will receive the consideration of the best minds in this Dominion. Any one who knows much about the question understands that there is nothing like forests to preserve our waterways from drying up, and for that reason alone, apart from hundreds of others that might be mentioned, I hope that the arrest of the wholesale distruction of our forests will be accomplished.

Some hon. gentlemen have spoken, and spoken with effect, on the question of the removal of British troops from Halifax and Esquimalt. At first I felt a little wrench at their withdrawal and thought it was a pity; but, on consideration, I am reminded that Canada is not now in the kindergarten stage of development, but has put on the clothing and the strength of manhood. We have, I am glad to say, a very considerable military force and I have every confidence that it will be sufficient to garrison these places. In fact I think that the best garrison which any country can have is an intelligent, contented, and prosperous people. These garrisons, I suppose, were a precaution against danger without and within the country, but happily constituted as we are to-day, I think we need not give a passing thought to the possibility of trouble arising within the Dominion, for however we may be composed of different races and creeds, I am happy to say that the hour is fast approaching, nay, now is, when these things play but a secondary part. The great thought is, are we loyal Canadians and members of the British empire? I do not look for any invasion from a neighbouring power. That was tried a hundred years ago, and I do not think the result was so encouraging as to lead to another invasion for a hundred years to come. In fact, I am told that we have in our country soldiers of such bravery and such daring that one of them in the South African war, with the aid of his force, actually rolled back the tide of battle and brought the Boer war to a successful termination and saved South Africa to the British empire?

There is one other subject on which I should like to touch. It may seem trifling and yet it is not. We are promised amendments to the Fruit Marks Act. In the province of Ontario, as most of you know, the fruit industry is becoming a very great industry, and although I have not much faith in making man honest by Act of parliament, I have great faith in legislation which will punish him if he goes wrong, and which will deter him from repeating the offence. Everytime that I hear of a barrel of fruit being opened in the British market which is found inferior to the quality represented, I feel humiliated and I feel that five million Canadians are dishonoured.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. KERR (Cobourg)—Dishonoured before forty million British subjects of the mother country. In fact I have sometime been so uncharitable as to wish that the man who would pack fruit dishonestly could himself be thrown into the barrel, carried with the fruit abroad and exposed. You know what Sir Isaac Newton's theory

of gravitation was. That the centre of our earth is the centre of gravity and that large bodies gravitate downward. Rivers run towards the sea because they are rushing towards the centre of gravity, but strange to say, in the packing of many barrels of apples shipped out of this country, the law of gravitation seems to have been reversed. Would it be any wonder if one's faith in Sir Isaac Newton's theory were shocked by such incidents ?

There is still another topic in the speech which, to my mind, which though last is by no means least, and that is the National Transcontinental Railway scheme. From first to last I have been astonished that that project was opposed. I do not know that I would refer to it to-day except for the fact that even after the discussion on the subject two years ago, we occasionally meet with doubting Thomases. We are even told—I think we have been told during this debate, that another transcontinental railway is not needed in the west. Well, my opinion, and the opinion of a better judge than I am, is to the contrary. That question is so important, and touches us at so many points that I shall take the liberty of reading views expressed by a great railway minister a few years ago. This is what he says :

> There is no country where the soil is more fertile than in the millions of acres in Canada which the plough has not yet touched and which man has not yet invaded. Railways are necessary to open up these great fertile tracts. If we are to invite the people from the world outside to immigrate here, that they have a right to expect that the government can assure them the means of transportation. That means a great many railways in many parts of Canada, and we feel, as a government, that we have ample justification in going to all reasonable lengths to meet this need. The tide of immigration is just setting in full and strong towards Canada, particularly from the south, and I believe the time is near when there will be a greater immigration than ever before to Canada from the motherland. This influx of settlers must bring its problems.
>
> It means an increase of soil production and necessarily of transport. We cannot long remain content with only one transcontinental line. I am ambitious myself to see another right away. It cannot come fast enough to satisfy me, and I am doing all I can in my small way, without public pretense about it, to ensure its construction.

All honour to Mr. Blair for these noble sentiments. I think it was a report of that speech that fired me, as I never was before, in favour of another transcontinental railway, and I am glad to learn from His Excellency's speech that exploration and surveys are in a prepared state, and that we may look for some sections of the eastern division being put under contract immediately. I hope to live long enough, and I hope the majority in this Chamber will live long enough, to see that railway constructed from ocean to ocean. Already I like to look down the vista of coming years, only a few years, and see the first transcontinental railway train pull out from the station at Moncton, decked with Union Jacks and the maple leaf, and the band playing the National Anthem and heading for Prince Rupert or some other point on the Pacific coast. I can see in my mind's eye that train careering through the province of New Brunswick opening up territory never before pressed by the foot of civilized man; I can see it on its onward career through the province of Quebec, opening up thousands of acres of arable land and valuable timber to civilization, lands that without that railway would not be settled, perhaps, for centuries to come. I see it entering my own province the great province of Ontario and traversing a fertile belt of good arable lands from sixteen to twenty milions of acres as good as any part of the province, and I see it bounding across the prairie provinces of Manitoba, Saskatchewan and Alberta, over the Rocky mountains and through British Columbia to the sea coast; and when that train arrives at the coast I think I hear great rejoicing. I almost think I hear the voices of the venerable Secretary of State and of the leader of the opposition joining in singing the doxology and the National Anthem, and I think I hear a third triumphant shout and it is three mighty cheers for the Laurier government for conceiving and carrying to successful execution that great National Transcontinental Railway. I wanted to say, just in passing, that some hon. gentlemen have spoken on this question as if the enormous quantities of grain being grown in Manitoba, Saskatchewan and Alberta were the only reason why this railway should be built. Let us enlarge our vision; let us rise to the importance of the occasion and, if we do, we shall see that that railway primarily is intended to

develop the northern zone of this continent. No doubt you have felt, as I have felt, that our country has length, but we were not sure until now that it had breadth, and that railway, when it stretches across the northern zone of this country and reaches out its Briarian arms bringing the products of the north and of the south together and sending them by a line of steamships over the Pacific ocean, it will be the means of girdling the globe with the traffic of Canada. I see the first train moving out of Moncton, and I see another train moving out a few years later. This second one, instead of traversing a trackless wilderness, now leaves in its wake smiling fields, expanding pastures and waving harvests, multiplying towns and villages and cities, which will be growing like the prairie grass in the spring, which will baffle time and distance like the telegraph or telephone, which will spread the pulsation of its life tide to the remotest parts of the world, and then will be seen by those who come after us, a people inhabiting this northern region and the whole Dominion free as the mountain air, independent as the soaring lark, active and powerful as the giant strength of millions of free men and women. Hon. gentlemen, if we would have some part in that great accomplishment, let us follow the advice of the poet who says:

In the grayness of the dawning we have seen
the pilot star,
In the whisper of the morning we have heard
the years afar,
Shall we sleep and let them be
When they call to you and me?
Can we break the land asunder
God has girdled with the sea?
For the fog is floating o'er us,
And the track is clear before us,
From the prairies to the ocean
Let us lift the mighty chorus
For the days that are to be.

Hon. Mr. WILSON—It was not my intention to occupy any portion of the time of the House upon the address, had there not been certain remarks made by different speakers during this debate. In the first place, I must say I join heartily in the congratulations which have been offered to the mover and seconder, and also in the reference to the prosperity of our country. We all feel a strong interest in the welfare and prosperity of Canada. I equally sympathize deeply with the bereavement of our beloved Queen. We know what death and sorrow are. We all know and feel deeply anything of that kind, and we are all anxious to extend sympathy wherever it is required.

I must say at the outset that I do not agree with some of the remarks which have been made by hon. gentlemen in this House with respect to that strong feeling of antagonism to the government for bringing down their measures in the manner they have hitherto brought them down. I am well aware that perhaps it was late when some of these measures were brought before the Senate, but we are also aware that it is not only the case with the present government, but it has been the case with all previous governments that have been in existence for years.

Hon. Mr. FERGUSON—That does not make it right.

Hon. Mr. LANDRY—We are here to make it better.

Hon. Mr. WILSON—If my hon. friends will bear patiently, and give the government a fair opportunity, they will not only do better in this respect, but they will do whatever the interests of the country may require. We know that, heretofore, the governments of the day have been late in bringing down important public measures. We know the difficulties they have and the hardships they have to contend with to frame their measures so that they will be satisfactory to the people. As far as concerns the measure which has been considered so very important, relating to the increased indemnity and the pensions granted to certain individuals, was there any justification for the leader of the opposition saying what he did in reply to the fair, straightforward, honest and upright statement of the hon. Secretary of State? I say there was no excuse for it whatever. The Secretary of State deserves every credit for the manner in which he stated the facts in connection with the administration during the vacation, and also during the time when these measures were brought down. Was the measure brought down too late? Had the hon. gentlemen not an opportunity to remain here and discuss these measures? I say they had, and when my hon. friend from Wellington (Hon. Mr. McMullen) stated in very

strong terms that he disagreed with the manner in which the Indemnity Bill was brought down, I could not sympathize with him. He had the opportunity to remain here not only one day but a week if he so desired. Did we not find one hon. gentleman who had strong convictions in reference to another measure brought down at the end of the session, standing up here three and four hours at a time to discuss that measure. Had the hon. gentleman from Wellington not the same opportunity of contending against the granting of the increased indemnity or the pensioning of the retiring members of the government? Perhaps if there had been a measure brought in by the government and introduced into this House even on the last day of the session reducing the indemnity by one-half or one-third do hon. gentlemen suppose that my hon. friend would not have remained here and demanded an explanation from the government? I think he would, and I think the leader of the opposition would also have remained until he found out fully why the government had made such a change in their policy. There are strong reasons why they should remain here and discuss and oppose any matter they disapprove of. Did the hon. gentlemen disapprove of the increased indemnity? If they did, it was their bounden duty to make known the views they entertained, to oppose the increase, and to take the time necessary to fully explain their reasons for opposing it.

Then we are told that some other important measures came down late, and that we had not an opportunity of discussing them. The same argument applies in this case as in the case of the measures I have just referred to. We are here for the purpose of checking hasty or ill-advised legislation, and our views should be fully expressed on everything wherein we disagree with what is brought down to us by the government. So long as we are here, that is our duty, our first duty. I agreed with my hon. friend the leader of the opposition in reference to some Bills coming from the committees entirely changed and presented to this House in a new form. The Minnesota and Ontario Power Company's Bill was one of these. It was true, as the leader of the opposition has said, that that measure came before us practically an entirely new Bill. If it was entirely a new Bill, I ask why did the Railway Committee present a report to this House without going fully and amply into the reasons for the change they had made in the Bill? I disapprove of our alienating any portion of our rights in the waterways of this country. While I would prefer living on peaceable terms with the people of the United States, I say our first duty is to see that our interests in the Dominion of Canada are protected, and we have no right to alienate any portion of our waterways to the people of the United States. It may be argued that we do not need all the power at present, but we can understand that the possession of that power by the people of the United States, the using of it, and continued use of it for a length of time, might cause a difficulty when we desired it to be returned to Canada, and we might find difficulty in asserting our rights. Then we have another measure spoken of, relating to our insurance companies. While I disagree, as a rule, with royal commissions, it is sometimes absolutely necessary that such commissions should be appointed. I do not believe that this House should divest itself of rights and privileges which parliament possesses in investigating the various affairs of the country. Legislation by commission is a bad principle. We are here for a purpose—to protect the interests of the people at large, and what right have we to alienate those powers, given to us by the people of the country, to a royal commission? We know what royal commissions are, and, therefore, I disagree wholly with the leader of the opposition when he says that he thinks this was a better method to follow than by appointing a select committee. I disliked very much the remarks of my hon. friend the leader of the opposition in reference to the select committee that was appointed two years ago. He condemns the action of that committee. He seems to contend that that committee was not what it should have been. We know that the committee was appointed for a specific purpose; we know that it undertook the task of investigating the affairs of the Mutual Reserve Life Insurance Company of New York.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman whether I used the language he attributes to me?

Hon. Mr. WILSON—I shall read what the hon. gentleman said, and perhaps he will be in a better position to say whether he meant that or something else. I was about saying that the censure and reflections cast upon that committee were certainly neither fair nor just. The committee did their work, although they were handicapped all through. They were prevented from having a free hand and from exercising the powers which they desired. I remember on one occasion we moved that Mr. Eldridge, who was here giving evidence before the committee should be cited to appear before the bar of the House, but the House refused to grant our request. We will see now what my hon. friend said :

> The next item is a very important one. It relates to the commission for making an investigation into the workings of life insurance companies in Canada. There have been strong objections taken to the appointment of a royal commission by the government. Many of their own friends and supporters think that the question should have been left for parliament to deal with, and that it was arrogating to themselves a power which they should not have exercised under the circumstances. Now I differ from the gentlemen who take that view. Speaking for myself and for those with whom I am associated in life insurance business, I express my gratification at the conduct of the government in this matter, and for this reason : after the exhibition of a parliamentary committee which we had two years ago, I came to the conclusion that if we want to get calmly and coolly at the bottom of the workings of life insurance institutions in this country, we had better have a small commission of clever men with power to investigate to the fullest possible extent.

'After the exhibition'—and who contributed towards the exhibition more than my hon. friend the leader of the opposition.

Hon. Sir MACKENZIE BOWELL—I had nothing whatever to do with it.

Hon. Mr. WILSON—When it came before the House did not my hon. friend support those who were obstructing us in the committee ? Did he assist us in endeavouring to have Mr. Eldridge brought before the bar of the House? My hon. friend knows full well that he was antagonistic to that committee doing its full work and investigating the matter thoroughly.

Hon. Sir MACKENZIE BOWELL—In that respect the hon. gentleman is making a statement for which he has no justification. I never opposed the investigation, but I did oppose the manner in which it was conducted, and I repeat that now.

Hon. Mr. WILSON—My hon. friend says he opposed the manner in which the investigation was conducted. Is there any difference ? Did he not oppose the committee having full power to proceed with the investigation ? I appeal not only to him, but to his assistant leader, who took the same course in condemning the conduct of that committee, and expressing the belief that a royal commission would be better fitted to conduct an investigation into the question of life insurance.

Hon. Sir MACKENZIE BOWELL—That is my opinion yet.

Hon. Mr. WILSON—They went on further to say that they had every confidence in these insurance companies. That may be. They may have confidence, but we knew that there had been wrongs in Canada, and we extracted from one of those witnesses the statement that he did not dare to continue a transaction which he had begun here, that although he had obtained the goods in Canada he never made use of them. He stole the goods, and when we tried to get him to answer questions he refused to do so. When the matter was brought before the Senate, the committee was not supported, and I say it was unfair indeed that that should be held up as a reason why they should rejoice that the investigation has been undertaken by a royal commission rather than by a committee of this House. I believe a committee of the Senate is the best tribunal to examine into abuses of this kind, and that being so, there is one reason why I do not approve of the course the government has taken in this matter. I might read the remarks made by my hon. friend who sits next to the leader of the opposition (Hon Mr. Ferguson) wherein he conveys the same idea in reference to the committee of this House Therefore, I think those two gentlemen. were inconsistent in this matter.

Hon. Sir MACKENZIE BOWELL—Where is the inconsistency ?

Hon. Mr. WILSON—The inconsistency is that they may believe that a committee of this House should investigate these insurance companies, but they conveyed the impression that the government would hardly be justified in appointing a com-

mittee after their experience of two years ago.

Hon. Sir MACKENZIE BOWELL—It is evidence that we are not such old fogy Tories as the hon. gentleman is.

Hon. Mr. FERGUSON—What I said was that the investigation made by that committee some two years ago was not satisfactory to any of us, and we have had evidence to-day that it was not satisfactory to the chairman of the committee.

Hon. Mr. WILSON—It was not a satisfactory investigation ! Why ? I have endeavoured to show why. Perhaps I have not made myself clear. We appointed a committee of this House to make the investigation. If these hon. gentlemen disapproved of the appointment of the committee, or of the members of the committee they should have risen at the time and said so. They either approved or disapproved of that committee. If they voted for the appointment of the committee, they thereby expressed their approval. True, the committee did not do all that we perhaps would like to have had them do, but if they failed to make a thorough investigation what was the cause? The Senate was to blame in refusing to summon Mr. Eldridge before the bar of the House to compel him to answer questions put to him in the committee, and which he declined to answer there. If we could have brought Mr. Eldridge before the House, we would have obtained the desired information. We asked him what amount the president, vice-president and other officers of the company received in salaries and commissions. Mr. Eldridge refused to answer. We said, and said quite correctly, that the people of this country were interested in knowing the amount paid to these men. Some members of the committee refused to compel Mr. Eldridge to divulge that information. We were told that we had no right to ask what salary these officials received, that bank managers do not publish to the world what amounts they pay their presidents, and vice-presidents. In this position they were sustained by the Senate, and thus we were prevented from carrying out the investigation as fully as we desired. Now, these gentlemen turn around and say that after the exhibition we had two years ago, they have no confidence that a satisfactory investigation would be made by a parliamentary committee. What they want is a small committee, composed of whom ? Composed to a greater or less extent of insurance men themselves. Do you expect to get justice at their hands ? Will the people of Canada have the same confidence and reliance on an investigation made in that way as they would in an investigation made by an independent committee of the Senate ? I say no, and, therefore, the whole argument goes to show that the hon. gentlemen are more or less wedded to the commission as appointed by the government. Therefore I must say that I am not fully in accord with the course pursued by the government in this matter, nor will the people get as fair an investigation by means of a royal commission as they would have had from a committee of this House.

We have heard a great many deplore the idea of the removal of the British troops from Halifax and Esquimalt. I am not one of those who feel that such a course will in any way injure Canada. I believe the government acted wisely. What we want more than anything else is self reliance. We should not feel that we ought always to remain in swaddling clothes. We should assume the responsibility of making provision for the protection of our own country. We have no reason to fear attack from the only people who would be likely to attempt an invasion. Is there any one within hearing of my voice who for a moment imagines that there is danger of trouble between Canada and the United States ? We know that we have our own garrison at Halifax, and that knowledge will give us a feeling of self reliance which we would not otherwise possess. Some hon. gentlemen went so far as to say that they feared it was the commencement of a movement to separate Canada from the mother country. Had there been such a feeling existing in the minds of the people of Canada, when they were called upon to make provision for the protection of the Dominion —that it will alienate the Dominion from the mother country, we would have heard something of it. I believe if a poll were taken to ascertain the feeling of the people on this question you would find scarcely an individual from one end of the country to the other who would be disposed to change the present relations with the mother coun-

try. There is no danger whatever that in undertaking to garrison Esquimalt and Halifax that there will be any weakening of the ties that bind us to the empire. Feeling that way myself, I think the government did wisely in the interest of the country in undertaking the garrisoning of these two important seaports.

One hon. member stated that he thought no reference should have been made to the Autonomy Bills of last session, yet in the very same sentence he referred to transactions which had taken place twenty-two years ago whereby feelings of hostility among political parties might possibly be aroused. I feel that, as far as the Autonomy Bills are concerned, they were just, proper and right. The deputy leader of the opposition, stated that the government had treated Mr. Haultain unfairly in dismissing him and calling on Mr. Scott instead. What rights had Mr. Haultain in the new province, more than any other individual ? He had been premier of the Territories, but that was no reason why the government of the day should have selected him to be premier of either one of the new provinces. He was not dismissed, and, as the elections afterwards showed, if he had been selected as premier, he would have been defeated at the polls or in the first division after the meeting of the legislature. Therefore, I say that the government, did perfectly right in selecting Mr. Scott, and his success will prevent bickering and strife which might have otherwise been expected.

I approve fully and entirely of the course the government has taken in every matter except the appointment of a royal commission to investigate the insurance companies, and I view with satisfaction the speech as a whole delivered by His Excellency to parliament. I believe that a better view of the country could not be taken, and when I consider the great Northwest and the possibilities it is opening up, I realize that we have a glorious heritage, and that we ought to be true and loyal Canadians. As far as the construction of the National Transcontinental Railway from Moncton to Winnipeg is concerned, the reports of the engineers show that the country will reap great benefit from the construction of that important line.

Hon. Mr. ELLIS—I had made up my mind, as the debate proceeded, to address the House on two points only, and I shall adhere to that, although other matters came up to which I should like to make reference. If the House will, therefore, consider that I have duly praised the hon. gentlemen who moved and seconded the address, that I have properly sympathized with the Queen of England, with regard to the death of the King of Denmark, that I have praised the government for all the good things they have done, in proper and appropriate language, that I have duly anathematized the dishonest fruit-growers, and covered the whole address in that manner, I shall thank them. I want to refer to the remarks made by the hon. member from Wolseley with reference to the carrying of grain across the continent. The hon. gentleman has scared us with a statement that grain cannot be carried at a profit so far by rail, that it will not be carried to the coast, and he goes on to give us the rates by water showing that his conclusion is sound. I do not want to spring on the House the old story of the man in jail, but the facts are against the hon. gentleman. Last year we sent from Canada, according to the report submitted by our agent at Birmingham, about 6,500,000 bushels of grain. Somebody has published a statement of the exports from the port of St. John up to Saturday last, showing that up to date, for the present year, the quantity of grain shipped from St. John is 3,786,422 bushels, valued at $3,594,503. That was carried over the Canadian Pacific Railway. More than half of the entire export from Canada last year, if the statement of our agent at Birmingham be correct, has been shipped so far this year, from the port of St. John and all that has been carried to the sea-board by rail. Bradstreet's of the 10th of March shows that the shipment from the port of St. John in the week then taken into account, was over 400,000 bushels. More than half of the whole shipments on the Atlantic coast in that week have been from the port of St. John. I may say for the benefit of the leader of the opposition, whose kindness to the port of St. John we remember with gratitude, that, up to Saturday last, 75 steamers have sailed from the port of St. John taking away goods valued at $16,188,086. Last season, with a sailing of 99 vessels, the total value of goods shipped was $13,706,877, so that we have run nearly $2,500,000 over the ship-

ment for last year already, with all the time before us to fill up the season. I put that forward in answer to the statement of my hon. friend from Wolseley.

But the points which I proposed in the first place to take up were two in number. One of them arises out of the discussion which has taken place on a paragraph of the address. The first matter to which I desire to refer is with regard to the Senate itself. I hope hon. gentlemen will bear with me, because I know that I shall be considered very heterodox in the observations I am about to make, but I trust the House will consider that I have spoken out my honest views. The hon. leader of the opposition found fault with the government because of the manner in which the measures that the Senate had to adopt were brought down very late in the session, and the hon. Secreary of State, as on other occasions, made reference to the fact that this is not a new practice. It may be so. If it be so—if that be a correct statement, that for the last thirty years the Senate has been so treated—if the Senate is not able to grapple in time with the legislation which is laid before it, what is the use of the Senate? Is it not the constitution of the Senate itself which is to blame, and ought not hon. gentlemen to ask themselves whether this House is in the condition and in the relation in which it ought to stand in a country having a bi-cameral legislature. Before I came to the Senate I was strongly of the opinion that we might get along in Canada with one chamber. I do not know that I have altered my opinion very much. Some one might say, it is very inconsistent in you to sit in a House of the usefulness of which you have doubts, but I have only to answer that there must be a Senate, that it is provided for by the law and if a fair proposition were put before us for the improvement or the reform or the changing of the Senate I think such a proposition would be met by this body with as great fairness as any other questions which might come before them. There is an impression created by observations in the other House and by the press that the Senate is in some way neglecting or not performing its duties. I do not agree with that. I think such criticism does no good. It is often directed toward the House of Commons as well as the Senate, and the House of Commons will have to stand just such criticism as the Senate unless it rises to the importance of its position and discharges the public business of this country in much less time than was occupied last year and the year before in the business of parliament. But, with regard to the question of a second chamber, I do not think the genius of our people is in favour of it. We have nine provinces in the Dominion, and only two of them have second chambers. In New Brunswick we abolished it. In Prince Edward Island they did the same; they made an arrangement of some kind, I believe, by which the second order in the state is represented in the remaining House. In Quebec I think they retain the second chamber. In Nova Scotia they have voted it out in the lower House two or three times; but the hon. gentlemen in the Legislative Council are fully satisfied that they are necessary to the well-being of the province, and they remain there. In British Columbia they had a second chamber when they entered confederation, but it has been abolished. In Ontario they did not establish one at confederation. Manitoba had one I think, but if so it was abolished. Anybody who thinks over these matters, will, I think, be led to inquire whether there is any real feeling on the part of the people of Canada themselves in favour of a second chamber. You must remember—hon. gentlemen know this just as well as I do—that our country is different from England. There the House of Peers represents a distinct order in the realm. It represents an estate of the realm. We do not do that in this country. Further, the English House of Lords has been greatly enlarged in late years. There is a difference in the appointments made; there is a different mode of selecting peers to that which has prevailed in time past. I noticed the other day that when the imperial government went out and a new government came in, eighteen men were appointed peers, some by the outgoing government and some by the incoming. Several of these men were selected because they were eminent Englishmen—not politicians—eminent in poetry, literature or science. That gives some evidence of the growth of English

ideas; they have regard to other things than politics. Nobody will deny that the sole ground of appointment to this Chamber is prominence in political affairs. I think in Italy where the appointments are made very much as they are in England, the King of Italy is bound by the constitution of the country to appoint to the second chamber of that country men who are notable in the state in connection with the arts and sciences, a strong evidence of the high civilization of the Italian people. Of course the United States has a senate, but that is a body representing the states of the American Union. Each state has two representatives in the senate; but Judge Storey—every lawyer knows him by reputation at least—has said that the Senate was not only to operate as a salutary check upon the House of Representatives but occasionally upon the people themselves, against their own temporary delusions and errors. We might congratulate ourselves upon the idea that that is what this body exists for, but that idea is inconsistent with the idea of responsible government. Responsible government is based upon votes, the ideas and the will of the people; and the moment you interpose another body not responsible to the people, you have attacked the principle of responsible government. Further than that, the hon. Secretary of State says that the ministers who have control of legislation are all or nearly all in the lower House and they desire to present such legislation in person. That is very natural, but what I object to is this: An hon. gentleman who was a member of this Chamber was recently appointed to a position in the government. Straightway he goes out of the Senate. Why does he not stay here and carry on his department while remaining a member of the Senate? If this House occupied the position it ought to occupy, and which it was designed by the constitution to occupy, such a course on his part would be the proper one; but not only that—this hon. gentleman on his return stayed over in the city of Winnipeg, and the newspapers interviewed him there; and he expressed himself as quite in favour of a great enlargement of the Senate. According to his theory he does not think the maritime provinces should have so large a proportion of senators. I do not know whether he has impressed his colleagues with this view or not, but the hon. gentleman proposes that the Senate should be enlarged by the addition of, eventually twenty-four more members apparently to overcome some difficulties in his own province. Now, I think the government should deal with this question in some way—I do not pretend to say how, but I am sure some way could be found. It would be my idea to reduce the number of senators—not by turning out any who are here now. Unfortunately during the past year members have been reduced in number very quickly; but there might be some plan devised by which the membership of the Senate could be reduced, and I believe a reduced number would be quite as effective in every way if they were appointed properly. We have as many senators in Canada as they have in the United States with 80,000,000 of people; we have twice as many as in the new Commonwealth of Australia. It seems to me there should be some plan devised by which the Senate, if it is out of touch with the community, could be brought into touch. I will say no more on that point at present, because I want to get through with what I have to say before six o'clock.

The other point to which I refer relates to the abandonment by the government of the eastern and western forts or dockyards. I sympathized greatly with the speech made last year by the leader of the opposition. We were then discussing the Militia Bill, and the hon. gentleman pointed out that the policy of the government was to dissever to some extent, as regards the head of the militia, the militia force from the government of Great Britain.

Hon. Sir MACKENZIE BOWELL—Their action was preparatory to that.

Hon. Mr. ELLIS—I sympathize with the remarks of the hon. gentleman, not because I agree with his view, but from the point of view which I know the leader of the opposition has, to project the ideals of the past in the government's action in the present. I have gone along the sea-coast of our own country, and in the grave-yards at Halifax, at St. John—and I suppose the same is true of others along Lake Ontario and Lake Erie wherever there are old graveyards—and have looked at the monuments referring to the memory and the deeds of men who

fought for British rule and carried British arms on to positions of great glory and honour. It is impossible not to feel somewhat touched by the memories of the past and to regret that that time is passing away and that a new order of things is coming into existence in this country, but it arises out of conditions which we cannot control, and it arises because of the very efforts we are making to develop this country. The hon. gentleman from Wolseley (Hon. Mr. Perley) told us the other day that foreigners were coming into the country so quickly that the proportion of those speaking the English language, excepting the Americans, is becoming less and less.

Well, it is impossible to suppose that these men will not be influenced by their ideas and thoughts, and the time must come when we shall have to enlarge our relations, if I may say so, with the mother country itself. Whether the day will not come when no longer the ideas and theories to which I have alluded in my reference to the leader of the opposition will entirely disappear from Canada except that they may exist in our poetry and our sentimental feelings, time alone can tell. I think we should set our house in order in regard to that. I believe in an advanced movement in that respect. Then there is a change going on in the mother country also. The flag of England still floats upon the seven seas, and it is as true now as when Daniel Webster said it three-quarters of a century ago, that the roll of her morning drum awakening with the sun and leading the hours in their course around the earth encircles the globe with the martial airs of England. Indeed, England has extended her authority in India; has created new spheres of influence in China, and own now half of South Africa. All this brings with it responsibility for her; it imposes burdens on her, and on this continent a change is taking place. Anybody who observes the policy of the King—I trust I do not infringe on what might be considered the proper thing to say—must see that His Majesty himself is actuated by a sincere desire to make friends in America; to stand in, if I may use the expression, with the United States, and it seems to me that should be our policy to.

Another thing; there has grown up within the last thirty years an immense power in Europe, a nation now of 60,000,000 of people. If the Empire of Austria-Hungry falls to pieces there will be 10,000,000 more Germans added to the German empire, and if Holland falls into the net, as she is likely to, there will be a power in Europe such as Britain has not been confronted with for many years. I do not think there is any ground for apprehension that they will ever be involved in war, yet Britain is preparing for such an emergency. She is making friends, and has made friendship with France. When I was a boy it was thought right to feel hostile to France, but since then Britain has sought the friendship of France and is now maintaining the most friendly relations with that country. France has reciprocated, and has given the best evidence of her desire to cement the friendship by withdrawing from this continent. One of the best things that was ever done for France, and for England too, was to withdraw the French flag from the shore of Newfoundland, thus creating harmony which might not have otherwise existed. That being so, if the German empire should look with an eagle eye on any part of South America and desire to strengthen herself there with the great navy she has created so suddenly, not having to get rid of old ships, there is a power which it might be well for England to be prepared to face and to have a great many friends. My idea is we might help her best, not by entering into actual warfare with any of her enemies, but by adding to the sphere of her influence on this continent, by removing every difficulty and trouble which may in the future assail her. Therefore, we must do more than we have done, and take up greater burdens than we have assumed, and meet those new duties manfully and cheerfully. The hon. senator from Wellington fears that through undertaking to garrison Halifax and Esquimalt we may get into some trouble with the United States. That is the very thing we should avoid, and, perhaps, if I might dare to make the suggestion, the Senate would be a very good place to moderate any unfriendly feelings which might arise. What I was going to ask you to listen to was an expression of opinion showing that the government of Canada is not responsible—of course I did not know state

secrets—for the withdrawal of British forces from Halifax and Esquimalt, but that it is due to the policy of the imperial government itself. It has come about because the imperial government has adopted a particular policy which leads to that. Hon. gentleman will remember that last year Prince Battenberg, a relative of the Royal family and an admiral of the fleet, visited St. John. He had a splendid lot of warships with him. He was not able to bring them to Toronto, but he was able to bring them to St. John. Many little entertainments were given to him, and the mayor of St. John gave him one, the last probably that he got on British soil on this continent. The governor of the province and senators and members of the House of Commons, members of the local legislature and many other representative men were present. Prince Battenberg made a speech which contained an important statement, coming as it did from a relation of the royal family and head of one of the most powerful fleets that Britain has ever sent out. After thanking the people for the entertainment and saying he would tell the King about it, he said :

This, my first visit to this important seaport town, marks the end of what it has been to myself and the officers and men under my command, a most enjoyable and interesting visit, a grand visit, I may say. My visit is indirectly caused by what some people describe as a change in the naval policy. The dockyard at Halifax has been closed, and the same policy has been pursued on both sides of the Dominion of Canada, as well as in the West Indies, and we have benefited by it.

If you will give me your attention for a few minutes I should very much like to have the opportunity (probably the last time I will be in a position of addressing a representative body of citizens of one of the most important centres of the Dominion) to explain in a few words the misapprehensions which have arisen in the minds of a great many on this side of the Atlantic—views as to the steps taken by the Admiralty.

I should like to show that instead of having to deal with a sudden change of policy, it is more in the nature of the natural evolution brought about by a great many factors and it is an old saying that we should profit by the misfortunes of one's friends. I beg your forgiveness if I have to imply technicalities in the course of my remarks to you.

Concentration is the essence of strategy and strategy the art of war, which applies to the army as well as to the navy. The worst form of strategy is the dispersion of the main forces in far outlying posts—stations beyond all means of direct communication. Under old conditions the Admiralty had to form squadrons which were sent away, and there they stayed and they worked their own sweet will and as it would take a letter the best part of a year to reach them, nobody could interfere.

Now take the squadron which I command. We can get up steam practically in an hour. We can get under way in about the same time. We can disappear in two hours beyond the horizon and no man living can tell where we may turn up in a few days time., The matter was brought to a heading in consequence of certain factors one being it had gradually been brought home to people who are charged with these matters that no ship is of any use whatever unless protected, unless properly armoured. These cruisers will be finished in suitable numbers. A ship like the ' Drake ' had 30,000 horse-power and the largest complement of men. The difficulty which the Admiralty had to face was where to get officers and men for these important ships, but they looked around and found at different stations a number of ships absolutely useless and having no protection whatever. In case of emergency these ships would be very poor factors. These ships are being disposed of, being sold, and the officers and men thus set free from the different stations have been employed in many ships that are of use in war. The squadron which I command was formed in consequence of this difficulty and could not have been formed if those ships had not been withdrawn from those stations. When those ships were withdrawn, it was obvious that a dockyard which existed for the sole benefit of these ships ceased to have any present value. A dockyard such as the one at Halifax is expensive to keep up. There are the wages of the people, the masses of stores that accumulate and deteriorate and it was the natural result that when the permanent ships were withdrawn the dockyards should be unfurnished. The difference between Halifax dockyard now to what it was last year is the difference between a furnished house and an unfurnished house.

There is perhaps an exaggerated idea about the importance of a naval basis. You will see a great deal of talk where naval experts think that the only salvation is where you get a fine harbour to plant it with guns. The guns in a place like this have a very limited range. The harbour is safe, but nothing beyond. Admiral Togo, who has just brought this great war to a victorious issue, during eighteen months never made use of the numerous well stocked and well fortified naval bases at his command, but used what is called the flying bases—establishing himself where he found it would be a convenient base with respect to the work in hand. Togo never went near the coast of Japan—if he got the worst of it then perhaps he might have gone to Sasebo.

Gentlemen, I apologize for keeping you at such length. I am extremely anxious to remove, if I can, any misapprehensions that may be in your minds if you felt that you were being badly treated by the Admiralty. Believe me, your interests have never been better looked after, the full disposition of the naval forces of Great Britain have never been so advantageously placed for safeguarding the interests of the empire, not only on this side of the Atlantic but everywhere else.

Now, that was delivered by a man high in authority. It was the statement that no man such as he was could have made without being authorized or permitted to

make it. It shows with the greatest clearness that the imperial government is changing its lines and endeavouring to adapt itself to the new conditions in warfare which have arisen through new improvements made in building war ships. My own idea is that we are compelled to take up the great responsibility of the nationality, which seems to be our destiny in the future. I suppose the government will never hurry a change of that kind. We must eventually and perhaps before long so order ourselves that we may feel that we are no longer a dependency but an ally of Great Britain, endeavouring to help to carry out the ideas which she has implanted in us and so help her as best we can, and in the only way in which we can, with our influence and strength. We should not criticise her on every occasion. I felt ashamed myself more so than I have ever felt before in my life, in regard to a public matter, with respect to the treaty which was made recently between the mother country and the United States for us. We have never accepted a treaty yet in a generous spirit. The discussions upon the last treaty made, as those who read the press must know, would lead us to believe that in some way we were enemies of the empire. We squabbled and fought and discussed in the newspapers to the very extreme the question whether we got a bit of land here or there in a country where we have so much. We might easily be more generous with the motherland. I hope hon. gentlemen will not think that I am lecturing them in any way. I am endeavouring to express my views with reference to the future before this country.

The motion was agreed to.

The Senate adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Wednesday, March 21, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. MILLER—Before the Orders of the Day are called, I rise, not exactly, as I consider it, to a question of privilege, because I do not consider it strictly to be such—but in conformity with a practice which has prevailed for many years, in both Houses, of permitting references to misstatements of proceedings in parliament in the public press. Before doing so, however, I wish to call the attention of the House to the particular position of the gentleman who is presumed to report the debates of this House for the press. For many years this House has adopted the practice of paying a handsome sum of money for a correct and impartial report of the debates. The gentleman who has generally been assigned for that work, Mr. Holmden, has discharged, as far as I know, that duty with fairness and impartiality, and it was necessary that he should do so, because it was the understanding that he should always be prepared to give to the press of the country a fair synopsis of the debates of this Chamber for use in the newspapers all over the Dominion, because if a fair report were not given, it would colour and distort the position taken by senators in every newspaper in the country. It was, therefore, with a desire of having a fair report given to the press of the country that Mr. Holmden has been receiving a very handsome salary out of the public funds. I am sorry to say that he has not been in his place here for some days. He may, perhaps, have been excused from attending by the committee, or he may be ill. I fear he may be ill. For the years he has been reporting I have never had any occasion to find fault with his fairness. I have found fault with him in other respects, but as regards his fairness and impartiality I have never had any reason to find fault. I do find fault, however, with the report of the gentleman who took his place and reported the proceedings of this House on Monday last. I think the report is very unfair and very discourteous to me, and I do not think the House is justified in paying money for having its members treated in that way by the reporter. I am not very sensitive about such matters. If what I complain of had been done by any of the reporters of the press generally I would have said nothing, but we give special privileges on the floor of the House to the gentleman who reports our debates; therefore I have a right to com-

plain. In the first place, I complain that what brought me to my feet was to vindicate my character against what I consider a very gross and unprovoked charge made against me by a member of this House.

I occupied the greater part of the time I was on my feet in reading extracts from the trial of the libel case, in the city of Halifax, based on the same charge, which I thought fully vindicated me from that charge. That portion of my speech, which I say was half my speech, is glossed over with a bare reference, and the charge itself as made by Senator Ross was accentuated by the reporter. That is not the sort of reporting we expect from the gentleman who receives a salary from this House for making an impartial press report. I have no fault to find with the Montreal 'Star.' Quite the contrary. I consider the 'Star' has placed us under obligations. It has been the fairest defender of the Senate in the press of he country, and on all occasions has stood out for the necessity of a second chamber, and for the actual value of the work done by this House. The Montreal 'Star' has been, through the ability with which it is conducted, and its enormous circulation, a power in the land; therefore, I for one have always felt that we owe a debt of gratitude to the Montreal 'Star' for the fairness it has treated this Chamber.

One portion of the address of the hon. member from Halifax, which was intended as an excuse for his attack on me, and which drew forth my reply, was that he had forgotten all about my vindication in the libel case in Halifax. If the hon. member makes a declaration of that kind in the House here, we are bound to believe it. His friends anyway will—that he had forgotten all about that celebrated libel case in 1878. Strange to say, that, although it was a complete retraction of the attack made upon me the other day, it is not at all referred to in the report of the remarks made in the Senate on Monday last as published in the Montreal 'Star.' Now, can anybody say for a moment that such a report is anything like a fair report? But there is still a more important misrepresentation of the proceedings of the Senate on Monday night on the part of that reporter, where he says:—

During the course of his speech Mr. Ross appealed to Sir Mackenzie Bowell, who was Minister of Customs under several Conservative governments, as to his record as collector of customs at Halifax. Sir Mackenzie rose and said that Mr. Ross was a good official, there had never been any complaints against him.

Now, I say this is a complete misrepresentation of what Sir Mackenzie Bowell said, because it is not disputed that, at the time, Mr. Ross was summarily, without notice, dismissed from the position of collector of customs at the port of Halifax; and I do not think that Sir Mackenzie Bowell ever had the reputation of doing anything so unjust as dismissing a qualified officer against whom there was no charge, especially a gentleman who had held the position of collector of customs at Halifax, under the circumstances that Mr. Ross held it. I do not think he would have summarily and ignominiously dismissed an officer in that position without cause. I therefore say, that I should like to call the attention of the House to what is a complete misrepresentation of Sir Mackenzie's reply to Mr. Ross on Monday evening. One word more before I sit down. It has been my misfortune on more than one occasion, during my long public career, to take part in episodes such as occurred in the House last Monday night, but, hon. gentlemen, always on the defensive—never as the aggressor. I defy any man to put his finger on a single instance in my public career where I spoke so bitterly or indulged in personalities towards a political opponent, except where I was put on the defence by unjust provocation, and that has been too frequently the case. There have been times in my public life when I was a persecuted man. My position was almost as bad as that of a candidate running for the presidency of the United States, where every sort of crime in the calendar, except murder has been charged against him. But although I have lived that persecution down I feel keenly that such charges should be revamped now and put on the records of this House.

Hon. Mr. ROSS (C.B.)—I did not intend to refer to this subject again, and I think my master at that time, Sir Mackenzie Bowell, has vindicated my character while administering the affairs of the customs house in Halifax for fourteen years. He did it honourably, and he is not going to reract now, even at the desire of the hon. member from

Richmond. I happened to be in the House of Assembly in Halifax for a longer time than was the good fortune of the hon. member from Richmond, and I was there when very active doings were taking place. To-day there was not a more pronounced anti-confederate among the party than the hon. member from Richmond; to-morrow he was gone.

Hon. Mr. MILLER—I desire in my place to give a flat contradiction to that statement, and to say that three or four weeks before I made my speech in favour of confederation, in the House, I had a personal quarrel and was not even on speaking terms with the leader of the anti-confederation party, Mr. Annand.

Hon. Mr. ROSS—I am not going to refer to the influences which were used at that time. Perhaps other members of the Senate know as much about it as I do. Speaking about the trial that took place, which I had forgotten, ten years after this affair took place, the hon. member from Richmond thought it a good opportunity to take action against the press. Anybody who knows anything about the management of a newspaper is aware that in a case of that kind which had happened so long before, knows that they would sooner make something of an apology than submit to a trial.

Hon. Sir MACKENZIE BOWELL—Not all the press.

Hon. Mr. ROSS—A statement was made the other day, among the other invective statements made by the hon. gentleman from Richmond, about my conduct in the general election in northern Cape Breton and Victoria, that I nearly defeated the candidate at that time. A circular was sent out from North Sydney stating that the rule was to have two delegates from every poll at the convention. This would give Victoria 36 and Cape Breton 30. When the crowd at North Sydney and Sydney Mines found that my 36 friends in Victoria were one solid phalanx they doubled up their numbers. Instead of sending eight from Sydney Mines and eight from North Sydney they sent sixteen from each, so when we went up on nomination day we found ourselves driven to the wall. I went home as you may suppose, not very well satisfied. I met a member of the government who said: 'Ross, I want, as a favour, that you will not write anything in the papers of the way you were treated; it might affect the elections in some of the other counties in Nova Scotia.' And I kept my promise like a man. The election was going on, and they began to realize the danger in which Mr. McKenzie was placed, and a special delegation was sent from North Sydney to Halifax imploring me to go down and take part in that election, to save Mr. McKenzie from being defeated, and I say here, without saying it boastfully—I say it in the presence of all the senators from Nova Scotia and in the presence of all the members from Nova Scotia in the other House, that if I had not gone down and worked earnestly to get Mr. McKenzie returned he would never have been elected.

Hon. Mr. MILLER—I would like to ask the hon. gentleman one question: Was he not, on that occasion—rumour says so—promised a seat in this House if he would do so?

Hon. Mr. ROSS (Halifax)—No, I say it emphatically, and before my Maker in heaven, there was no promise, verbal or written, ever given to me about my receiving a seat in the Senate. I am speaking in the hearing of a member of the government. Another thing: I never wrote a letter to any member of the government seeking that appointment.

Hon. Mr. MILLER—I never said the hon. gentleman did; that is not the point.

Hon. Mr. ROSS (Halifax)—The appointment was made and it was received by the Conservatives of Nova Scotia, and by the Conservative press with almost as much pleasure as it was by the press supporting the government. This is all I need say. I need not refer in this House or out of it to attacks upon my public character. It is known to the people of Nova Scotia and I am not afraid that the member from Richmond can cast a stain or a blot upon it by anything he can say in this House or out of it.

Hon. Sir MACKENZIE BOWELL—I must say that I am not like my hon. friend to my left (Hon. Mr. Miller). He says he is not sensitive as to what the press says. Although I have been connected with the

press for fifty or sixty years, I am sensitive —I dislike to have words put into my mouth which I never uttered. I have no objection to; on the contrary I am always desirous of having my words, in a case of this kind, recorded; then I should be prepared to defend them, but I do not like to have language attributed to me which I did not use. What I said when this question was under discussion on Monday night, I am prepared to repeat now, verbatim, so far as I can remember it. I have inquired for the official report of the debate, but have not been able to obtain it. I do not understand how these matters are managed. I have on my table the report of yesterday's debate, containing the speeches of my hon. friend from St. John and my hon. friends from Northumberland and St. Thomas; but I have failed to obtain the printed report of the events which took place here on Monday evening.

My hon. friend from Victoria (Hon. Mr. Ross) in his remarks, made in his own defence, called the attention of the House to the fact that I had been, as he termed it, his master. I do not think that was a good expression to use, because I never profess to be any one's master. But he referred, I suppose, to the fact that I was Minister of Customs at the time mentioned by the hon. gentleman from Richmond. The statement was made that I had been in the habit of visiting Halifax upon many occasions, and had always gone into the office of the gentleman who is now the Senator from Victoria, and investigated the affairs of his office, and he asked me then whether I had ever had any complaint made against him while I was in the city, as to the management of his office. I rose at once and said that the hon. gentleman was quite correct, that no complaints were made to me upon those occasions. That is all I said, and I did not use the language attributed to me in this report. Whether it would have been justifiable or not I am not going to say now, but I did not use it and it is a pure invention on the part of the reporter. I repeat: What I said in answer to the hon. gentleman was that during my visits at Halifax, inspecting his office and looking over his books and examining the manner in which the business was transacted, there were no complaints. To show that I am correct in my recollection, my hon. friend behind me came to my room the next morning and complimented me. He said: 'A categorical question was put to you, and you answered it in a categorical manner without going into the question at all.' That confirmed me in my recollection of what I really did say.

Hon. Mr. MILLER—I ask then, why was the hon. gentleman dismissed?

Some hon. MEMBERS—Order, Order.

Hon. Mr. BEIQUE—As I happened to be the Chairman of the Debates Committee during last session, perhaps I might be allowed to give a word of explanation in connection with the press report which has been made of the proceedings on Monday night. I must inform this honourable House that Mr. Holmden, who occupied the position of reporter, tendered his resignation a few days ago, and suggested that for the time being, until the committee is organized, that he be replaced temporarily by the gentleman who at present occupies the position. I have sent for the report of Monday evening's proceedings made by our reporter, This is all that the report contains:—

Hon. Mr. Miller moved the adjournment of the House and proceeded to make a violent attack upon the Hon. Mr. Ross, Halifax, to which that gentleman made a dignified reply. The motion was subsequently withdrawn. Mr. Kerr, (Cobourg), moved the adjournment at ten p.m.

This is the whole of the report, and the report is subject to the judgment of the House as it stands on file. I was not present on that occasion, but I am informed that the House of Commons was not sitting on Monday night and that the reporters of several papers were present in this House. That might explain the way the proceedings were published in the press throughout the country. As far as the official report is concerned, I am informed that it was distributed amongst the members a day or two ago, and I do not understand why the hon. leader of the opposition did not get his copy. He should have received it as the other members did.

Hon. Mr. FERGUSON—I sent up to Mr. Soutter's room for the press report and found that the hon. gentleman (Hon. Mr. Beique) had it. It has now been read to us, and I must say that it is a very improper report. What right has the reporter to

characterize the remarks of any senator as 'violent'? We do not pay a man to come here and describe and put a character on our speeches. We want him to report what is said and done. I never saw a more outrageous report made by any person purporting to be a reporter of the proceedings of the House. He had no right to say that any senator made 'a violent speech.'

Hon. Mr. SULLIVAN—I must say, in defence of the reporter, that what he did that afternoon was done in the interest of the Senate. He told me he had left the debate out, and I thought he had done well.

Hon. Mr. FERGUSON—He might leave it out, but he had no right to characterize any senator's speech one way or another. That is not what we pay him for. He has no right to say that any senator's speech was violent.

Hon. Mr. YOUNG—Was it not violent?

Hon. Sir MACKENZIE BOWELL—That is not the question. The gentleman who is paid by the Senate to furnish a press report of its proceedings is not employed to give his opinion as to the character of the speeches. The speech of the hon. gentleman from Richmond may have been violent, but that was none of his business. He was employed to report the speeches made, to give a correct synopsis of them and not say whether they were violent or moderate. We do not want his opinion. If he wants to publish his opinion, let him do so over his own name. I have had some experience with reporters of newspapers, and the instructions always given to a reporter are to report what a man says and leave it to the editorial department to comment upon the speech, to approve or disapprove as they like. As long as I am here, if we are to continue employing this reporter, I shall call the attention of the House to every instance where I see he is giving his own opinion as to the character of the remarks that we make. I do not want any reporter to be put on the staff without the consent of the Senate. The person who is appointed and paid by the Senate has no right to substitute another. He might be much superior to himself and he might be infinitely inferior, and for that reason the Senate should be consulted before any one is permitted to take the official reporter's place.

Hon. Mr. YOUNG—I will not dispute the position taken by the leader of the opposition as to what the reporter should do, but I will go this far, and I think the good sense of the House will bear me out, that the hon. gentleman from Richmond should thank the reporter gratefully for having favoured him to the extent he did by suppressing his violent remarks of Monday night; and I think he should also call for a vote of censure, if possible, on the outside reporters who reported, not fully, but even as far as they did go, the scene of last Monday night. It would have been much better both for the dignity and honour of this House if it had all been left out.

Hon. Mr. MILLER—Do I understand the hon. gentleman to say that the reporter must have faithfully reported my remarks when he reported nothing? If the hon. gentleman shows such partisanship as to make such a statement, I do not consider his remarks worthy of a reply.

Hon. Mr. YOUNG—The hon. gentleman misunderstood me. What I tried to convey to the House was that the hon. gentleman from Richmond should thank the reporter for having done him a great kindness in suppressing his remarks of Monday night.

Hon. Mr. CHOQUETTE—I desire to call the attention of the House to the fact that there have been a great many complaints about these press reports. As I am informed, a gentleman is employed by the Debates Committee to take a synopsis of the speeches and furnish copies to the reporters of the press in the other House. I am informed that no French version is furnished to the representatives of newspapers published in the province of Quebec, and the representatives of the French press would like to have a man appointed in this House who understands both languages and can furnish reports in French and English. I, therefore, take advantage of this discussion to ask the Debates Committee, when appointing another reporter, to employ a man who understands both languages and to instruct him to furnish press reports in French and English. If he cannot supply a report in French, he can always get the assistance of some representative of the press of Quebec who understands both languages.

Hon. Mr. ELLIS—There is no evidence before the House that the press reporter has done any of the things charged against him. The proper way to discover if there is any foundation for the complaint, would be to refer to the original report. Every one knows that his report is handed to the representatives of the newspapers, and they do with it as they please, cut it up or leave it out, or publish it without change. If I were an editor of a newspaper handling this report I would have suppresed a great deal of what the hon. gentleman said, and may be that is what the newspapers did. It is no use to blame the reporter, under the circumstances, until we know actually whether his original report contains the words complained of. My hon. friend says he did not get a copy of No. 7 of the official report; I shall be glad to give him my copy.

Hon. Sir MACKENZIE BOWELL—I went to the reporters office specially to ask for it and was told that they had not received it yet.

Hon. Mr. ELLIS—There was such a demand for that particular issue, that it was as much looked for as divorce evidence, and so it was difficult to get copies.

Hon. Mr. POIRIER—I think I voice the opinion of the entire House in expressing the hope that we shall hear no more of this incident. Let it be considered closed. The less said about it now the better. It has reflected no credit or honour either on the participants or upon this honourable House. If it must be fought out to a finish, I would suggest that both the combatants should retire from the House and thresh it out.

Hon. Sir MACKENZIE BOWELL—Or shake hands.

Hon. Mr. POIRIER—But let us, for the dignity and honour of the Senate, and for other important considerations which affect us, hope that this incident is now closed, and closed for ever.

SUPREME AND EXCHEQUER COURTS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (A) An Act to amend the Supreme and Exchequer Courts Act. He said: This Bill to amend the Supreme and Exchequer Courts Act is required, inasmuch as the court heretofore has been regarded only as a court of appeal. Under the British North America Act, section 101.

The parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and organization, of a general court of appeal of Canada.

That is as far as section 101 was adopted in our former legislation, and it is proposed now to go further and avail ourselves of the additional powers conferred under section 101.

And for the establishment of any additional courts for the better administration of the laws of Canada.

Not very long ago a question arising under the Separate Schools Act was referred to the Supreme Court. The court stated that they had no power to hear a case in the first instance, that they were a court of appeal and could only hear subjects referred to them, special constitutional questions referred by the government of Canada. The object of this Bill is to give the additional powers conferred under the British North America Act to that court, making it a court practically of first instance to hear any case arising under the laws of Canada.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman inform the House what is the case to which he has referred?

Hon. Mr. SCOTT—The case came up in Ontario. It was a case arising under the law of 1863, which provided that persons who were then authorized to teach schools in the province of Lower Canada, and also to teach in the separate schools of Upper Canada should continue to teach. It affected chiefly the Christian Brothers and the Sisters of some of the teaching orders. A dissatisfied person in the city of Ottawa, after the law had been working for thirty odd years, was annoyed because the Christian Brothers were getting a school here, and he took exception to their right to teach.

Hon. Sir MACKENZIE BOWELL—I recollect now.

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

Hon. Mr. SCOTT moved that the Bill be referred to a Committee of the Whole House to-morrow.

Hon. Mr. LOUGHEED—I should like to make some observations on the subject of references of matters of public interest to the Supreme Court of Canada. The Bill does not seem to make any provision for the opposite side being heard before the court. That may be largely a matter of procedure, but it may be productive of mischief in this respect: The Supreme Court of Canada is, of course, the highest appellate court in the Dominion, and we usually presuppose that before a case of any kind reaches that court it will have been thoroughly threshed out in the other courts. The difficulty which confronts us with reference to this legislation is that where the government may be interested in obtaining from the court a declaration as to the interpretation of a statute, or any constitutional question, it may not be presented to that court in the same vigorous way or ventilated to the same extent as if both parties interested were before a lower court. I can easily conceive of the government desiring to have some special interpretation put on a constitutional question, or upon a statute, going before the court, laying the case ex-parte before the court and asking for a declaration on that question. By and by the matter may assume very much consequence. Public interest may have been excited over the same question, and it may have received the attention of lawyers of ability who may have viewed it from an opposite standpoint, and yet a declaration of the court has been given on the question. Therefore, the parties interested in the opposite view to that which the court may have declared on the subject will be prevented from obtaining a judgment from that court. The court, having pronounced judgment on it, would naturally be precluded from again expressing an opinion. The consequence is the parties interested would have to go to the Privy Council, and we would thus be deprived of the appellate jurisdiction of the court. I have known questions of this kind to come in an ex-parte manner before a court, in which they have made a declaration of what their opinions may be, and yet I am satisfied had both parties been represented such a declaration of law would not have been made. This phase of the subject should be safeguarded by both parties being represented before the court and the matter should be argued with the same vigour and interest as if they were about to pronounce judgment on the question referred to them.

Hon. Mr. SCOTT—The hon. gentleman is in error in asuming that this is a case in which the initiative is taken by the government. It is nothing of the kind. It can only be a question raised as between two parties. There is no doubt about that. The opponents of course have the same right to be heard as the parties bringing the case under the notice of the court. At present the government can submit a question to the Supreme Court, but that is not wide enough. This is to provide that any person who desires to raise a question with regard to the interpretation of the British North America Act, or the constitutionality or the interpretation of any Dominion or provincial legislation, may apply to the court; but it would be on an issue, of course, just as in any other case.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that, under the last clause of the Bill, the court can only be put in motion by the Governor in Council.

Hon. Mr. BEIQUE—I would direct the attention of the hon. gentleman from Calgary (Hon. Mr. Lougheed) to the fact that this Bill is merely to amend subsections one and two of section 37 of the Act of 1891, chapter 25, and that the other sections of that Act remain in force. These other sections cover the very point which has been raised by my hon. friend. Subsections three, four, five and six of section four of the Act of 1891 are as follows:

> In case any such question relates to the constitutional validity of any Act which has heretofore been or shall hereafter be passed by the legislature of any province, or of any provision in any such Act, or case, for any reason, the government of any province has any special interest in any such question, the Attorney General of such province, or in the case of the Northwest Territories, the Lieutenant Governor thereof, shall be notified of the hearing, in order that he may be heard if he thinks fit.
>
> 4. The court shall have power to direct that any person interested, or where there is a class of persons interested, any one or more persons as representatives of such class, shall be notified of the hearing upon any reference

under this section, and such persons shall be entitled to be heard thereon.

5. The court may, in its discretion, request any counsel to argue the case as to any interest which is affected and as to which counsel does not appear, and the reasonable expenses thereby occasioned may be paid by the Minister of Finance and Receiver General out of any moneys appropriated by parliament for expenses of litigation :

6. The opinion of the court upon any such reference, although advisory only, shall, for all purposes of appeal to Her Majesty in Council, be treated as a final judgment of the said court between parties.

I think, therefore, that the law if it is amended, as is sought to be done by this Bill, will contain the necessary provision for the parties interested being represented by counsel. I do not understand that the Bill is for the purpose of creating a court of appeal; it is merely for the purpose of permitting the government to obtain an advisory opinion from the Supreme Court. The Bill, as I take it, does not go further, and is not intended to go any further than the law as it exists at present.

Hon. Mr. LOUGHEED—What subsections did the hon. gentleman read ?

Hon. Mr. BEIQUE—I read sudsections 3, 4, 5, 6, of section 4 of chapter 25 of the statutes of 1891. I do not think this Bill is creating any new court of appeal.

Hon. Mr. SCOTT—Not a court of appeal, but a court of first instance. Those are the words. These words are new :

And as an additional court for the better administration of the laws of Canada.

Hon. Mr. LOUGHEED—The sections which my hon. friend (Hon. Mr. Bêique) has read are repealed.

Hon. Mr. SCOTT—The whole object of the Bill is that constitutional questions can be brought up in the first instance in that court by individuals.

Hon. Mr. BEIQUE—The only words which I find in the first section which are new are the words :

'A general court of appeal for Canada.'

Hon. Mr. SCOTT—My hon. friend has not read the Bill. It reads :

And as an additional court for the better administration of the laws of Canada, and shall continue to be a court of record.

The words are taken from the British North America Act. Under the former legislation it was limited to being a court of appeal, and we subsequently gave it power to inquire into matters referred to it by parliament or by the Governor in Council. This goes further still, and allows constitutional questions to be inaugurated in that court.

Hon. Mr. BEIQUE—In offering the remarks which I was making I had in mind only section 2 of the Bill. I had not in mind the first clause at all.

Hon. Mr. SCOTT—That is the important one.

Hon. Mr. LOUGHEED—Section 4 of the Act of 1891 is wiped out; it is absolutely repealed.

Hon. Mr. BEIQUE—No, the Bill reads as follows : 'Subsections 1 and 2 of section 37.'

The motion was agreed to.

CANADA EVIDENCE ACT AMENDMENT BILL.

SECOND READING.

The Order of the Day being called :

Second reading (Bill B) An Act further to amend the Canada Evidence Act, 1893.—(Hon. Mr. Scott.)

Hon. Mr. SCOTT—It has been held, in a case decided in the courts of Ontario, that when we made the husband or wife a competent witness under the Evidence Act of 1893, having become competent they could be made compellable. That was not the intention of parliament, and it would be a highly improper deduction. We think the interpretation of the court is wrong, and this Bill is simply for the purpose of correcting what we regard as a judicial mistake in interpreting legislation improperly. This Bill provides :

4. Every person charged with an offence, and, except as hereinafter provided, the wife or husband, as the case may be, of the person so charged, shall be a competent witness for the defence, whether the person so charged is charged solely or jointly with any other person: Provided, however, that no husband shall be compellable to disclose any communication made to him by his wife during their marriage, and no wife shall be compellable to disclose any communication made to her by her husband during their marriage.

It chiefly refers to a number of cases that are instanced in the Criminal Code, clauses 174 and 175—unnatural offences, such as

sodomy, seduction, incest and cases of that nature. It would be highly improper that the husband and wife should be brought into court to contradict each other in regard to any case of that kind.

Hon. Mr. FERGUSON—I call the attention of the hon. gentleman to the figures 279 appearing in the second last line at the bottom of the Bill in the amended schedule. I find by comparing it with the Criminal Code that there is no section 279 in the Act of 1900; these figures 279 must be an error.

Hon. Mr. SCOTT—I will have the law clerk examine it before the Bill passes through its next stage.

Hon. Mr. FERGUSON. My impression is, although I had not time to refer to the statute, that a husband or wife is not, under the existing law, a competent witness in cases affecting each other.

Hon. Mr. SCOTT—The court has decided to the contrary; it decided that they were not only competent, but compellable, and this Bill is for the purpose of overcoming that difficulty.

Hon. Mr. FERGUSON—I was under the impression that they were not competent. Is it now the intention to make them competent but not compellable?

Hon. Mr. SCOTT—Yes, they are not to be compellable witnesses. We are making the other provisions of the Act fit into that change.

Hon. Mr. LOUGHEED—Might I ask what is the application of section 2 in adding this schedule C ?

Hon. Mr. SCOTT—Schedule C is a continuation of schedule B. I did not look through all the references to the Criminal Code. I assumed the clerk of the Department of Justice, who prepared the measure, has gone through it carefully. I looked through a number of them, but I did not check each individual one, but will do so since the hon. gentleman from Prince Edward Island has called attention to an error which he thinks has crept in.

The motion was agreed to.

THE STANDING COMMITTEES.

MOTION.

Hon. Mr. GIBSON moved the adoption of the first report of the committee of selection to nominate the senators to serve on the several standing committees.

The motion was agreed to.

RULES OF THE SENATE.

MOTION.

The Order of the Day being called:

Committee of the Whole House to consider and report on the third report of the special committee appointed during last session to consider and revise, and if deemed necessary to add to the rules, orders and forms of proceedings of the Senate.

Hon. Mr. DeBOUCHERVILLE—I think it is very important that the report of the special committee appointed to consider the rules should be before every member of the House, and I think the hon. gentleman who is chairman of the committee should have no objection to postponing the discussion until the report can be laid before us.

Hon. Mr. POWER—I was under the impression that the report had been distributed again this session. Hon. gentlemen will remember that it was distributed at the close of last session and every senator was furnished with a copy.

Hon. Mr. LANDRY—I think the hon. gentleman is under a wrong impression. I think that report has not been distributed except to the members of the committee.

Hon. Mr. POWER—I really do not know. A sufficient number of copies were ordered to be printed last session, if I remember rightly, to give a copy to each member of the Senate; and I supposed that the copies had been distributed. I did not feel that it was my duty to inquire into a matter of that sort.

Hon. Mr. SCOTT—If hon. members are not in possession of copies of the committee's report, it is idle to talk of going on with the matter—it must be postponed.

Hon. Mr. LOUGHEED—How long would it take to print the report ? It seems to me it would be almost impossible to print it before the latter part of the session, judging from the size of the very voluminous document which I hold in my hands, and from the rather tardy way in which the Printing Bureau acts in getting out a paper of this kind—not, I must say, wilfully at all—but I think it would postpone the consideration of the rules for at least six weeks.

Hon. Mr. SCOTT—Oh no, I think it can be done in a week. I would like my hon. friend to go down to the Printing Bureau and see for himself the confusion prevailing there, with the amount of material they have on hand. The Auditor General's Report alone—the copies which have not been bound up yet—would, I think, nearly fill this Chamber. It is a report of nearly three thousand pages and they have about ten thousand copies to make up, making a total of millions and millions of pages. I was amazed when I went down and saw the space it occupied. That report alone takes up a whole flat. The hon. gentleman I am sure can have very little idea of the amount of work which the Printing Bureau has on hand.

Hon. Mr. LOUGHEED—That is all the stronger reason why we should do something now about the rules. If the Auditor General's Report absorbs the entire energies of the Bureau; there is very little hope of getting this report printed.

Hon. Mr. POWER—As I understand it, the type has not been broken up, and the additional copies can be secured in a short time. I would therefore move that this Order of the Day be discharged and that the House go into Committee of the Whole on the subject on Monday next.

Hon. Mr. LANDRY—Could we not come to some understanding to have a copy of that report printed in our daily Minutes of Proceedings. Every report which is brought in by a committee is printed in the Minutes.

Hon. Mr. POWER—It is printed sometimes in the appendix.

Hon. Mr. LANDRY—Or in the appendix if you like. The reason I ask for this is that if the report is printed in the Minutes of Proceedings we will have it in French as well as in English; otherwise we shall not get it.

Hon. Mr. KIRCHHOFFER—I would like to ask the House if one portion of the rules could not be gone on with. I refer to those relating to the Divorce Committee. A great deal of delay is caused by these not now being considered, and if it were possible to take them up and proceed with them we would be able to go on with our business, which will be delayed unless these rules are agreed to. If the House could possibly go into a consideration of those rules now and have them passed and a report made we might proceed with those cases.

Hon. Mr. LOUGHEED—The hon. member from Brandon might have stated also that there are some seventeen Bills for divorce before this Chamber, thus obliging the Divorce Committee to apply themselves at an early date and in an active manner to deal with this legislation.

Hon. Mr. SCOTT—Could not the divorce rules be taken up now?

Hon. Mr. POWER—I am completely in the hands of the House. I have no wishes in the matter. If it is thought that it will be advantageous to the transaction of public business to go into committee and deal with the divorce rules, I shall be very glad to modify the motion in that way, that we go into committee, with the understanding that at this sitting we shall deal simply with the rules relating to divorce.

The House resolved itself into a Committee of the Whole.

(In the Committee.)

Hon. Mr. POWER—The rules which deal with divorce begin at 140. I may say generally that these rules were carefully considered by the Divorce Committee last session. With the assistance of the law clerk, they amended rules for the facilitating of the business of the Divorce Committee. As I understand, and as one would gather from reading the new divorce rules, divorce is not made any easier to get than it was before, but the proceedings are very considerably simplified, and the expense connected with the work is somewhat diminished. There was no division of opinion with respect to these rules, as I understand, either in the Divorce Committee or in the committee to which the rules of the House were referred last year. The latter committee made certain verbal changes in the draft submitted by the Committee on Divorce, but no substantial changes.

Hon. Mr. LOUGHEED—The object of the committee in revising these rules was to make them conform, as far as we possibly could, to the procedure which obtains in the

superior courts with reference to the issuance of writs and the trial of actions. That is to say, we have adhered as closely as possible to that procedure; and while it would absorb too much time to explain at length yet I can say with confidence that this will result in both parties being seized with a wider and more particular knowledge of facts as to what is occurring with reference to a Divorce Bill than heretofore. The practice has been simplified and made to conform almost exactly to the rules of court, and I may say it will be fraught with less expense.

Hon. Mr. ELLIS from the committee, reported progress, and asked leave to sit again.

Hon. Mr. POWER moved that the report of the committee be received.

Hon. Mr. LANDRY—Are we receiving the report of the Committee of the Whole on the rules relating to divorce cases, or are we adopting the report asking leave to sit again.

Hon. Mr. POWER—As I understand, the report of the committee is that they have gone through the rules and schedules relating to divorce, and they report favourably on those rules without amendment, and ask leave to sit again to consider the remainder of the report.

Hon. Mr. LANDRY—I do not know that there is any more light thrown on the subject. What is the report of the committee ?

Hon. Mr. POWER—The hon. gentleman has heard the report.

Hon. Mr. LANDRY—The Chairman reported from the committee, that they had made progress and asked leave to sit again.

Hon. Mr. CASGRAIN (de Lanaudière)—That they had passed certain clauses.

Hon. Mr. LANDRY—If we receive that report, it does not put those clauses into force.

Hon. Mr. LOUGHEED—I would suggest that a motion should be made that the report be adopted, because I understand the original motion was that we should go into committee on specific clauses. Those clauses have been passed by the committee without amendment, and consequently a motion would be in order that we adopt those clauses.

Hon. Mr. POWER—When the report is received I intend to make another motion.

The motion was agreed to.

Hon. Mr. POWER—I have not had time to prepare a special motion, but I think that the following will probably cover the ground.

That rules 140 to 159, both included, of the proposed rules as referred to Committee of the Whole, together with the schedules, be approved and adopted.

If that motion is carried, I shall give notice under existing rule 16, for to-morrow, to make these rules part of our Standing Orders, and there must be a special summons of the Senate.

Hon. Mr. LANDRY—It takes more than one day for that.

Hon. Mr. POWER—The rule does not say that. This is not the initiation of the subject for discussion, and does not come under rule 13.

Hon. Mr. LANDRY—The motion of the hon. gentleman is under rule 16, but subject to rule 13.

Hon. Mr. POWER—That is for the House to consider. I shall give either one or two days notice as desired.

The motion was agreed to.

Hon. Mr. POWER—With respect to the notice, is it to be one day's notice or two days ?

Hon. Mr. LANDRY—I think it should be two days, but I do not want to raise an objection, and with the general consent we could make it one day.

Hon. Mr POWER—Then I give notice that to-morrow I shall give notice that these rules which have been adopted shall be made Standing Orders of the Senate and that the Senate be summoned. The notice can be accepted now and the Senate assembled to-morrow.

The Senate adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Thursday, March 22, 1906.

The SPEAKER took the Chair at Three o'clock.

ANALYSIS OF FOODS.

INQUIRY.

Hon. Mr. SULLIVAN inquired:

1. How many practical or analytical chemists are in the employ of the government ?
2. What are their names and their remunerations ?
3. How many and in what department are they employed in the examination of foods to test their purity ?
4. Are the examinations made by analysis at the places where they are sold or at Ottawa ?
5. Are there any other chemists than those on the government staff; give names of articles examined, the date of examination, the locality where sold ; how many were convicted, and what, if any, punishment inflicted ?

Hon. Mr. SCOTT—1. Three in the Department of Agriculture.

2. Frank T. Shutt, M.A., chemist, Central Experimental Farm, salary, $2,250 per annum; A. T. Charron, assistant chemist, $1,200 per annum; H. W. Charlton, second assistant chemist, $1,100 per annum.

3. In addition to analyses of soils received from farmers all over the Dominion, of ensilage, well waters, water from farm homesteads, creameries and cheese factories, these chemists have made analyses of a considerable number of milling products, meat meals and stock foods, which analyses now constitute an important branch of the work of these chemists, owing to the many new products and condimental foods being constantly put upon the market.

4. These analyses referred to are made at the Central Experimental Farm, Ottawa.

5. No others so far as the Department of Agriculture is concerned.

In the Inland Revenue Department, Adulteration of Food Branch, there are employed six practical or analytical chemists attached to the laboratory at Ottawa, and five as district analysts at the places mentioned below.

The names and remuneration of each is as follows : At the laboratory at Ottawa, Thos. Macfarlane, chief analyst, $3,000; A. McGill,, assistant to chief analyst, $2,000; S. E. Wright, assistant analyst, $600; F Davidson, assistant analyst, $700; A. Lemoine, assistant analyst, $700; J. A. U. Valin, assistant analyst, $700. District analysts paid by fees : W. H. Ellis, Toronto, fees 1904-05, $780; J. T. McDonald, Montreal, fees 1904-05, $1,107.70; M. Bowman, Halifax, fees 1904-05, $573 ; J. C. Fagan, Victoria, B. C., fees 1904-05, $544 ; F. X. Valade, Ottawa, fees 1904-05, $400.

3. Answered by No. 2.

4. The analysis is made principally at the laboratory in Ottawa, but certain classes of samples are examined by the district analysts.

5. This department employs no other chemists other than those mentioned in answer to question No. 2. The balance of the question cannot be answered unless some definite period is mentioned, and then only after a compilation of a statement which would require a considerable period of time to complete.

Hon. Mr. SULLIVAN—I desire to make a few remarks on this subject if I may be permitted to do so. I wish to take this matter up because I think matters of this kind, just as well as drugs and patent medicines, which were discussed here a few years ago, come especially within the purview of the Senate. The question can be discussed here calmly, and in a manner which will result to the benefit of the people. Hon. gentlemen will remember the agitation, as I may call it, which took place in this Senate with regard to patent medicines ; how it sounded the tocsin of alarm all over the country, and how the United States has taken the matter up. The result is that there is now a Bill before the House of Representatives in that country—I do not know whether it has become law yet or not—with regard to patent medicines, and to foods, and our own government has taken aging. It encourages me to trust that aging. It encouraees me to trust that some good will result from that hitherto useless Act called the 'Adulteration of food Act.' It is to my mind, almost entirely useless at present because a law in Canada, to be effective, must be enacted with the consent of the people. Where the Canadian people approve of a measure it can be thoroughly enforced ; where they do not approve, it would take too large an army to enforce the provisions of the law. I do not suppose, however, that I shall incur the same odium in this matter as I did in the first instance. I was very nearly

being made a martyr of in that patent medicines affair. I was threatened with sundry and dire punishments if I did not make a written retraction at once. Those who were affected called on me and wanted to know why I had selected them for attack and they brought editors of newspapers with them, I suppose, to make what they had to say more emphatic. However, I was not made a martyr although I should like to have been, because you know, in Ireland, it is a great honour, and it would have been a great honour to me in this instance. I am sure the members of the Senate, so long as I would have been shut up in prison, would have sent me hampers of champagne and game and other delicacies and besides, I should have had the honour of being the foremost man in the Senate. Think of the greatness I was nearly having, but unfortunately, the matter was settled otherwise. However, I intend to go into this question thoroughly and with the aid of my confrères of the medical profession—I am simply acting as a spokesman of theirs and I am not detracting from the share which they have or which they may have in the martyrdom which may be in preparation. That is all I have to say at present, and that is the reason why I put the hon. Secretary of State to so much trouble. I am very grateful to him for what he has done, and will try to make the information, which he has given, of profit to the country.

BURNING OF THE INTERCOLONIAL RAILWAY SHOPS AT MONCTON.

INQUIRY.

Hon. Mr. McDONALD (C.B.) inquired:

1. Was there an investigation as to the cause of the fire and burning of the Intercolonial Railway shops at Moncton ?
2. What is the amount of estimated damages?

He said : Let me quote a despatch in the Ottawa 'Free Press,' just issued, from Moncton, which is as follows :

Moncton, March 22.—The 'Transcript' will state to-night that a fire, believed to be of incendiary origin, took place on Monday night in the Intercolonial Railway shops, and was discovered and extinguished before much damage was done. The fire was discovered in the tender shop, which was part of the works not destroyed by the first fire. A quantity of waste had been stuffed under the door in an obscure corner of the shop, and was evidently set on fire, as there were two distinct blazes. The surroundings were all wood and had the blaze been left a minute longer it would have been beyond control.

I think that fire ought to be investigated also.

Hon. Mr. SCOTT—An investigation as to the cause of the fire in connection with the Intercolonial Railway shops at Moncton is being made under oath, and will occupy some time yet.

In regard to the second inquiry as to the amount of estimated damages, the total loss is also being inquired into, and the figures covering the damages may be available to quote in a few days.

CANADA TEMPERANCE ACT IN PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON inquired:

Whether an order in council has been passed declaring the Canada Temperance Act not in force in Prince county, Prince Edward Island, a majority of the electors of said county having on the first of February last voted in favour of a repeal of the said Act ?

Hon. Mr. SCOTT—It has not been passed yet, but I shall have an order prepared at once and put it in force. I held it, under the impression that the temperance people in Prince Edward Island desired to have the Act annulled in the three counties at the same time. I had a letter from the chairman of the Provincial Alliance in Prince Edward Island, Mr. Burke, I think a clergyman, asking me if I would hold back Queen's proclamation until the return from King's county came in, as the temperance people were desirous that the vote in these two cases should be taken on the same day. I answered him that if the delay was not too great I would, but as I have not received the petition from King's, I gave orders to-day to approve that regarding Queen's and Prince Albert shall be issued forthwith. The thirty days have expired.

Hon. Mr. FERGUSON—I am rather surprised to hear that the temperance people have made such a request.

Hon. Mr. SCOTT—I may be mistaken. I got the information from Mr. Burke's letter.

Hon. Mr. FERGUSON—He is here now and the hon. gentleman may have seen him.

I am glad my hon. friend is taking action, because it is not a desirable state of affairs that a county like that should be without any law regulating the sale of liquors.

Hon. Mr. SCOTT—I shall have it promptly attended to.

RULES OF THE SENATE.

MOTION.

Hon. Mr. POWER moved:

That the rules this day reported from the Committee of the Whole and adopted by the Senate, be made standing orders under rule 16 of the Senate.

The motion was agreed to.

SUPREME AND EXCHEQUER COURTS ACT AMENDMENT BILL

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (A) An Act to amend the Supreme and Exchequer Courts Act.

(In the Committee.)

Hon. Mr. SCOTT—In addition to what I said yesterday as to the necessity for this legislation, I have a memo. from the Deputy Minister of Justice, in which he calls attention to the fact that the opinion of the Supreme Court was desired when those in favour of better Sabbath observance brought the subject up before the government. There was a considerable difference of opinion as to what the powers of the provincial legislature and the Dominion parliament were. I was quite clear that the Acts that were in force, at all events in Ontario, before confederation, especially the Act of 1845, were still in force in Ontario, but it was thought wise to get the opinion of the Supreme Court. That court answered that they did not consider that they had the power under the statute which organized the court. Mr. Newcombe's memo. is as follows :

The necessity for this amendment is occasioned by the views expressed during the argument and in the considered opinion of the Supreme Court in the case relating to Sunday legislation. Doubts were suggested as to whether the court was sufficiently a court of first instance to entitle it to hear a reference at all which did not come before it upon appeal.

It was said also that questions affecting proposed legislation are not within the scope of the present Act, and that the doctrine 'ejusdem generis' applies, and that in any case it was only questions upon actual legislation that could be considered. The majority of the court, while they answered some of the questions referred, did so notwithstanding the opinion which they expressed that they had no jurisdiction to do so, but they gave their answers consistently with the practice which has heretofore prevailed. In view of these doubts and opinions expressed by the court, and the uncertainty of the treatment any future reference might receive, it is thought advisable to amend the Act so as to remove as far as possible all doubts.

The change proposed to be effected by this amendment as to section 3 is the addition of the words 'as a general court of appeal for Canada, and as an additional court for the better administration of the laws of Canada.' These words are taken from section 101 of the British North America Act which authorizes the parliament of Canada to establish courts, and are, perhaps, the broadest words which parliament could use for conferring jurisdiction.

Hon. Mr. LOUGHEED—May I ask what remedy or redress those interested, for instance, in a declaration which may be made by the Supreme Court on such a reference as is indicated it is the intention to include in the Act, would have in the event of, say, a difference of opinion as to that particular declaration? The object of the Supreme Court of Canada is to furnish the entire Dominion with an appellate court of the highest character. Of course it is the highest court to which we have access in the Dominion. It seems to me that if this Bill passed, and the Supreme Court of Canada is made a court of first instance, it robs the people of Canada of the original intention of the court. There is no other appeal court to which an appeal would lie upon a subject of this character, except the Privy Council, and it is only upon questions of very large interest that such an opinion will be sought as is intended by this Act, constitutional questions, questions of a very far reaching order, and if the public becomes precluded by the declaration of the court when the reference is made by the

Dominion government, it seems to me that we wipe out at one fell swoop the object of the creation of the court and compel the public to have redress by bringing their cases to the Privy Council.

Hon. Mr. SCOTT—The hon. gentleman has misconceived the scope of the Bill.

Hon. Mr. LOUGHEED—Let me instance this case. The government makes a reference to the Supreme Court to have a declaration upon a statute. The reference is made and the parties interested are not before the court.

Hon. Mr. SCOTT—I beg the hon. gentleman's pardon, they are.

Hon. Mr. LOUGHEED—I fully appreciate the fact that provision is made for the reference to be argued by those who may come in and ask the government to appear before the court; or the government, of its own motion, may appoint counsel to represent both sides of the case, but the public at that point may not be interested. The matter may not have received that consideration which would afterwards appeal to the public; consequently, the court, in the meantime having given this decision upon the question, cannot therefore act as an appellate court. Therefore, I say, that the very object of the court is defeated by the procedure which is now suggested.

Hon. Mr. SCOTT—In the opinion of the government, and more particularly the Department of Justice, this amendment was considered essential. The British North America Act authorized it. It was not inserted in the Act when the court was first organized, and it was thought wise to carry out the full intent of the British North America Act under which the court was organized. It does not seem to me that the difficulty which my hon. friend has foreshadowed can possibly arise. The argument will take place just in the same way. It is only in a few constitutional cases that it will ever come up. It is not likely to arise in any others; those which are to come up are here specified—educational matters, for instance—under the British North America Act.

Hon. Mr. LOUGHEED—Let me instance the case of the Manitoba School Act, where this government indicated to the province of Manitoba that a reference should be made to the Supreme Court of Canada and where that province refused to enter upon a reference. The matter, apparently, had not reached that stage of public interest at that particular time when the provincial government would be justified in appearing before the Supreme Court. That reference, of course, precluded the Supreme Court afterwards from acting as an appellate court in hearing the appeal from the court below.

Hon. Mr. SCOTT—The Supreme Court did hear the case. The Manitoba School Act came up regularly on an appeal from the court below and the opinion of the provincial court was overruled.

Hon. Mr. LOUGHEED—That is not the case I have been referring to.

Hon. Mr. LANDRY—That is the first case; the hon. gentleman is speaking of the second case.

Hon. Mr. SCOTT—That was practically not a case at all.

Hon. Mr. DAVID—Suppose the question of jurisdiction is raised before a court in the province of Quebec or in the province of Ontario by one of the parties interested in a case, would the case be affected by this Bill?

Hon. Mr. SCOTT—It does not affect ordinary litigation between parties in the slightest degree.

Hon. Mr. BEIQUE—As I understand the Bill now before the committee, it does not change the law at all. It is not intended to change it. It is simply a matter of phraseology, to make matters more clear; and the question raised by the hon. gentleman from Calgary is settled, I think, by subsection 6 of section 4 of the Act of 1891, chapter 25, which I read yesterday. That was the last section to which I called attention. It is as follows:

> The opinion of the court upon any such reference, although advisory only, shall, for all purposes of appeal to Her Majesty in Council be treated as a final judgment of the said court between parties.

Therefore, we have it here that the opinion of the court is advisory only, for the guidance of the government, but it is open to any private party or to any province to

carry the opinion of the court to the Privy Council, and the present Bill does not change in any way this provision which has been in the statute since 1891. But I understand that the hon. member is raising the question as to whether this should remain on the statute-book as it is. The matter being now before parliament, it would be open for the Senate to amend the present Bill and repeal this provision altogether, if that is thought desirable. I would, however, call the attention of this House to the fact that this reference which is made to the Supreme Court for the purpose of getting an advice intended to guide the government in its dealing with provincial legislation or Dominion legislation and decide as to whether an Act passed by the province, for instance, should be disallowed or not, or as to whether some action should be taken against that Act, does not debar any of the parties interested from bringing the question before the ordinary courts of the province. Although this opinion of the Supreme Court has been given, it remains open to any of the parties interested, to a province or to an individual, to question the validity of the Provincial Act, or the validity of the Dominion Act before the courts. It is true that the Supreme Court, having already expressed this opinion, might not be as open as it would otherwise to reconsider its decision; but we must suppose that, especially if the point has not been properly argued in the first instance, the court would be open to hear a new argument and to reconsider its decision. But in any case there is always the recourse to the Privy Council as a court of final resort in matters of that kind.

Hon. Mr. LOUGHEED—Will the hon. gentleman allow me to say that the opinion which he has expressed is diametrically opposed to what has been said by my hon. friend the Secretary of State. The Secretary of State has informed the House that the object of this Bill was to overcome the difficulty raised by the Supreme Court, that they had not the jurisdiction to hear a reference such as is contemplated by the Act, and that they had refused to hear such reference. As regards the court acting in an advisory capacity, my hon. friend is scarcely a judge of human nature if he fancies for one moment that the court, having made a declaratory judgment, or having given the advice sought by the government, will turn round and, after an argument, reverse the judgment which they may have given either by way of advice or of declaration. After making a declaration upon a constitutional question which may have been referred to them, no matter whether subsequently it may be known that they have erred, they certainly will adhere to the first declaration, and it will be impossible, short of going to the Privy Council, to have the judgment reversed.

Hon. Mr. BEIQUE—I do not think that anything I have stated is in contradiction to what was said by the hon. Secretary of State. The hon. gentleman has properly explained that the reason for introducing this Bill is to make the law more clear in order that the Supreme Court may not refuse to act on a reference to it, as they have refused to do in certain instances. I have not stated anything to the contrary; in fact it is within my knowledge that the Supreme Court have refused to act when the Governor in Council thought they should have acted; and this Bill is intended to close the door to any further refusal of that kind. As far as the other remarks of the hon. gentleman are concerned, I am aware that a bias may be found, but we cannot avoid that, although we have for instance, in the Manitoba school question, a case in point.

It is perfectly well known that the Privy Council decided two cases, on two different occasions, and that at the last decision they practically overruled their previous decision; and a number of cases, both in the Privy Council and in the Supreme Court, can be found where the court, on further argument, have reversed their former decision. But I admit that it would, no doubt, be hard work to get a court to change its opinion in that way. That cannot be helped however. The only remedy will be to go to a higher court, carry the question to the Privy Council. This question arises every day in the course of our practice. We meet with cases in which the same point has been raised in another case, and it has been decided by the Supreme Court. We very often advise our clients to institute a new case for the purpose of carrying the matter to a higher

tribunal—to the Privy Council—with the expectation of obtaining another ruling.

Hon. Mr. DAVID—If I was convinced that the object of the Bill is to extend the jurisdiction of the Supreme Court, I would hesitate to vote for it, because I think that the Supreme Court has already too much jurisdiction, especially in civil matters. Every day we see that the decisions of the courts of the province of Quebec—decisions given sometimes by four, five, six or seven judges—are reversed by a tribunal composed of five or six higher judges, of whom there are only two who are familiar with our French laws. I think that is a great anomaly, but, as I am convinced that the object of the Bill is not to extend the jurisdiction of that court, but only to give clearer interpretation of the constitution, and, believing what has been stated, that the constitution in reality gives the Supreme Court the right to do what is proposed in this measure, I suppose I shall vote for it.

Hon. Mr. POWER—I think the principal object of this Bill is to make clear what the law is. I do not think it proposes to change the law.

Hon. Mr. SCOTT—It adds to it only.

Hon. Mr. POWER—Let us take first the second clause of the Bill. It repeals subsections one and two of section 4 of the Act of 1891, which are as follows :

1. Important questions of law or fact touching provincial legislation, or 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 a 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.

The Bill before us does not alter the substance of that enactment, but it alters the phraseology somewhat. The Bill reads as follows :

37. Important questions of law or fact touching—

(a) the interpretation of the British North America Acts, 1867 to 1886 ; or

(b) the constitutionality or interpretation of any Dominion or provincial legislation ; or

(c) the appellate jurisdiction as to educational matters, by the British North America Act, 1867, or by any other Act or law vested in the Governor in Council ; or

(d) the powers of the parliament of Canada or of the legislatures of the provinces, or of the respective governments thereof, whether or not the particular power in question has been or is proposed to be executed ; or

(e) any other matter, whether or not in the opinion of the court ejusdem generis with the foregoing enumerations, with reference to which the Governor in Council sees fit to submit any such question ;—

' may be referred by the Governor in Council to the Supreme Court for hearing and consideration——

And this is the point :

—and any question touching any of the matters aforesaid, so referred by the Governor in Council, shall be conclusively deemed to be an important question.'

So that the court is obliged to hear it. Then the second subsection of the 4th section of the Act of 1891 is as follows :

2. The court shall certify to the Governor in Council, for his information, its opinion on questions so referred, with the reasons therefor, which shall be given in like manner as in the case of a judgment upon an appeal to the said court ; and any judge who differs from the opinion of the majority shall, in like manner, certify his opinion and his reasons.

In the Bill before us the language is different:

2. When any such reference is made to the court it shall be the duty of the court to hear and consider it, and to answer each question so referred ; and the court shall certify to the Governor in Council, for his information, its opinion upon each such question, with the reasons for each such answer ; and such opinion shall be pronounced in like manner as in the case of a judgment upon an appeal to the said court ; and any judge who differs from the opinion of the majority shall in like manner certify his opinion and his reasons.

The court has, in the past, declined to answer these questions, but the first subclause in this clause before us makes it the duty of the court to answer the questions. The rest of the clause is simply for the purpose of providing that the court shall carry out what was the intention of parliament when it passed the former measure. The hon. gentleman from Calgary referred to the fact that things might be done, as it were, behind the backs of the provinces. By the third and following subsections of the fourth section of the Act of 1891 it is enacted:

In case any such question relates to the constitutional validity of any Act which has heretofore been or shall hereafter be passed by the legislature of any province, or of any provision in any such Act, or case, for any reason, the government of any province has

any special interest in any such question, the Attorney General of such province, or in the case of the Northwest Territories, the Lieutenant Governor thereof, shall be notified of the hearing, in order that he may be heard if he thinks fit.

4. The court shall have power to direct that any person interested, or where there is a class of persons interested, any one or more persons as representatives of such class, shall be notified of the hearing upon any reference under this section, and such persons shall be entitled to be heard thereon.

5. The court may, in its discretion, request any counsel to argue the case as to any interest which is affected and as to which counsel does not appear, and the reasonable expenses thereby occasioned may be paid by the Minister of Finance and Receiver General out of any moneys appropriated by parliament for expenses of litigation.

6. The opinion of the court upon any such reference, although advisory only, shall, for all purposes of appeal to Her Majesty in Council, be treated as a final judgment of the said court between parties.

It will be seen that the only object of this is to make it clear that there shall be no mistake as to what parliament intended.

Hon. Mr. CHOQUETTE—It seems to me that so important a measure as this one is, especially to the different provinces, should not be discussed until we have the Bill before us printed in French. I understand a little of the English language, enough to be able to discuss a measure of this kind in a general sense, but perhaps not enough to say what is the exact signification of the words used. I have asked for a copy of this Bill in French in order to ascertain its exact meaning, but I have not been able to obtain one. This is a very important matter to the province of Quebec, and we French members ought to be in a position to follow the discussion carefully and compare the expressions in the Bill with those contained in the existing law. In Quebec, difficulties often arise because of the fact that an expression which means one thing in English when translated may have a somewhat different force in French.

Hon. Mr. LANDRY—Do I understand that the Bill has been printed in French?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Why has it not been distributed then?

Hon. Mr. CHOQUETTE—I sent upstairs to the office of the Clerk of the Senate, and the reply I received was that they had not a copy in French.

Hon. Mr. SCOTT—I have taken the trouble to inquire personally at the post office, and I find that the French copy was distributed the day before yesterday.

Hon. Mr. LANDRY—No one has it.

Hon. Mr. SCOTT—I cannot be responsible for these details.

Hon. Mr. LANDRY—I move that the committee rise, report progress and ask leave to sit again.

Hon. Mr. CHOQUETTE—I do not go so far as that, but I think we should not finally adopt the Bill until we have a copy in French. We might perhaps discuss it, but without finally adopting any clause.

Hon. Mr. SCOTT—We will postpone the third reading.

Hon. Mr. CHOQUETTE—I have no objection to that, but I do not think we should dispose of the Bill in this way.

Hon. Mr. SCOTT—I am not familiar with domestic arrangements in this Chamber, but the system is very lax. It often happens that Bills are not distributed. The day before I brought up the Bill, I inquired particularly whether it was in type in French and was assured it was, and that it would be distributed the following morning. I have no doubt it was distributed the following morning, but it does not seem to have been fairly and properly distributed, and somebody is to blame for it.

Hon. Mr. LANDRY—I raised that question yesterday, and the hon. minister told me that the Bill had been distributed. He promised me it would be in the hands of members before we resumed this discussion.

Hon. Mr. SCOTT—I sent a boy up stairs for copies, and he has brought some from the distribution office.

Hon. Mr. CHOQUETTE—I sent a boy for copies, and he came back and reported that they had none.

Hon. Mr. SCOTT—Well, I do not employ the boys.

Hon. Mr. CHOQUETTE—We should have competent employees and they should understand the French language.

Hon. Mr. SCOTT—We can postpone the third reading until Tuesday.

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

Hon. Mr. SCOTT—I move that the Bill be read a third time on Tuesday. I name Tuesday, because I see nothing on the order paper for Monday, and I have been asked for an adjournment until Tuesday.

Some hon. GENTLEMEN—No, no.

Hon. Mr. SCOTT—Personally I see no objection to the adjournment because there will be no business before the House on Monday, and it will be a considerable convenience to some twenty or thirty members. There are particular reasons why some of them should be absent on Monday. On former occasions we used to adjourn over Monday for the convenience of those who could reach home and spend Sunday and Monday there.

Hon. Sir MACKENZIE BOWELL—What time would you suggest the House should meet on Tuesday ?

Hon. Mr. SCOTT—The usual hour.

Hon. Sir MACKENZIE BOWELL—That would necessitate those members who live in the west, leaving home Monday in order to reach here in time for the opening of the House on Tuesday.

Hon. Mr. SCOTT—I have no objection to the House meeting at eight o'clock in the evening.

Hon. Sir MACKENZIE BOWELL—I do not anticipate there will be much business on the order paper, but we are considering these rules and I am under the impression that they will occupy our time for a day or two. It will be a great pity to adopt the rules as reported without considering them. A number of them require a good deal of consideration, and some few amendments may be proposed. What I purpose doing myself is to ask the chairman, whoever he may be, to take up each rule by itself, so that it may be calmly considered. Otherwise they will be of very little use, and we shall, probably, have one rule conflicting with another. I am merely making this statement so that we can take plenty of time to consider them, particularly as the important business of the session, outside of the rules, will not be before us for some weeks.

Hon. Mr. ELLIS—The rules with regard to divorce were adopted by general consent. It was understood that they had been prepared by the committee itself. I quite concur with the hon. gentleman from Belleville that the rules should be thoroughly considered. We have Friday, Monday and Tuesday to consider them before the proposed adjournment on Wednesday, and the rules should be in operation when we meet after the recess. I trust, therefore, that the House will sit and consider these rules. I am perfectly willing, when we get fairly down to work, to give Monday to those who live in Montreal and Toronto, and I want to go away for Sunday; but, with a long adjournment before us, should we take two days and let the business of the country go ? I really think we ought not to do that.

Hon. Mr. LOUGHEED—While my sympathies are always enlisted for the Quebec and Ontario members who wish to go away on Friday and remain away Sunday and Monday, it cannot be considered that I am actuated by selfishness, living as I do a long distance from the capital, if I urge the necessity of finishing the business before us before the adjournment next week, so that those living a long distance from the capital may participate in some of the benefits of the adjournment.

Hon. Mr. SCOTT—At present I think it would be possible for the House to adjourn next Wednesday or at latest Thursday. A supply Bill is expected to come up, and I asked the premier to put it through to-morrow or, at latest, Tuesday, so that we could dispose of it on Wednesday.

Hon. Mr. KERR (Toronto)—Allusion has been made to the representatives from Toronto and Montreal, as if we were in the same boat about wanting adjournments. So far as I know, those who come from Toronto are ready to meet here and work when there is work to be done. Ready to stay as long as may be necessary, and, as an earnest of that, I would suggest that instead of the House adjourning now, we remain and go on with the rules. Let us sit this evening, and to-morrow and Monday and finish them.

Hon. Mr. YOUNG—Then it seems to be understood we will have a night sitting ?

Hon. Mr. FERGUSON—I think it would be a mistake if we had a small adjourn-

ment before the long one. I do not quite understand what is proposed to be done, but some hon. gentlemen have spoken as if we were to adjourn to-morrow afternoon until Tuesday evening. I do not think that is a reasonable thing to do. If we are going into these rules, let us give them very careful consideration. The matter is important. If we make mistakes in them they will not be easily corrected when the rules are printed in book form. We should not allow the desire of some hon. members to go home, to interfere with our giving the best possible consideration to those rules, and all the time necessary to make them as perfect as we know how. There are many intricate questions arising in connection with them, as members of the committee know well. I have no objection to adjourn until Monday at eight o'clock, but I do not think it is reasonable to adjourn until Tuesday afternoon, a small adjournment, just when we are going to have a general adjournment over the Easter holidays, a day or two later.

Hon. Mr. YOUNG—I think the House is seized with the importance of amending our rules. That fact was impressed on us very forcibly not only last session, but recently, and I agree with what has been said, that we must give all the consideration necessary to make our rules as perfect as possible so that they will stand the test of time and experience; and if it is possible the rules should be accepted by the House before we adjourn so that they will be in force after the adjournment. We should leave no stone unturned to accomplish that object, because the sooner we have the results of last year's work laid before this House the sooner will hon. gentlemen appreciate the many changes proposed to the advantage of the Senate. While there may be some discussion over all the rules, and difference of opinion over some, we should be able to complete our work in such a way as will redound to the credit of the Senate.

Hon. Mr. SCOTT—In view of the expression of opinions that we have listened to, I withdraw the suggestions I have made.

The motion was agreed to.

THE RULES OF THE SENATE.

Consideration of report postponed.

The order of the day being called—

House again in committee of the whole to consider and report on the third report of the special committee appointed during last session to consider and revise, and if deemed necessary, to add to the rules, orders and forms of proceeding of the Senate.

Hon. Mr. POWER said: It will be remembered that yesterday, when we proposed to take up these rules, objection was raised that they had not been distributed to all the members. As I understand, they were distributed last session, but a majority of hon. members, as a matter of course, and very naturally, did not keep them about their personal luggage, and they are not here. We had a promise from the Printing Bureau that these rules would be delivered to-day at three o'clock. They have not been distributed yet. I am prepared to take any course the House pleases, but I assume that, under the circumstances, it would not be courteous to the gentlemen who have not received copies of the rules that we should go on now. If that is the view of the House, I move that the order of the day be discharged, and that we go into committee on this report to-morrow, and that it be made the first order of the day.

Hon. Mr. SCOTT—I should like to inquire whether those copies of the rules have not been sent up from the Bureau? I would not be surprised to learn that they are here in this building.

Hon. Mr. De BOUCHERVILLE— I know one member who has not received a copy yet, the Hon. Mr. Montplaiser. He went to the post office to inquire for a copy and they had not been received.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman from Halifax to say that they will be ready for distribution to-morrow?

Hon. Mr. POWER—I was assured they would be ready to-day.

Hon. Sir MACKENZIE BOWELL—Are they in type?

Hon. Mr. SCOTT—I found that the tpye had not been distributed, and gave orders to have an extra force put on so that copies could be distributed here this afternoon. They told me they would have them here between three and four o'clock. The House of Commons is pressing its work in the Bureau, more particularly the Auditor General's Report. It may astonish gentlemen to know the volume of printing in connection with that report. Complaint was made

to-day in the House of Commons of delay in distributing it. I am told by Mr. Dawson that the Auditor's Report weighs twenty-nine tons of paper. When I went down to the Bureau a couple of days ago I found that it occupied a good deal more space than this Chamber, and the Bureau had to stitch and bind those volumes while other things were going on. There are some sixteen million pages in that report.

Hon. Sir MACKENZIE BOWELL—We can all understand that, but if the type is in galley form all they had to do was to put it on a press and print it.

Hon. Mr. POWER—The hon. gentleman from Toronto (Hon. Mr. Kerr) has made a suggestion, which I take the liberty to submit to the House, with his permission, that we call it six o'clock now, and meet this evening at eight o'clock sharp and then take up these rules.

Hon. Mr. De BOUCHERVILLE—Suppose we did receive those documents at eight o'clock, members ought to have at least a few hours to look over them. It would not be fair for those who have not seen the proposed changes yet to expect them to discuss them without having had an opportunity to study them. Therefore I think the matter had better be postponed until to-morrow.

Hon. Mr. POWER—As I said before, I am only, in a sense, the mouthpiece of the House. I am quite ready to do what the House thinks best. With a view of passing these rules with as little unnecessary discussion as possible, probably the better way is to let the matter stand until to-morrow and then hon. gentlemen will have a chance to read the rules over before we meet. The discussion will then be more intelligent, and hon. gentlemen will not object to something which seems wrong, but which is provided for perhaps in a later rule. So I persist in my motion, that the order of the day be discharged and that it be made the first order for to-morrow.

Hon. Mr. KERR (Toronto)—It should be understood that we go on and have an evening session to-morrow. I am quite sure these rules will not be adopted for a month if we are to have only afternoon sessions.

Hon. Mr. SCOTT.

Hon. Sir MACKENZIE BOWELL—There is nothing to prevent the hon. gentleman objecting to an adjournment at six o'clock.

Hon. Mr. YOUNG—My hon. friend from Toronto will be in a better position to judge after he sees what progress we make at our first sitting.

The motion was agreed to.

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

SENATE.

OTTAWA, Friday, March 23, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

The Honourable George Riley, of Victoria, was introduced and took his seat.

RESTAURANT COMMITTEE.

Hon. Mr. MILLER—With the leave of the House, I wish to move that the name of the Hon. Mr. Tessier be substituted for my name on the Restaurant Committee. The hon. gentleman takes more interest in the restaurant than I do now, and I know he will be the right man in the right place.

The motion was agreed to.

RULES OF THE SENATE.

The order of the day being called :

House again in Committee of the Whole to consider and report on the third report of the special committee appointed during last session to consider and revise, and if deemed necessary, to add to the rules, orders and forms of proceeding of the Senate.—Hon. Mr. Power.

The House resolved itself into a Committee of the Whole.

(In the Committee).

Hon. Mr. POWER—As will be observed, several hon. gentlemen have left the House during the sitting this afternoon. One hon. gentleman spoke to me with respect to these rules and asked that no rule as to which there is a marked difference of opinion should be taken up until the sitting on Monday next. I was only too glad to be able to oblige the hon. gentleman in that way, and I assume that the committee will endorse what I have done.

On rule No. 3,

1. All existing rules and standing orders of the Senate are repealed.

Hon. Mr. POWER—I ask that rule 3 be allowed to stand, because there may be some uncertainty about it.

On rule 4,

Hon. Mr. LOUGHEED—I think confusion is likely to arise from the employment of the words 'principal motion. We deal with different kinds of motions which are defined, but there is no interpretation placed upon the words 'principal motion.' The phrase may possibly be confused with a substantive motion or some kindred motion. I would ask my hon. friend in what way is a distinction to be drawn between principal motions and others ?

Hon. Mr. POWER—The principal motion is the original motion, the one which is moved in the first instance. These expressions 'substantive motion,' 'incidental questions,' 'subsidiary questions,' are used in our rules and in the books of practice with respect to the procedure in legislative bodies, and it is desirable to have some definition of these terms so that we shall know what we are talking about. With respect to incidental questions, they are such as arise out of other questions and are consequently to be decided before the questions which give rise to them.

'Of this nature are'—I am reading from Cushing—

'First questions of order, second motions for the reading of papers, &c., third for leave to withdraw a motion ; fourth for the suspension of a rule and fifth for an amendment to an amendment.'

Hon. Mr. LOUGHEED—Is that what is meant by principal question ? If so, why not adopt a phrase which would be self explanatory ?

Hon. Mr. POWER—I find in the books of practice the expression used is principal question or principal motion. Subsidiary questions are secondary questions or motions, as has already been stated, and these relate to a principal motion, and are made use of to enable the assembly to dispose of it in the most appropriate manner.

The subsidiary or secondary motions in common use are the following : namely, to amend, to commit, for the previous question, to lie on the table, and for postponement.

Hon. Mr. DeBOUCHERVILLE—Would it not be well to put in writing what is being read.

Hon. Mr. POWER—I have given 'Cushing's' definition.

On the definition of two days' notice.

Hon. Mr. LOUGHEED—What constitutes an entire sitting ? Why not say a sitting day ? Let us assume that we have two sittings—an afternoon sitting and an evening sitting, and a notice be given at the night session ; how about the next day ? Can a distinction be drawn as to the sitting ? Is not every sitting entire ? Can there be a partial sitting ?

Hon. Mr. SCOTT—Yes, we sometimes have two or three sittings in a day. It does not apply to that, but a real day must intervene. Suppose a notice is given on Tuesday, it cannot be taken up until Thursday ; Wednesday intervenes, which would be an entire day.

Hon. Mr. DeBOUCHERVILLE—If we have two sittings in one day, we cannot move at the second sitting. Unless there is unanimity in the Senate, notice cannot be given.

Hon. Mr. FERGUSON—We, in the committee understood it to mean that there should be an absolute twenty-four hours intervening between the day the notice is given, and the day the matter should come up. Towards the close of the session, when there are two or three sittings in a day, those rules are suspended anyway ; but for the protection of the House, this must be understood, that it means twenty-four hours, which intervene before the day on which the House again sits.

Hon. Sir MACKENZIE BOWELL—It does not seem to me to bear that construction, not if I understand the rule, 'two days' notice' a notice where an entire sitting day intervenes, &c. If a motion be made that the House sit three times the same day, say from eleven until one ; from two until six ; and from eight until it adjourns—three distinct sittings ; would not that be interpreted to mean three distinct sitting days ?

Hon. Mr. SCOTT—I think not.

Hon. Sir MACKENZIE BOWELL—My hon. friend says no. I think not. What constitutes an entire sittings ? It certainly means from the time the House opens until it adjourns. The chairman makes the suggestion that it would exclude Saturday, which is not a sitting day, as a rule. Supposing we meet on Saturday, what would be the effect of it ?

Hon. Mr. POWER—Saturday would then be a sitting day.

Hon. Mr. LOUGHEED—What is the distinction between a sitting day and 'an entire' sitting day ? There surely is no distinction. The word entire is only going to lead to confusion. An entire sitting day cannot be more than a sitting day.

Hon. Mr. KERR (Toronto)—It may be a day, and not a sitting day. There is a distinction between a sitting day and a non-sitting day.

Hon Sir MACKENZIE BOWELL—What constitutes an entire sitting day ?

Hon. Mr. FERGUSON—The real point we have to consider is the one which comes from the chairman, is Saturday to be considered as a day intervening ? I do not think that is what any of us meant.

These Australian rules have been constructed almost wholesale. They have not been brought into existence like the rules of many other parliaments that have grown through years of practice and experience, so that it would be unsafe to adopt them without careful consideration. This rule is one we took from the Australian rules, and I think none of us intended that a day from the day on which the House adjourned should not be a day that should suffice as a day intervening—Saturday or any other day the House was not sitting—and I think we should hold this rule over until we can think it over a little better.

Hon. Mr. POWER—Of course, if it is the desire of the committee to hold the rule over, I have no objection ; but the hon. gentleman is in error in supposing that this rule is borrowed from Australia. This particular definition is one which the committee framed themselves for the purpose of meeting a difficulty which very often arises. Hon. gentlemen will remember that in the existing rule, No. 13, I think it is, there is a reference made to an intermediate day.

Hon. Mr. LOUGHEED—The hon. gentlemen does not appreciate the point I made.

Hon. Mr. POWER—I do, but I am answering the objection of the hon. gentleman from Marshfield. This is intended to meet a difficulty which we have in the past experienced ; and the object of the committee was to make it clear that there should be a complete day intervening between the day on which the notice was given and the day on which action is to be taken under the notice. There was no difference of opinion in the committee ; but if hon. gentlemen think that two days' notice should mean something less, of course it is for the committee to decide. With respect to what the hon. gentleman from Calgary says, I think that probably he is right, but the hon. gentleman is not as a rule given to microscopic criticism, and even if the word entire be not necessary it does no harm. It does this, however, it emphasizes the intention of the House that there shall be a complete day intervening. It just shows what the drift of the feeling of the House was. I admit that, as a matter of strict interpretation, the meaning, if you strike out the word 'entire' would be practically the same.

Hon. Mr. KERR (Toronto)—The House might sit until one o'clock in the morning, and that day on which the House adjourned would not be considered an entire day if this word 'entire' is left in.

Hon. Mr. FERGUSON—My view in making the remark about the Australian rules was this—and a new rule made by ourselves would stand in the same category—the old rules have stood the test of time and experience, and we are tolerably familiar with the general scope of them ; but when we frame new rules ourselves, or adopt the Australian rules, framed at the inauguration of the commonwealth, we have not the same guarantee that we have of rules founded on British practice, or rules that we have been working under ourselves, and on that account it would be wise to look carefully at all the new rules, including those we take from the Australian Commonwealth. I know that the chairman of the committee has given a great deal of care and attention to this question and deserves credit for what he has done, but no matter how careful a man is, when new work of this kind is un-

dertaken, it is only by the experience of time, that we can tell where we may find a defect. Although I did not discover it at all in the committee, I really think that this clause requires some further thought in order to make it perfect or nearly so.

Hon. Mr. POWER—The meaning is perfectly clear I think.

Hon. Mr. FERGUSON—As it stands now, I do not think a day on which the House adjourns would be considered an intervening day, and I think it ought to be.

Hon. Mr. DeBOUCHERVILE—The hon. senator from Toronto has remarked that if you give a notice on Friday there will be no intervening sitting day. The matter could not be taken up until the following Tuesday—is that the meaning ?

Hon. Mr. POWER—Yes.

Hon. Mr. LOUGHEED—It was not with a view of being microscopically critical that I raised the point. The reason I raised it was this ; if you speak of an entire sitting day, then you impliedly say that there is a degree which might be termed a sitting day. You might as well speak of a whole twenty-four hours, as to say an entire sitting day. There cannot be degrees of a sitting day, and it is the inference which might be drawn that there is a less degree of a sitting day than an 'entire' sitting day that I want to avoid, because it might lead at some future time to doubt.

Hon. Mr. POWER—Then I move to strike out the word 'entire'.

Hon. Sir MACKENZIE BOWELL—At page 317 of Bourinot, you will find under the heading of 'two sittings on one day'.

> If it is intended to meet earlier next day, a formal motion should be made previous to the adjournment of the House as in the case of holidays or church festivals. Sometimes the House has two or three sittings on the same day. In such cases each sitting is considered a full parliamentary day.

Now, under this rule, the view I took of it first would be the correct one, that is, that each sitting would be an entire parliamentary day, because Bourinot says :

> In such cases each sitting is considered a full parliamentary day and Bills of Supply can be advanced stages without objection.

Hon. Mr. KERR (Toronto)—As I understand it, the idea of requiring two days notice, means that it should be a more ample notice than an ordinary notice, and therefore, while that is quite right in the book, it seems to me the object is to provide that time should be given to deal with these particular matters, and that time should be one intermediate day.

Hon. Sir MACKENZIE BOWELL—There is no doubt that is the intention, but the discussion arose as to what constituted an entire sitting day.

Bourinot says that if you sit three times in one day each sitting is an entire parliamentary day.

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

On the paragraph,

> One day's notice—a notice given on any sitting day for a motion or inquiry should be made on the next succeeding sitting day.

Hon. Mr. KERR (Toronto)—I would suggest to leave out the word 'sitting', it might delay the work of the House towards the close of the session.

Hon. Mr. POWER—I do not think the change is necessary, because under the practice which we have pursued, and which is set forth in the passage from Bourinot read by the hon. member from Belleville, when the minister moves that there be more than one sitting in one day, the resolution provides, that each sitting shall be deemed a separate day's sitting. On the other hand, if the suggestion made by the hon. member from Toronto were carried out, and you were to strike out the word 'day', we would have hon. gentlemen contending that when the House met at three o'clock, rose for recess at six, and then met again at eight o'clock, the second sitting was a different sitting from the first; and I do not see any object at all in striking out the word 'day'. The meaning is perfectly clear, and while it may be desirable that any imperfection should be removed, still I do not see that you attain any good by striking out the word 'day'.

Hon. Mr. KERR (Toronto)—It seems to me the very argument that has been presented shows that the point has been well taken with reference to the use of the word 'day' here. In other words, according to the interpretation put upon the words 'separate sitting', it is quite plain that it is

not the expression which is used in this rule. It is not a sitting day, but a day's sitting that it is equivalent to. Therefore you will get into the very trouble I have been pointing out by adopting that form.

Hon. Mr. FERGUSON—It seems to me that we ought to have a definition of the words 'sitting day'. The words from Bourinot, read by the hon. senator from Belleville, carry the meaning distinctly, that each of these sittings that we are liable to have towards the end of a session is one parliamentary day. We should put it of record here so that there will be no doubt about it.

Hon. Mr. POWER—I have expressed my concurrence in that view.

Hon. Mr. FERGUSON—Would it not be better to put a definition of it in the rules ?

Hon. Mr. POWER—I do not think so.

The rule was adopted.

On rule 8. No meeting for want of quorum.

8. If, thirty minutes after the time of meeting, fifteen senators, including the Speaker, are not present, the Speaker takes the Chair and adjourns the Senate until the next sitting day, the names of the senators present being taken down by the clerk.

Hon. Sir MACKENZIE BOWELL—It strikes me that this clause might be amended. It declares that the Speaker takes the Chair and adjourns the Senate when the Senate is really not in session. I would suggest the following instead :

If, thirty minutes after the time of meeting, fifteen senators, including the Speaker, are not present the Speaker takes the Chair and announces the adjournment of the Senate is continued until the next sitting day, the names of the senators present being taken down by the clerk.

Is it not somewhat incongruous to say that the Speaker adjourns the Senate, when the Senate is not in session and cannot be in session for want of a quorum ?

The SPEAKER—Would not that make it mean that there has been no sitting ?

Hon. Sir MACKENZIE BOWELL—That is the fact.

The SPEAKER—Under the present rule, there is a sitting and the names of the senators being taken down is merely for the purpose of registering the fact that there was no quorum, and that the Senate was adjourned until the next day. I quite see that the hon. gentleman from Belleville means that, by implication, there could be no sitting where there is no quorum.

Hon. Sir MACKENZIE BOWELL—I say distinctly there is no sitting. There not being a quorum, there cannot be a sitting, yet you announce the adjournment of the Senate. I think it would be much better that the announcement should be that 'the adjournment is continued.'

Hon. Mr. LOUGHEED—That pre-supposes the Senate doing business, when they continue the adjournment.

Hon. Mr. YOUNG—The moment the Speaker takes the Chair the House is sitting, and the sitting continues up to the time that it is discovered that there is not a quorum in the House. For instance to-day we have a sitting, and yet there may come a stage in the proceedings where there may be no quorum. When the Speaker calls attention to it, then and there the sitting ceases. The rules provide for that, but the point is that the members who are present with the Speaker in the Chair are entitled to call it a day sitting up to the time that it is announced that there is no quorum.

Hon. Mr. POWER—I sympathize with the view of the hon. gentleman from Marshfield, that where our rules have worked well and no question has arisen with regard to them, it is not desirable to alter them. There is a sitting of the House for the purposes of adjournment, if for nothing else ; and the course suggested by the leader of the opposition might lead to difficulty. To what time is the House adjourned ? The Senate having been adjourned say until Monday afternoon at three o'clock, if there is less than a quorum present at that time, to what time is the House adjourned ? It is the old adjournment ; it is not a new one. I would call attention to the fact that in the House of Commons they have just the same procedure. In Australia they have the same rule also. As no difficulty has ever arisen in connection with this matter, it would, in my opinion, be venturing into unknown waters to make a change.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman overlooks the first rule when he takes that position. If the Speaker announces that the adjournment is

continued, the rule says that we shall meet every day at three o'clock,and, therefore, the continuation would be simply until the following day at that hour.

The SPEAKER—I differ from the hon. gentleman. I think it should count for a sitting, and the hon. gentleman thinks not.

Hon. Sir MACKENZIE BOWELL—I understand now, that, as it is to be counted as a sitting, members are to be entitled to a day's pay.

The rule was adopted.

On rule 16. Power and duty of Speaker.

Hon. Sir MACKENZIE BOWELL—It is understood if there is any objection the rule must stand over.

Hon. Mr. POWER—I may say that on the point involved in this rule the committee were unanimous; however the matter must stand over if the hon. gentleman objects.

Hon. Sir MACKENZIE BOWELL—This rule is an entire departure from the rules of the House of Lords in England. In England the Speaker has no authority, and the desire of the committee was that our Speaker should be given authority. I believe it is objected by some senators that we should not depart from the British practice. That is, I take it for granted, the reason why the hon. gentleman asks that the matter be allowed to stand.

The rule was allowed to stand.

On rule 19. Order of business.

Hon. Mr. DeBOUCHERVILLE—What is the meaning of the word 'inquiries' being inserted after 'Notices of inquiries and of motions'?

Hon. Mr. POWER—Supposing the hon. gentleman wishes to ask a question from the government about some matter not before the House. He gives notice to-day, and it is entered on the minutes of to-day, along with notices of other inquiries and motions, and then, to-morrow, when he is to make his inquiry, the inquiries come before the motions. That is the practice in England and it is a reasonable practice that questions should be answered before motions are made.

The rule was adopted.

On rule 20. Unfinished business.

Hon. Mr. YOUNG—This rule appears to be all right, but I would call attention to rule 73 which it strikes me varies No. 20 somewhat. No. 73 reads as follows:

> 73. Notwithstanding anything in rule 20, orders of the day for the third reading of Bills take precedence of all others, except orders to which the Senate may have previously given priority.

Would it not be well to make No. 20 a complete rule, so that we would not have No. 73 overriding it? I think if 73 provided in the latter part of it 'any order of the day which at the adjournment is under consideration shall stand first in the orders of the following day.' We say this in rule 20, but we say in rule 73, 'notwithstanding that, that the third readings come first'; why not make it clear by inserting in rule 20 that third readings come before an order of the day which at the adjournment was under consideration. Then you have rule 73 in line with rule 20.

Hon. Mr. DeBOUCHERVILLE—I think we should not discuss rule 73 until we come to it. We can examine it in its order.

Hon. Mr. YOUNG—Under ordinary circumstances I think my hon. friend is right, but it might be well to amend rule 20 while we are considering it.

Hon. Sir MACKENZIE BOWELL—Rule 73 is carrying out the practice of the House now, that third readings shall take precedence. Rule 20 makes the orders of the day come first; but 73 sets that aside so far as third readings are concerned. It seems to me to be all right as it is.

The SPEAKER—I think the hon. gentleman from Killarney is right. Rule 20 provides that an order of the day, which, at the adjournment is under consideration, shall stand first on the orders of the following day. That is not true, because rule 73 declares that third readings shall come first. Why not say so then under rule 20.

Hon. Mr. BAKER—The difficulty would be met if these words were inserted in rule 20 after the words 'the following day', 'next after readings'. Then strike out rule 73 altogether.

Hon. Mr. POWER—I quite recognize the force of what has been said by the hon.

gentleman, but it will be observed that there is no change made in our rule in this respect. The present rule 12 is substantially rule 20, and the present rule 44 is the new rule 73. We have never had the slightest difficulty in working under these two rules, and I doubt the wisdom of making a change. I do suggest, however, that the following words be inserted in rule 20: 'Except as provided in rule 73'.

Hon. Mr. BAKER—Why continue rule 73 if the insertion of the words would make the intent more obvious?

Hon. Mr. POWER—I do not think it will make it clearer, but in order to prevent misapprehension I think the words 'except as provided in rule 73,' should be inserted.

Hon. Mr. FERGUSON—There is this advantage in retaining the two rules. Rule 73 is included in a bunch of rules dealing with public Bills, and it might be misleading if it were removed. I think it would be better to keep the old rule 44 as rule 73 because 73 makes it very clear wherein it overrides rule 20.

Hon. Mr. POWER—I ask the committee to let it stand, and I shall draft an amendment to meet the views of the hon. gentleman from Killarney, without striking out rule 73.

Hon. Sir MACKENZIE BOWELL—It will be seen that 73 goes beyond giving priority to third readings, because it says:

> Orders of the day for the third reading of Bills take precedence of all others, except orders to which the Senate may have previously given priority.

——So that it deals with other matters besides third readings.

Hon. Mr. SULLIVAN—I think we should not adopt the principle of taking up a clause which is far beyond the one under discussion.

Hon. Sir MACKENZIE BOWELL—If the one clause conflicts with the other, they must both be considered at once.

The rule was allowed to stand.

On the 21st rule. Notice of motion; how given.

Hon. Sir MACKENZIE BOWELL—A difficulty might arise under the exceptions to this rule. This rule does not apply to motions with respect to Bills or reports of committees. Was it intended by the committee that this rule should apply to all committees, no matter of what character.

Hon. Mr. POWER—As I take it, there is no necessity for reading this formal notice in the House where you are dealing with a report of a committee, no matter what kind of a committee. The chairman of a committee hands his report in, and the House receives or does not receive it, and he moves that the report be taken into consideration two days later, or at whatever time he selects; but it has never been the practice to give a written notice, to be read at the table, that the report is to be taken into consideration then. It is the duty of the officers at the table to make a note of what the chairman moves.

Hon. Sir MACKENZIE BOWELL—I did not discuss that question at all; I simply asked whether this rule is to apply to all committees or to standing committees only?

Hon. Mr. POWER—It was intended to apply to all committees.

The rule was adopted.

On the 23rd rule. Two days' notice of certain motions.

Hon. Sir MACKENZIE BOWELL—This carries out the idea that I attempted to convey, that rule 21 applies only to standing committees. Is there any difference between a special committee and a select committee?

Hon. Mr. POWER—Yes, a select committee is every other committee except a committee of the whole. It is made of members chosen or selected out of the body of the Senate. These select committees are either standing or special committees. That is the difference.

The rule was adopted.

On the 24th rule. One day's notice of certain motions.

Hon Sir MACKENZIE BOWELL—It strikes me as you go further on in the rules you find that there is conflict between this and other rules.

Hon. Mr. POWER—I move to insert after the words 'for the appointment of a standing committee', the following as the seventh

subclause—'For an instruction to a committee'. That is something which we overlooked. There should be a day's notice given of that.

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

On the 25th rule. Motions for which no notice is required.

Hon. Sir MACKENZIE BOWELL—I would ask the chairman if this does not conflict with other rules? Look at rule 24 ?

Hon. Mr. YOUNG—Rule 14 refers to the usual adjournment from Friday until Monday, and rule 24 says that any member may move the adjournment of the House.

Hon. Mr. POWER—That adjournment during debate is dealt with later in the rules. In this rule 25, in order to remove doubt, a paragraph should be put in towards the close of the rule. No notice is required by a minister for the immediate presentation of papers, and none is required for the ordinary adjournment of the Senate at the close of the business for the the day, but the ministers being in charge of the business of the House should always be in a position to move the adjournment of the Senate. That is the rule in Australia. Rule 59 of the Senate of the Commonwealth says that the adjournment of the Senate may be moved at any time, by or on behalf of a minister of the Crown. While it might be held that there would be no difficulty perhaps it would be wiser to make it clear, and if there is no objection I shall move an amendment to that effect.

Hon. Mr. DeBOUCHERVILLE—I do not see the necessity of it. The government has a majority in this House, and we have no trouble. The ministerial side is always strong enough to have an adjournment.

Hon. Mr. POWER—That is the rule everywhere. It is the rule here now, but we have been specifying certain motions which require notice, and certain others which do not, and in order to remove a doubt which might be created as to whether a minister had the right, which he undoubtedly has now, I suggest the insertion of that rule.

Hon. Mr. DeBOUCHERVILLE—I thought the hon. gentleman meant that nobody but a minister should have the right to move an adjournment.

Hon. Mr. POWER—No, I did not dream of anything like that.

Hon. Mr. DeBOUCHERVILLE—Then what necessity is there for such a provision?

Hon. Sir MACKENZIE BOWELL—The ninth paragraph of the 24th rule declares that for an adjournment of the Senate you must give a day's notice. Rule 45 gives the right to the Crown to move an adjournment at any time. Now, there is a direct conflict between the two. Can you carry out the provisions of rule 49 without suspending rule 24 ?

Hon. Mr. POWER—There may be some more happy way of putting it, but what is intended in rule 24 is this: if an hon. gentleman as the hon. member from de Lanaudière did a day or two ago, give notice that on a certain day he will move that the House adjourn until some other time, than that fixed by rule, he must give at least a day's notice. At the close of the sitting or during the sitting, the minister may move an adjournment without notice. With respect to the other matter which the hon. gentleman has referred to, that is dealt with by two separate rules, as to one of which the hon. gentleman from Marshfield has given notice of amendment. I do not think any doubt can arise about it, if it is a motion for an adjournment, made during debate, for the purpose of discussing some matter of public interest. What is referred to in rule 24, is the notice I have spoken of, that the House shall adjourn for some specified time other than that fixed by rule.

Hon. Mr. YOUNG—Rule 50 also refers to adjournment. It provides that, 'when a question is under discussion, no motion is received unless to amend or for the adjournment of the Senate.'

Hon. Mr. FERGUSON—Rule 25 is all right, but it will be affected by rule 45. By the common law of parliament a motion to adjourn is always in order, but now we are reducing it to rule. I approve of this rule, but not of rule 45. However, we can discuss that when we come to it.

Hon. Mr. POWER—My suggestion is necessary here in order to remove a doubt

under this paragraph with respect to a motion by or on behalf of the minister for the adjournment of the House at any time.

Hon. Mr. FERGUSON—That is, only a minister could move the adjournment of the House. That is a subject on which there will be great difference of opinion. If an amendment is proposed we will require to have it laid over to give time to discuss it.

Hon. Mr. POWER—It is not an adjournment for the purpose of discussing a matter of public interest or importance. It secures the minister a right he has now to move the adjournment of the Senate for the purpose of closing a sitting. The point is this; the right which the minister has, under the common law of parliament, might be brought in question by the fact that it is not mentioned in the rule where we undertake to specify what can be done without notice.

Hon. Mr. YOUNG—What the hon. gentleman means is to empower the minister to move the adjournment of the House after the close of the business of the day, whether that be at six o'clock or five o'clock.

Hon. Mr. POWER—No, because the ordinary adjournment of the House at the close of the business of the day is provided for.

Hon. Sir MACKENZIE BOWELL—I do not think the Senate would ever consent to confine the right of moving an adjournment to the ministers.

Hon. Mr. FERGUSON—The amendment proposed by the hon. member from Halifax would limit the right of moving an adjournment to the minister. That will never do. We had better leave it, without any rule at all, under the common law of parliament. Otherwise we must leave it discretionary with the House as to how it shall be adjourned. Suppose a case were to arise of this kind, as has happened—that a member of the government should move the adjournment of the House and the opposition would be able to defeat it and thereby show that the government had lost control of the House. With this proposed rule in operation the minister might lie back and say 'you can do as you like,' and it would not be competent for any other person to move an adjournment. I think we had better leave it under the common law of parliament, or let the motion stand as it is.

Hon. Mr. POWER—I do not press the suggestion.

Hon. Mr. LOUGHEED—Under rule 1, we have decided in all cases not provided for to be governed by the rules and usages of the imperial parliament.

Hon. Mr. POWER—I have not moved the amendment and I do not press it.

The rule was adopted.

On the 26th rule. Objectionable notice disallowed by Speaker.

Hon. Mr. YOUNG—Would it not be well to provide here that irregular petitions should be dealt with by the Speaker, as in the House of Commons ?

Hon. Mr. POWER—We are dealing now with notices of motion.

Hon. Sir MACKENZIE BOWELL—We all approve of the principle, but in what period of time is the senator allowed to amend and who is to call the attention of the Speaker to the objectionable character of the notice ? Any senator may rise in his place and read a motion, and scarcely any one is paying attention to it; it is not handed to the Speaker to decide whether it contains anything offensive or not. You must impose on the clerk or the Speaker the duty, as soon as he perceives that the motion contains offensive language, of dealing with it.

Hon. Mr. LOUGHEED—It is not to appear on the notice paper.

Hon. Sir MACKENZIE BOWELL—But how is the Speaker to know that the motion is objectionable, until his attention is called to it ?

Hon. Mr. POWER—It is the duty of the clerk.

Hon. Sir MACKENZIE BOWELL—A senator rises and reads a motion. It may be read in such a manner that scarcely any one hears it. It is then handed to the clerk—the Speaker knows nothing of the wording of it. His attention must be called to it by some person, and then, I take it, the Speaker's duty would be to call the attention of the senator to the objectionable portion of the motion. After that has

been done, if the senator refuses to amend the motion, the Speaker would then give orders to the clerk not to receive it. It should be some one's duty, after the motion comes to the table. to read it and ascertain whether it contains objectionable language, and, if so to call the attention of the Speaker to it. I would suggest something like this: 'If not amended by the senator giving the same, after his attention has been drawn to it by the Speaker'. Then, if he refuses to amend it, the Speaker gives positive orders that it be not received.

The SPEAKER—There is no special objection to that addition, but I think it is fairly implied, because the senator could not comply with a request of that kind unless it is brought home to him.

As the rule reads now, it does not state that the clerk will have to draw the attention of the Speaker to the matter. The whole responsibility rests with the Speaker, and it will be for him to say that either the clerk or some other official shall examine the notices before they appear on the order paper.

Hon. Sir MACKENZIE BOWELL—I quite agree that it might be implied, but why not make it plain ?

Hon. Mr. YOUNG—Make it the duty of the clerk.

Hon. Mr. DeBOUCHERVILLE—When a senator gives a notice of motion, and the Speaker objects to it on account of any expression it may contain, I think the Speaker ought to write to the senator and say to him, 'I forbid the insertion of this notice on account of something which is not regular,' mentioning what that is. Otherwise, the Speaker, of his own will, might declare that this notice of motion could not be put on the order paper, and the senator would have no notice of the fact. The Speaker should write to the member who gave the notice, and inform him of the grounds upon which it is excluded.

The SPEAKER—This rule is not as stringent as is understood by the hon. gentleman, because there is this proviso 'If not amended by the senator giving the same' which implies that his attention must be drawn to the irregularity, and if he persists in maintaining his expression, then, and only then, can the Speaker act.

Hon. Mr. DeBOUCHERVILLE—He must be notified by the Speaker, and I think it should be in writing. If that is understood I would have no objection to the rule.

Hon. Mr. POWER—I think it would be too much to require that a letter should be sent by the Speaker to an hon. gentleman in every such case. Do I understand the hon. gentleman to suggest that ?

Hon. Mr. DeBOUCHERVILLE—Yes, the Speaker ought to write a letter, because otherwise, the senator might not have had notice of what had been done.

Hon. Mr. POWER—It would naturally be the duty of the clerk of the House to call the Speaker's attention to the fact that there was something improper in the notice of motion, and then the clerk might ask the member to modify his motion. The rule, as originally drafted, was to the effect that any notice containing unbecoming expressions, or which offends against any rule or order of the Senate, is amended by the Speaker before it appears on the notice paper. That is the Australian rule. When the committee came to discuss this matter, they thought that perhaps that was putting too onerous a duty on the Speaker, and one which might bring him into collision with the members of the House, and they altered it so as to give the senator who had given the notice the opportunity of amending it himself, and then, if he declined to amend it, the Speaker, would not allow it to appear on the notice paper.

Hon. Mr. DeBOUCHERVILLE—I ask that this rule be allowed to stand over.

On rule 30. Notice of suspension of rule.

Hon. Sir MACKENZIE BOWELL—Is there any rule providing that all motions must be reduced to writing ?

Hon. Mr. DeBOUCHERVILLE—With regard to the latter part of rule 30, it might happen, during the afternoon session for example, say at 5.30 o'clock, there would be a very small number of senators present, still that small number might be sufficient to suspend the rules and do something which would otherwise not be in accordance

with the wishes of the House. I think there should be some provision that the members should be called in before suspending the rules.

Hon. Mr. POWER—This rule has been in operation for 39 years, and no complaint has been made.

Hon. Sir MACKENZIE BOWELL—I think there is a provision in the rules that all motions which are placed on the notice paper for consideration at a future time must be in writing; but there is no rule, if I remember correctly, providing for the reduction to writing of a motion which a senator may desire to make. If there is such a provision, I have overlooked it. If there is not, I think there should be; otherwise the Speaker is put to the trouble, when putting the motion, of interpreting what the senator may mean.

The CHAIRMAN (Hon. Mr. Ellis)—That might be added to rule 27.

Hon. Mr. POWER—I think it would lead to endless trouble, because then the simplest motion to adjourn would have to be in writing. The practice has been that it must be reduced to writing if any senator insists.

The SPEAKER—The Speaker has the right to ask for it in writing before putting it. His memory may not be able to retain the exact wording.

Hon. Sir MACKENZIE BOWELL—I am quite aware what the practice has been, and I am also aware of the right which the Speaker has exercised in the past, but it would be well to make a distinct provision to cover the case.

Hon. Mr. POWER—As a matter of fact the great majority of our motions are not reduced to writing but any member can insist upon it; there is no question about that.

Hon. Sir MACKENZIE BOWELL—Where is the rule for that?

Hon. Mr. POWER—There is not a rule to that effect, and it is better so, because it would be very inconvenient if any one wished to move, for instance, the adjournment of the House to be obliged to reduce the motion to writing.

Hon. Mr. LOUGHEED—There is certainly an omission in rule 21, which we have passed over, because the second part of 21 rather presupposes that the earlier part of the rule dealt with motions as well as notices of motion. It proceeds to make the exception that the rule does not apply to motions with respect to Bills, or to certain other motions which are specified. The word 'motions' should certainly appear in the earlier part of rule 21, then the exception in the latter part of that rule fully provides for the case now in point. I think the word 'motions' must have been omitted by mistake.

Hon. Mr. POWER—Rule 21 deals with notices of motion.

The SPEAKER—It would come in under rule 27.

Hon. Mr. LOUGHEED—Why make the exception in the latter part of the rule then?

Hon. Mr. POWER—Written notices are not required with regard to the motions mentioned in the latter part of the rule, because, as the hon. gentleman must see, it would cause inconvenience. When a Bill, for instance, has been read a second time, or is reported from a committee, the senator in charge says, 'I move that this Bill be read a third time to-morrow.' That need not be in writing.

The rule was adopted.

On rule 32. Certain motions may be reconsidered.

Hon. Mr. YOUNG—Is there not some conflict between rules 32 and 35? I do not think it is a very good principle to pass a thing one day and back set it to-morrow. I opposed rule 32 in the committee and I oppose it yet.

Hon. Mr. LOUGHEED—Have any abuses arisen owing to inability to reconsider a motion?

Hon. Mr. POWER—Yes, for instance something is done, perhaps a snap decision of the House is given, when the House is very thin, on some important matter.

Hon. Mr. LOUGHEED—Suppose we take the converse of that where, by a snap resolution, you may reconsider something which has been thoroughly discussed.

Hon. Mr. POWER—That cannot happen, because the reconsideration can only take

place when the notice is given on the day when the resolution passes. Those who were present then are notified that an attempt will be made to reconsider that decision at the next meeting of the House, and I think it is a very important thing in the interests of good government. Rule 35 relates to a different thing, it provides for rescinding something which has been finally passed.

Hon. Mr. YOUNG—If I move, for instance, that some motion should be reconsidered, the effect of my motion may be that the majority may rescind something that was done the day before. Now, under rule 35, if the House is going to carry my motion to rescind, I must give seven days notice.

The rule was adopted.

On rule 33. Motion to reconsider, when made.

Hon. Mr. LOUGHEED—How is this to be reconciled with rule 35 ? I see no difference between reconsidering and rescinding.

The SPEAKER—If the reconsideration reverses, it also rescinds.

Hon. Mr. LOUGHEED—Certainly. Supposing the vote for reconsideration carries, it operates at once as a rescission of what was done the preceding day.

Hon. Mr. POWER—In the case of reconsideration at the time that the vote is taken, some hon. member rises and gives notice that he will move that this vote be reconsidered. It does not apply to votes respecting stages of Bills, but to anything else. Every one has noticed then that there will be an attempt made to reconsider. The notice of reconsideration appears on the notice paper and then, when the matter comes up, a different decision is arrived at. Practically the matter had not been finally dealt with. In the other case, in the case of rescinding, the matter has been finally dealt with and a longer notice is required, and very properly so.

Hon. Mr. LOUGHEED—I may be somewhat dense, but I see no difference in the result. If a motion is carried to-day and you move for its reconsideration to-morrow, and you reconsider and reverse the decision of to-day, that is a rescission of the motion, and, consequently, the result under rule 32 and rule 35 is precisely the same. The effect is the same, you may call it what you like.

Hon. Mr. FERGUSON—The action of the House in reconsidering might not be to reverse its previous decision altogether, but only in part. Rescinding would be to block the whole thing out, to obliterate it.

Hon. Mr. YOUNG—In either case it would be upsetting the judgment of the House.

Hon. Mr. POWER—Not necessarily.

The SPEAKER—What harm would it do, because under the first procedure the matter is, so to speak, in suspense for another 24 hours by the notice already given under the assumption on the part of the senator moving, that it has been a surprise vote, or that a majority of the Senate duly and more solemnly consulted will vote otherwise. Now, the other procedure, under rule 35, is one which we shall discuss in a moment which calls for seven days' notice where there will be absolutely no possibility of a surprise.

Hon. Mr. LOUGHEED. Under these circumstances, you do not rescind, you reconsider. The result is the same. Then it is immaterial, when the result is the same, whether you consider it a rescission or reconsideration. As far as the degree of reconsideration is concerned, I do not see how we can take that into account, because the reconsideration may result in rescinding what we have done.

Hon. Mr. POIRIER—Reconsideration does not at all imply rescinding. The object may be to reconsider some particular point, without at all affecting the whole Bill. It is very proper to reconsider a Bill on some minute detail which might be overlooked in the first place.

Hon. Mr. YOUNG—We provide by our rules, if they are strictly applied, that this House cannot be surprised. There is only one way in which the House may be surprised, that is by an amendment moved without notice. We are supposed to be a deliberate body, and it looks strange to me that our minds may be upset to-day after we have pronounced a serious judgment on any question. I do not like the idea that we are going to stamp on our rules and orders that we are clearly of opinion that our after-thought is a long way better than our

fore-thought. I opposed this strongly in the committee, and I oppose it to-day. I am consistent in that respect. In the past we have had no occasion for a rule of this kind, unless it was a matter to which the House had given unanimous consent. With regard to what may happen when there is a thin House, it is the duty of the senators to attend to their business, and we should give no consideration to absentees. I am opposed to the principle in rule 32; I believe it conflicts with rule 35.

Hon. Sir MACKENZIE BOWELL—The principle involved in this rule, and in all rules of the kind that I have seen in other bodies, is that only those who desire to change their votes upon a question can ask for a reconsideration.

Hon. Mr. FERGUSON—That is the American practice.

Hon. Sir MACKENZIE BOWELL—It is the British practice, too. If it is not restricted in that way, you might have any person rising at any moment and giving notice of reconsideration for the purpose of having a debate. That is objectionable. It should be confined to those who wish to change their votes.

Hon. Mr. YOUNG—The affect of it would be practically to duplicate a debate on any controversial question decided against the wishes of the minority. My hon. friend from Shediac (Hon. Mr. Poirier) pointed out that reconsideration might not mean rescission, but once a question is considered and settled, reconsideration might lead to rescission. Then some person might say: 'Inasmuch as you have gone so far, you come now under rule 35 which enables a senator to bring up the question again on seven days' notice.' I do not know where our business will finish if we work it under such rules. It opens up the possibility of resurrecting questions already decided by the Senate.

Hon. Mr. POIRIER—Reconsideration would be desirable in case a thin House passes an important resolution and a senator without wishing to change his vote, but wishing to appeal from a smaller to a larger House, asks for a reconsideration without necessarily having in mind a rescission, but desiring to improve or remodel some special point in a Bill.

Hon. Mr. YOUNG—But would you not then rescind some of it if you amend it at all?

Hon. Mr. POIRIER—Necessarily some part, but rescinding would mean the blotting out of the whole thing. You remember the case when an appeal was made from Philip drunk to Philip sober; what I want is to provide for an appeal from a thin House to a fuller House, so as to have the sense of an absolute majority of the Senate.

Hon. Mr. YOUNG—I should like the hon. gentleman to define the line between a thin House and a fuller House.

Hon. Mr. POIRIER—It is getting a clear illustration at this moment.

Hon. Mr. WILSON—The hon. gentleman from Calgary spoke of a catch vote. A vote might be taken to-day, adverse to a certain principle. To-morrow the members being in their places, and knowing that that question was to come up again, should have an opportunity of casting their votes again if they thought proper. It is said that it is the duty of members to be present always so as to be ready to attend to the business of the House. That is all very well in theory, but not in practice; therefore I contend that this rule is a proper one. If, by a catch vote, we, to-day, should be in the minority, is it not right and proper that notice may be given of reconsideration so that every one may have an opportunity to record an intelligent vote. It would be a mistake not to allow this clause to pass.

Hon. Mr. YOUNG—I rather resent the idea of the hon. gentleman from St. Thomas that senators give two classes of votes, one an intelligent vote and the other a catch vote, and that the catch vote is supposed to be given first.

Hon. Mr. WILSON—Which would be the catch vote, the one taken first or the one taken after twenty-four hours consideration.

Hon. Mr. YOUNG—All our votes are supposed to be intelligent.

Hon. Mr. POWER—Then the hon. gentleman takes the ground that Adam never sinned.

Hon. Mr. YOUNG—I was not conversant with Adam's troubles, except from what I

have read in sacred history. We are not to assume for a moment that any vote is given here without fair consideration, or without due notice. Our rules provide for giving notice so that we shall not be taken by surprise. I object to opening the door to rehashing any business on which the House may have given its decision after debate. There may be time when a reconsideration would be reasonable, but, whenever an occasion of that kind arises, I am sure the majority of the Senate will consent to suspend the rules. I fear the opening of a door to duplicating our discussions, which would not redound to the credit of the Senate and which any one can invoke if he desires to do so.

Hon. Mr. SULLIVAN—Why should not a member have an opportunity for discussion if he has anything to say. New light may come to one in twenty-four hours. If you want to stifle free discussion you strike at the principle on which this House is based.

Hon. Mr. YOUNG—You might have the same thing occurring every twenty-four hours.

Hon. Mr. POWER—If the hon. gentleman from Killarney were to push his views to the logical limit, he would put an end to our having three readings of a Bill or a discussion of it in committee. What is the object of the three readings? To give the members of this House time to know just what they are doing, and for the sober sense of the House being taken on the measure. This rule 32 does not apply to Bills, because the existing rules provide that there shall be a chance for reconsideration.

Hon. Mr. YOUNG—The hon. gentleman contends that, if my ideas were to prevail. Bills should not receive three readings, and in the next breath he says this rule does not apply to Bills at all.

Hon. Mr. POWER—This rule that we are dealing with does not apply to Bills, because the existing rules of the House provide that Bills shall not be passed without due consideration, but this rule would apply to a report of a committee for instance, which might come up here in a very thin House, and a decision involving large sums of money or important interests might be arrived at when, if there had been a full House, a totally different result might have been reached. We do not dally too long over our work as a rule. The great danger today is that objectionable measures may be railroaded through parliament. If there is any place in Canada where you should try to insure ample deliberation, it is in the Senate.

Hon. Mr. LOUGHEED—Why not extend it to Bills?

Hon. Mr. POWER—Because it is unnecessary.

Rules 32 and 33 were allowed to stand.

At six o'clock, the committee rose and reported progress.

After Recess.

The House resumed in Committee of the Whole.

Hon. Mr. YOUNG—I suggest that rules 32, 33, 34, 35 be allowed to stand as they all deal with the same matter.

The rules were allowed to stand.

On rule 37. Two or more senators rising to speak.

Hon. Mr. YOUNG—In a case of this kind, if a motion were made that a senator be now heard, I think that motion should be put without debate.

Hon. Mr. SCOTT—It would be absurd to have a debate on the subject.

Hon. Mr. YOUNG—That may be so, but if the rule, as we adopt it, permits of any action of that kind, you cannot, in future, object to any member exercising the right. If it is desired that the motion should be put without debate, it is easy to insert these words now.

Hon. Mr. WILSON—I suppose the member of the Senate would have a right to appeal from the Speaker's decision. I think you ought to give the Speaker absolute power to say who should speak, subject to an appeal to the House.

Hon. Sir MACKENZIE BOWELL—A difficulty might arise in this way: If two senators arose and the Speaker decided in favour of one of them, any one making a motion that the other senator should be heard first would have to give reasons and that would constitute a debate.

Hon. Mr. POWER—This rule is borrowed from the House of Commons, and they have been acting upon it ever since the union.

Hon. Mr. GIBSON—The difficulty is that there is a difference between the House of Commons and this Chamber. There the gentlemen who rise and address themeslves to the Speaker, but in our House we address ourselves to the members of the House, and, probably, the Speaker might not be in a position, in consequence thereof, to decide as to which gentleman had the floor.

Hon. Mr. FERGUSON—There is a good deal of force in that. I have been twelve sessions in this House, and I never saw any conflict. If two gentlemen arise at once tney are generally ready to defer to each other. It is true, as my hon. friend says, that in the Commons the members address the Speaker; here we address 'Hon. gentlemen.' It is not a case in which any serious difficulty has ever arisen, or is ever likely to arise.

Hon. Mr. GIBSON—The point I make is simply one that was made by the hon. gentleman from Killarney some time ago, that it might not be easy for the Speaker to decide. That difficulty would be gotten over if the members of this House would address themselves to the Speaker.

Hon. Sir MACKENZIE BOWELL—I do not see any reason for the clause at all. I was for 25 years or more in the Commons, and I never, in all my experience, saw a conflict arise such as is provided for in this rule.

Hon. Mr. POWER—The Speaker's decision is accepted as a matter of course.

Hon. Mr. WILSON—That may be correct enough, but we do not address the Speaker here, and his attention is not liable to be called immediately to the fact that a certain member is on his feet and wishes to speak to the motion. If we address the Speaker, as they do in the Commons, I think the leader of the opposition is quite correct when he says that no difficulty would arise; but the Speaker may not always be on the alert. If he were addressed in the same way as in the Commons——

Hon. Sir MACKENZIE BOWELL—It is his duty to always be on the alert.

Hon. Mr. WILSON—We do not all adhere to duty, unfortunately.

The rule was adopted.

On rule 41. Reply closes debate.

Hon. Mr. WILSON—It seems to me we are granting under this rule a greater privilege to a mover of a resolution than he ought to have. Something may come up in the discussion, or something may be said by the mover in his reply to remarks of other members, which should be answered. Those who do not agree with him should have an opportunity of replying.

Hon. Mr. FERGUSON—The debate must close at some point. Practically this has been the law of the House—it is the common law.

Hon. Mr. DeBOUCHERVILLE—Is it provided that when the minister, after waiting for everybody to speak, and seeing nobody rising, gives his answer, that nobody can speak afterwards?

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—There must be some termination to the debate. The Australian rule from which this is virtually borrowed says:

> In all cases the reply of the mover of the original question closes the debte.

The committee were careful of the rights of other members and added this provision:

> It is the duty of the Speaker to see that every senator wishing to speak has the opportunity to do so before the final reply.

It is practically the duty of the Speaker to ask if any other member wishes to speak before the mover replies. You cannot go further than that.

The rule was adopted.

On the 43rd rule. No debate on mere inquiry.

Hon. Sir MACKENZIE BOWELL—This is taking away a right which has heretofore prevailed in making inquiries.

Hon. Mr. SCOTT—The rule is broken every day.

Hon. Mr. WILSON—It ought not to be.

Hon. Sir MACKENZIE BOWELL—The rule cannot be broken if it never was law.

What I am pointing out is, that not only the practice but the privilege obtained to every member when asking a question to give his reasons for it, and a reply can be made providing his argument is pertinent to the question, but he must not go beyond that. That privilege prevails, even in the House of Commons in England. A member may make an inquiry of the government, receive the reply, and can debate the subject to the extent of the answer given; but he must not go beyond that. What impressed it so strongly on my mind was the fact that I sat in the gallery of the House of Commons one or two nights, and had a discussion with Sir Henry Lawson, now Lord Knutsford. I said it was contrary to the rule laid down in 'May,' and that we never practiced it in Canada. We are restricting it here, while in the House of Lords they are much more liberal than in the House of Commons.

Hon. Mr. FERGUSON—The practice here has been to permit others to speak besides the one making the inquiry, and the minister replying. It has never been the practice to speak very long on such occasions. Under this rule, what will happen in regard to a quasi motion that has very frequently been made in the House for a long time, that is, when an hon. gentleman calls the attention of the government to a matter and ends with an inquiry?

Hon. Mr. POWER—That is provided for in the next rule.

Hon. Mr. FERGUSON—The rule we have under consideration certainly restricts a little. As a rule we do not have discussion enough here. This House would stand better before the country if there was a more general participation in the discussions of the House on the part of members. If this rule 43 will restrict discussion, which has not been carried too far, I think possibly we ought to consider it at this stage and amend it.

Hon. Mr. YOUNG—Rule 43 does restrict, but rule 44 gives all the privileges we have at present, so when you take the two rules into consideration, you have all the latitude you enjoy at present.

Hon. Mr. POWER—The hon. member from Richmond (Mr. Miller), who occupied the Chair for some years, pointed out the objection to this unlimited discussion on a mere inquiry, and if hon. gentlemen will turn to page 432 of 'Bourinot,' they will find there that 'Bourinot' considers this practice which had grown up in this House a very objectionable one, and thinks the practice provided for in rule 44 is one which should be adhered to.

The rule was adopted.

Rule 52. Personal and taxing speeches.

Hon. Mr. YOUNG—This is the present rule, but we found it inoperative. We have a lively recollection of an occurrence not long ago, when, had this rule been operative, it would have been put into effect. If we had rule 16 of the present draft passed, it might not be of much account whether we amended this one or not, because in rule 16 we propose to clothe the Speaker with full authority to maintain order; but rule 16 has been allowed to stand, and I think we had better let rule 52 stand also.

The rule was allowed to stand.

Rule 53. Exceptionable words to be taken down.

Hon. Mr. DeBOUCHERVILLE—This clause should stand too.

Hon. Mr. POWER—No doubt it was understood that no debatable matter was to be taken up, but, really, if rules which have been in force ever since the Senate has been a Senate, and which are in force in all legislative bodies, are to be demurred to, we are simply wasting our time.

Hon. Sir MACKENZIE BOWELL—The argument advanced by the hon. gentleman, I understand, is that since this has been a rule for years we ought not to interfere with it. Now, this committee was appointed for the purpose of altering the rules, and surely if a gentleman who is not on the committee desires to have it amended he should have the right to ask that it stand in order to discuss it later on. I am fully in accord myself with the wording of the clause, but every senator was not on that committee, and, consequently, could not know reasons given in the committee for allowing this rule to remain. If he has objections to it, I do not see why he should be charged with creating a discussion upon

a question we are here to discuss, and to amend whatever rules we may consider need amending.

Hon. Mr. POWER—I did not charge the hon. gentleman from Montarville (Hon. Mr. De Boucherville) with doing anything. This is one of the plainest of our rules, and no question has ever been raised about it. I am prepared to stay here and discuss the matter, but I do not think we should be asked to allow it to stand over.

Hon. Mr. FERGUSON—I see no objection to rules 51, 52 or 53, but the hon. gentleman from De Salaberry told me he was going away, and that he understood that no debatable or contested rule would be proceeded with. It is possible that some gentlemen who could not possibly be here may wish to discuss this rule in connection with rule 16. I do not think myself that this is a debatable clause, but in view of the facts it might be well to allow it to stand.

Hon. Mr. GIBSON—Many other members of the House as well as myself have never seen these rules until to-day. The members of the committee have, to my mind, taken a great deal of time and devoted a great deal of care to their work, but surely discussion is not to be cut off on a question of this kind. I would like to ask, how are we to apply this rule ? To whom are we to appeal ? The Speaker is not brought into the question in any way. If a gentleman uses exceptional or unparliamentary language he is to be called to order by the Senate. What member of the Senate is to do it ? Is everyone going to shout ' sit down ' ? Is his case to be tried en bloc or is there any one who can be appealed to ? I would like the chairman of the committee to explain this, because it is quite hazy to me.

The rule was allowed to stand.

On rule 54. Interference in quarrels.

Hon. Mr. GIBSON—This should stand, because it is very much in line with the preceding rule.

The rule was allowed to stand.

On rule 55. Speaker addressing the House.

The SPEAKER—I should like to say that I caught a very bad cold last week because I felt a little timid about covering my head with my three cornered hat. Although it has not been the practice for the Speaker to cover his head when in the Chair, I would ask whether this rule implies that the Speaker may sit with his hat on ?

Hon. Sir MACKENZIE BOWELL—I question the propriety of amending this rule. The practice has been, in the House of Lords, that if the Speaker desires to address the House he descends from the chair and comes to the floor, except it be upon a point of order.

Hon. Mr. KERR (Toronto)—I suppose the Speaker's chair in this Chamber represents the woolsack. The Lord Chancellor does not leave the woolsack when he addresses the House. The woolsack stands almost on a level with the floor, and he does not have to come down any steps. The Speaker's chair, and the steps leading to it, represent the woolsack as far as we can make one thing represent another which is not the same. There is no more reason why our Speaker should leave his chair than there is for the Lord Chancellor to leave the woolsack.

Hon. Mr. POWER—The practice has been in the past that when the Speaker wished to address the House on anything other than a question of order, he left the chair. Speaker MacPherson always left the chair to address the House. That has been the practice ever since, and it is also the practice in the Legislative Council of Quebec.

The rule was adopted.

On rule 58. Senator with pecuniary interest not to vote.

Hon. Mr. DeBOUCHERVILLE—This is not new, but I would like to know what is the meaning of the words ' direct pecuniary interest '; does it mean, for example, if a senator has shares in a bank ?

Hon. Sir MACKENZIE BOWELL—If he has shares in a bank when the Senate is passing a Bill relating to the bank, would he be prevented from voting ?

Hon. Mr. FERGUSON—If it were possible to strengthen this rule in any possible way I should like to see it done. In my opinion, it is necessary perhaps not so much so in this House as it is in the House of

Commons, but it is a matter of notoriety that scarcely a session occurs but, evidently, members are advancing Bills in which they have a pecuniary interest, and it is very hard to really find out the exact bearing of this rule. I had hoped when we were in committee on the matter, the rule would have been strengthened. I am sorry that my hon. friend from De Salaberry (Hon. Mr. Beique) is not here to-night. I have great faith in his skill as a draftsman and his desire to make our rules as effective as possible. He gave me an assurance that he would endeavour to deal with this clause at some later stage in the meetings of the committee, but, at the final meeting, he was not present and I was prepared to submit an amendment, so that the matter was passed over and the rule was left in its present form. I think we ought to allow the clause to stand.

On rule 62. Protest controlled by Senate.

The SPEAKER—I should like to ask the chairman of the committee if there is any revised rule which explains the different modes of voting in the Senate, because sometimes it is simply by senators rising, and sometimes by having them called in before a vote is taken. Is there any machinery ?

Hon. Mr. POWER—No.

The SPEAKER—It seems to me we have had discussions on the subject.

The CHAIRMAN—That is settled by rules 56 and 57.

The rule was adopted.

On rule 68. Restrictions on dealing with Bills.

Hon. Sir MACKENZIE BOWELL—We have had occasions repeatedly when a Bill has been reported from a committee with an unimportant amendment or an amendment to which every one agrees, and the rule has been suspended and the motion put ; but under the second paragraph of this rule, the Speaker cannot permit anything of the kind.

Hon. Mr. POWER—The rule is suspended.

Hon. Sir MACKENZIE BOWELL—No, it says ' It is the duty of the Speaker in no case to put a question contrary to this rule.'

Hon. Mr. FERGUSON—That provision is wholly unnecessary. By implication it leads to the conclusion that the Speaker has no duty to perform with regard to the other rules.

Hon. Mr. POWER—This rule is an exact transcript of the rule of the House of Lords. It may not be necessary—in fact the whole rule might be omitted, because, this being the rule of the House of Lords, it might prevail even though not expressly enacted, but it is much more convenient to have it here in our own rules.

Hon. Mr. FERGUSON—It may be the rule of the House of Lords, but I would much rather hear the hon. gentleman rebut the argument I advance.

Hon. Mr. POWER—The rule which has been in operation in the House of Lords for a long time is probably safe to go by. It is not likely to be contrary to common sense.

The CHAIRMAN—It is the practice here when committees report.

Hon. Mr. YOUNG—The practice generally is when a Bill has gone through the committee without amendment, to read it the third time without suspending the rules.

Hon Mr. KERR (Toronto)—It might apply to any amendment, however trifling.

Hon. Mr. POWER—We might insert the word ' substantial.'

Hon. Mr. KERR (Toronto)—Would this second paragraph make it the duty of the Speaker to refuse to put a question when the rules are suspended ?

Hon. Mr. YOUNG—We might strike out the second paragraph. I do not see any occasion for these two lines.

Hon. Mr. FERGUSON—With the consent of the House the rules may be suspended, and this goes with the rest.

Hon. Mr. KERR (Toronto)—But the Speaker would say, the rules of the House prevent me putting such a motion. It is not the same as if it said that no motion to suspend the rules shall be submitted by the Speaker. I would suggest, as a way of making it perfectly clear, to add the words 'other than a motion for the suspension of this rule.'

Hon. Mr. FERGUSON—The better way is to strike out the concluding paragraph altogether. Although it may be a rule in the House of Lords, it is not consistent with our practice, and, that being so, questions might arise under it and it would be better to drop the paragraph.

Hon. Mr. GIBSON—Suppose a member was in a hurry with an important measure and asked for a suspension of the rules of the House and every senator favoured the suspension, under this paragraph it is the duty of the Speaker to call our attention to the fact that the question could not be put.

Hon. Mr. POWER—No.

Hon. Mr. KERR (Toronto)—It is the rule of the House of Lords, and, by our general rule, that practice would prevail; but a practice has grown upon it in England which enables them to expedite the business by suspending the rules. That irregular practice might not be introduced by the adoption of this as a new rule here. It might be interpreted to be in the way of allowing motions to suspend. I would suggest, if it is the practice, without the insertion of these words, we might leave out this paragraph.

Hon. Mr. POWER—We have a rule which says that any rule may be suspended by the unanimous consent of the House and that includes rule 68, but as hon. gentlemen seem to take a very special objection to this paragraph, I have no particular wish to retain it. If it is the wish of the committee I move that the second paragraph be stricken out.

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

On rule 69. Principle discussed at second reading.

Hon. Mr. BAKER—That is simply the affirmation of a fact that any one knows who has had experience of legislation. Why is it made the rule ?

Hon. Mr. POWER—For this reason: it is to direct the attention of hon. gentlemen to the fact that that principle exists in parliamentary law, and it is a good thing to realize that there are some principles in parliamentary law.

The rule was adopted.

On rule 83. Standing committees.

Hon. Sir MACKENZIE BOWELL—Should not provision be made that the Senate should have as large representation upon the joint committees as the House of Commons? I have noticed that there is a larger proportion of members of the House of Commons on the two joint committees than of senators as provided for under this rule.

Hon. Mr. YOUNG—I understand that the House of Commons will revise their rules this year, and I believe we are supposed to have an equal representation with the other Chamber on these committees.

Hon. Sir MACKENZIE BOWELL—That has been the practice.

Hon. Mr. YOUNG—If we are to have equal numbers, our rule would be just as workable if we were to say, 'an equal number of senators to the members of the House of Commons.' In one or two important committees over which we have absolute control, especialy the railway committee, there is a considerable reduction in the membership. The striking committee, will bear me out in saying that they have no lack of applicants for membership on the railway committee, and I do not think it will be agreeable to those who have served on that committee to be struck off in order to reduce the number from fifty to thirty-five. I fancy it will lead to considerable irritation, and I do not know whether it will lead to better work or not. This portion of our rules cannot be brought into force this year as our committees are struck, but, next year, when we come to reduce the railway committee to thirty-five members, I do not think it will be very popular with those who are struck off that committee. The House should consider well whether it is wise to make the reduction. Through the anxiety of members to be represented on that important committee, we have found it necessary in past years to increase the number from time to time, until it has reached fifty members, and I do not think we have any good reason to offer why we should now reverse our judgment and reduce the number to thirty-five. The motions for the various increases were carried unanimously, and, seeing that the drift of opinion in the Senate has always been

in the direction of increasing the membership, the decrease must naturally be a very unpopular one. I think we had better adhere to the number as we have it now—fifty. My hon. friend (Hon. Mr. Lovitt) points out to me that we have not a smaller House but if anything a larger one, and apparently a more attentive House. I throw out this suggestion, not for the purpose of upsetting the work of the committee, but because I happen to hold the same views as I held last year, that we had better adhere to what we have found to be a workable basis and not make changes which may be irritating and disappointing.

Hon. Mr. FERGUSON—I agree with my hon. friend that there will be some difficulty in reducing the number to thirty-five. When this matter was discussed in the committee, we all had in our minds what was happening in the Railway Committee last winter. Talk of innovations; a very serious innovation was introduced there, by bringing in chairs and putting a bar across the room. The result was that we were unable to get good deliberative meetings as in former sessions. I am pleased to find that the suggestion which I made, that chairs and other arrangements should be removed and the table restored, has been complied with, and now we will be able to conduct our meetings in the old-fashioned way. With the large room and the excellent arrangements which have been provided, we are not going to have much trouble, even with a membership of fifty. It is very seldom that more than thirty members will be present. I think it would be well worth our while to retain the membership at fifty. The selecting committee will have considerable trouble next year if fifteen heads have to be cut off.

Hon. Mr. GIBSON—I have been a member of the striking committee for a number of years, and I know the difficulty which the committee has had in satisfying members as to the committees upon which they are placed. The House of Commons it is true has a large number on its committee, one hundred and seventy-six members, I think, out of a total of 214, or four-fifths of the House. Now, the proposed amendment will reduce the proportion in the Senate to only five-eighths of the whole House. It is within the recollection of hon. gentlemen that within the last two or three years, on account of the desire on the part of many members—valuable members of the Senate—to get on the Railway Committee this committee has been added to from time to time, and, before adopting a membership of thirty-five the sense of the House should be taken. It would be unwarranted to declare to-night that, in future, thirty-five should be the total number of members in the most important committee of the House. I hope the hon. gentleman who has given this matter a great deal of attention and care will accept my suggestion. The same thing applies to the Banking and Commerce Committee, which I see is being reduced nearly one-fourth, from thirty-two to twenty-five. I think we are making a mistake if we reduce the numbers of these two important committees.

Hon. Mr. POWER—If the object of having these committees was ministering to the pleasure of members of the House, there would be some force in the argument in favour of a larger number on this committee. But I was under the impression that committees were appointed for the purpose of transacting the business of parliament. The object of sending a measure to a committee is that its details may be carefully considered as they cannot be in a larger assembly. If you put five-eighths of the House on a committee, that is practically the whole House undertaking to deal with the details of the measure, and that cannot be done satisfactorily. Reference has been made to the practice in the House of Commons. That is an unfortunate reference, I think; because professional men and others who have had to do business before the committees of the two Houses, were in the habit of contrasting the satisfactory way in which the business was done in our committee with the very unsatisfactory way in which it was done in the Railway Committee of the House of Commons. That committee do not carefully deal with the details of a Bill; the great question is shall the friends of the Bill have their own way and get it through as it is, or shall those who are opposed to the Bill block it. One party or the other succeeds. If the party in favour of the measure succeeds, the Bill comes to this House, and in our com-

mittee the amendments which should have been made in the Commons committee are generally adopted. I appeal to any hon. gentleman who was at the meetings of our committee last year as to whether our Railway Committee has not got into nearly the same condition that the Committee of the Commons has ? If the gentleman who promotes a Bill is a friend of a majority of the members, his Bill will go through probably in the shape it is presented; if not, it may not go through, but if the committee decides that the Bill needs amendment, and if it is perfectly clear that it needs to be amended, then the amending is not done in committee, but in a sub-committee, which is a circuitous way of doing business. In the old days, when the committee was of moderate size, the members sat around the table and talked business. They did not make speeches. They discussed the details of the measure, and the proposed amendments. We ought to consider the public business, and should not look at the matter from the point of view from which it has been regarded. I was under the impression that hon. gentlemen were anxious to be on committees, because, up to this year, attendance at a committee counted in the same way as attendance at a meeting of the House, and gentlemen who had to leave the city before the sitting of the House in the afternoon, were enabled to do so if they attended a meeting of the committee in the morning. I cannot understand why gentlemen should be so very keen about being upon the Railway Committee or any other committee. This is a matter which should stand over and be discussed by the full House.

Hon. Mr. KERR (Toronto)—I am glad that this opportunity presents itself of enabling me to say a word or two with reference to the work of the Senate committees. Since I have been a member of the Senate, if there is anything which has given me satisfaction, it has been the thorough and efficient way in which the committee work of the Senate is attended to, and if there is one thing more than another which helps to make the Senate and its influence felt throughout the country it is this revising work which is done in its committees. I have heard it on all sides, and a very pleasing contrast has been drawn on many occasions, both public and private, between the way in which the business of the committees of the Senate is transacted and that in which the business of the Commons committees is carried on. Whether it is to be done better by reducing the number of members to thirty-five, I am not prepared to say. I would take the judgment of others on that point, but it would be unfortunate if any step is taken here which is calculated to impair the efficiency of the committee work. It is deliberative work, work which should be done from a business standpoint, and done in a judicial manner. and I believe that is one tribute which can be paid to the general committee work of the Senate.

Hon. Sir MACKENZIE BOWELL—I am fully in accord with the sentiments expressed by the hon. gentleman from Toronto. I have heard the same remark made by some of the more moderate members of the House of Commons. After sitting in our committee for a short time years ago they made the same remark as to the manner in which we conducted business as compared with the committees of the Commons. When you have over a hundred members in a committee, as they have, it becomes more like a Babel than a deliberate body, and, from long experience, I am fully in accord with the arguments offered by the hon. gentleman from Halifax.

Hon. Mr. GIBSON—With regard to the remarks of the hon. gentleman from Halifax to the effect that a great many members of the House wanted to be on the committee for the reason that it counted as a day's sitting in the House——

Hon. Mr. POWER—Excuse me, I did not say that; I said that was my impression.

Hon. Mr. GIBSON—The hon. gentleman should not have bad impressions.

Hon. Mr. POWER—I have seen so much of the hon. gentleman.

Hon. Mr. GIBSON—I do not think that charge could be laid to the members of the Railway Committee. We usually meet on Thursday, at the call of the chairman, so that so far as membership on the Railway Committee is concerned, it is not sought for to shirk the sittings of this House. I think the members of the Senate have a higher

idea of their duties, and I want to bear testimony to my conviction, that so far as hon. gentlemen can divest themselves of political leaning it is done more in the committees of this House than in any other place I have ever been in my life. As the hon. gentleman from Toronto has said, it is a credit which the Senate gets from the professional men who come before us, interested in railway legislation, the business-like manner in which our affairs are conducted. We are not appealing to the galleries. Questions are treated on their merits. I would say to my hon. friend from Halifax, that if he will be one of fifteen to volunteer to remain off that committee, it will certainly lighten the work of the striking committee next year; but the members of that striking committee will have a very unpleasant duty thrown upon them to take fifteen men out of the fifty now appointed to it. In looking over the list of names which I had the honour to submit the other day, I would not like to name a gentleman on that committee who should be struck off. Every one of them has given attention and time to the working of the committee in the past, whether their attendance has counted for them or not, and I earnestly hope no alteration will be made in the number. This matter could well stand to be discussed by the whole House.

Hon. Mr. McMULLEN—I think it would be very wise to allow the condition of things now existing to continue. I must express my admiration for the manner in which the Railway Committee and all the committees or this House transact their business. If you make a reduction in the number of the committee, you will transfer to the floor of this House discussions over railway Bills that ought to be fully and finally threshed out in committee. If only thirty-five are appointed on that committee, there will be a great many other members who will have opinions to express when the Bill comes before the House. As a rule, Bills reported from the Railway Committee are passed without amendment, and I have no doubt that will continue to be the case so long as the committee remains as large as it has been; but, otherwise extended discussion is likely to take place here which should be done in committee. The committee is doing good work, which is appreciated by the public. I entirely endorse the remarks of the hon. gentleman from Toronto upon that point. With regard to the Railway Committee of the House of Commons, I should not like any reflection to be cast upon that committee. I was a member of it for seventeen or eighteen years. It discharges its work in an admirable way. As a rule, if any amendment is made, it is done in that committee; the Bill is perfected there to a certain extent, and when it comes to this House we only put on the varnish. We do more than that, sometimes, I admit; but we have not to deal with a Bill in the crude form in which it is when it comes before the Railway Committee of the House of Commons. They have, I think, done their duty fairly well. There have been extended discussions in that committee, but I have also noticed that, owing to its comparatively large size, when Bills are reported from it they usually pass the House with very little comment. I dare say it is largely owing to the size of the committee. I agree with the hon. gentleman from Lincoln (Mr. Gibson). I think the question deserves a great deal of consideration before venturing to make a reduction.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman must judge the work of the Railway Committee of the House of Commons from the standard which obtained when he was a member of it. It was only last session that one of the leading members of that committee rose in the committee room and denounced it as a mob, and not even the chairman or any member of the committee dissented from the opinion which he expressed. It is coming down to the level of a political combination, and many members vote upon measures there simply because they have been lobbied by the parties interested. I would not desire to see that practice obtain here. I was on the committee, as was my hon. friend, for many years, and the Railway Committee of late has not been what it was ten or twenty years ago. With a small select committee to discuss questions, you are more apt to reach correct conclusions and analyse each clause better than where the committee is larger. If the hon. gentleman from Wellington will look at rule 86 he will find that

no member of the Senate is precluded from expressing his views before the committee; all he is debarred from is the right of voting. I am strongly in favour of the reduction to 35. I have no doubt that there will be pressure next year from people who are interested in railway legislation to get on that committee, but if we only have stamina enough to resist it, there will be no trouble.

Hon. Mr. WILSON—Before this rule is disposed of I wish to say that I have not the sympathy towards those members who are advocating and contending for a larger committee. We all know full well that a small prudent committee will do better work than a large one, and as far as the House of Commons is concerned, with the very large committee they have there. I do not think they will perform the duties which they are called upon to perform with the same efficiency that they used to do when the membership was smaller. I was on that committee for eight or nine years and I know full well what that committee did. I am inclined to think from the size to which it has grown at the present time, it does not do its work as efficiently; it does not give the care and consideration to the Bills coming before it which was given in years gone by.

As far as our own committee is concerned, I have been present at its meetings and have heard the discussions in that committee, and to tell me that that is a careful, deliberative body is to tell me something that I cannot fully recognize.

Hon. Sir MACKENZIE BOWELL—I agree with the hon. gentleman; it has been so since the committee was enlarged.

Hon. Mr. WILSON—I can mention some measures reported from that committee which were afterwards completely changed by the House.

Hon. Mr. FERGUSON—All except the preamble.

Hon. Mr. WILSON—They would have liked to cut out the preamble too, because it was so bad. We know what they do in committee. Let any man go there and observe what is going on, and I think he will say that the committee is too large and should be reduced in numbers to make it more efficient. The hon. member from Wellington says that after Bills are threshed out in committee there is no opposition to them in the House. Why? Because they have not the same opportunity here that they have in the House of Commons of going into a committee of the whole House and examining carefully into the Bill. Do you want three-fourths of the members to be on that committee so that the other fourth may not have an opportunity of understanding a measure which has been referred to that committee? It is reported back to the Senate and members not on the Railway Committee have no idea of the nature of the Bill, because they have no opportunity to study it. Why not refer such Bills to a Committee of the Whole House here? We are not worked so hard that we cannot spend the necessary time to examine a Bill as carefully here as they do in the House of Commons.

Hon. Mr. McMULLEN—Does the hon. gentleman say that a Bill, after it comes from the Railway Committee, is referred to a Committee of the Whole House in the Commons?

Hon. Mr. WILSON—What I say is that such Bills are not referred to a Committee of the Whole House here; I claim they should be.

Hon. Mr. McMULLEN—Are they referred to a Committee of the Whole House in the other Chamber?

Hon. Mr. WILSON—Yes, all private Bills go through a committee of the whole.

Hon. Mr. McMULLEN—No.

Hon. Mr. WILSON—My hon. friend ought to have known that.

Hon. Mr. McMULLEN—Do railway Bills go through a Committee of the Whole House, after they pass the Railway Committee? I say they do not.

Hon. Mr. WILSON—There is not the same necessity in the House of Commons that there is here. The committee of the Senate, if it is a small committee, will be able to go through the Bill carefully and understand it fully, and the House knowing that it has been considered by a select number of men, will be satisfied that it comes before the House in a proper condition. As

I said before, take the Rainy River Bill, and what a spectacle did we have last session? It was a disgrace to the Senate the manner in which that Bill was reported from the Railway Committee; yet they tell me that careful consideration was given to that Bill by the fifty members of the Railway Committee. I say there was no consideration; that they did not have a proper conception of what the Bill was, although they were giving away power from Canada to the United States. They did not report the Bill in such a form that a single clause could go through. That is what was done in that committee, and yet they want to keep 50 members on that committee so that legislation will be treated in the future as it has been in the past. I am strongly in favour of reducing the number of the committee.

Hon. Sir MACKENZIE BOWELL—The Bill came from the committee in a proper state. It was manipulated and changed after it came to the House.

Hon. Mr. WILSON—It may have been in a proper state, but was it in the form that it was agreed upon by the parties in the Railway Committee? I say no.

Hon. Sir MACKENZIE BOWELL—The committee agreed among themselves as to what the Bill should be. It did not meet the views of those who desired to have it passed, because it was altered after it came here and my hon. friend, I think, voted for it.

The clause was allowed to stand.

On rule 102. Seats for members of parliament.

Hon. Mr. DeBOUCHERVILLE—Could we not pass a rule to prevent confusion at the opening and closing of parliament? Seats should be reserved for senators. I was at my seat at the opening, and was told that some ladies from Rideau Hall wanted the seats. Of course I gave mine up, but it seems to me that seats should have been provided for ladies without our having to lose our seats. Should not something be put in the rules bearing on that?

The rule was adopted.

Hon. Mr. ELLIS, from the committee, reported that they had made some progress, and asked leave to sit again.

The Senate adjourned until three p.m. on Monday next.

SENATE.

OTTAWA, Monday, March 26, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATORS.

The Honourable Robt. Jaffray, of Toronto, and the Honourable Philippe Roy, of Edmonton, were introduced and took their seats.

CANADA EVIDENCE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE OF THE WHOLE.

The House went into Committee of the Whole on Bill (B) An Act further to amend the Canada Evidence Act, 1893.

(In the Committee.)

Hon. Mr. SCOTT—The necessity for this Bill may perhaps be best explained if I read a memo. which I have received from the Department of Justice:

> The object of this Bill is to bring our Evidence Act into harmony with the English Act.
>
> By the judgment of the Supreme Court in Rex vs. Gosselin it has been held that the wife, being a competent witness by the Act of 1893, is compelled to testify against her husband; and in that case, the evidence of the wife was admitted to contradict her husband (a prisoner on trial for his life) as to their sexual relations;—which seems repugnant to the most elementary principles of common decency.
>
> Besides this, it necessarily follows from the judgment of the Supreme Court that the prisoner, being a competent witness under the Act, is also compellable. This can never have been the intention of the Act. The English Act provides that the husband and wife are competent for the defence only and the same as to the prisoner; except, of course, in those cases where at common law they may be called as witnesses against each other (injuries to each other, assaults, neglect to provide necessaries, bigamy, child stealing, &c., &c.).

The hon. gentleman from Marshfield (Hon. Mr. Ferguson) called attention the other day to one of the sections mentioned in schedule 'C' numbered 279. I find it was a typographical error and that it should read 278. I have a list here of the various sections that were added to the schedule now existing which it is unnecessary for me to read. They refer altogether to unnatural offences.

On clause 1,

Hon. Mr. CLORAN—I would ask the hon. Secretary of State in regard to the provi-

sion for the giving of evidence by a wife against the husband or a husband against the wife. It is limited here to the time after the nuptial knot is tied. I do not think that goes far enough. I think no communication should be forced from the wife or from the husband after they have been engaged. They become one after their engagement or as they say in French 'leurs fiançailles,' which in many churches is part of the marriage ceremony. Although not actually man and wife, they are so considered, I think, by many of the Christian churches. Not for all legal or all religious purposes, but between man and woman, they are considered one and one, and I think that any communication between them under these circumstances should not be made a case of revelation before the courts. I merely point out this as a matter which might affect testimony. Of course I understand that in all cases these matters are not so religiously followed, but in the case of a man and woman who find themselves bound by religious or other scruples to be considered as one and one. that extension of this clause should be given to them.

An hon. GENTLEMAN—Carried.

Hon. Mr. CLORAN—No, it is not carried. If it is a question of moving an amendment; I am prepared to do so.

Hon. Mr. SCOTT—The hon. gentleman surely does not pretend that we should legislate for people before they are married, with the multitude of actions for breach of promise before the court?

Hon. Mr. CLORAN—I base my observation on the fact that there are many people in the Christian world who consider themselves bound to one another even before they are married. The hon. Secretary of State must not laugh at this matter. This privilege is given to a married couple because they are bound to one another after marriage. If there are people who consider themselves so bound after marriage, why not give the same privilege to those who consider themselves bound before marriage.

Hon. Mr. POWER—The hon. gentleman from Victoria misapprehends the effect of the clause before the committee. This clause provides:

4. Every person charged with an offence, and, except as hereinafter provided, the wife or husband, as the case may be, of the person so charged, shall be a competent witness for the defence, whether the person so charged is charged solely or jointly with any other person.

Does the hon. gentleman wish to provide that if a young man and a young woman are engaged, neither of them shall be a competent witness for the other?

Hon. Mr. CLORAN—Not at all.

Hon. Mr. POWER—Well, that is the effect of the clause.

Hon. Mr. CLORAN—After the banns are published in church, why not give them the same privileges as they would have under this Bill after the marriage is celebrated?

Hon. Mr. POWER—The point is that parties are made competent witnesses for the defence alone. I fail to see any objection to that.

Hon. Mr. CLORAN—Whilst before marriage they would be competent witnesses one against the other. There is the difference. All I am asking is that this marriage tie, which is so largely disrespected in this honourable House, after marriage, be respected before marriage.

An hon. GENTLEMAN—Order.

Hon. Mr. CLORAN—We respect the marriage tie just the same as any court in the United States. I say if the marriage tie is to be respected after marriage, why should it not be respected before marriage after the banns are published?

The CHAIRMAN—Shall the first clause be adopted?

Hon. Mr. CLORAN—No, it cannot be adopted until it is discussed.

The CHAIRMAN—Carried on a division.

Hon. Mr. CLORAN—The hon. gentleman has no right to say 'carried on a division'.

Hon. Mr. SCOTT—This Bill is in the direction of the hon. gentleman's views. Under our law either the husband or wife would be a competent witness, and the court held that, being competent, they might be compellable. We are changing that, and placing the law as it was when it was last before this parliament. The only change is from 'compellable' to competent.

Hon. Mr. CLORAN—I fully comprehend what the hon. Secretary of State says. Here

are two parties engaged before the church, their consciences and the state, practically married, once the banns are published. The marriage takes place one, two or three weeks afterwards. I do not wish to divide the House on the matter, but I want to express my opinion as to the sacredness of the marriage tie and the obligations which arise under it.

Hon. Mr. ROSS (C.B.)—I think the sacred tie of marriage is well respected in this House. There is no doubt about that, but there are instances in which engagements are broken, even after the publication of the banns. What are you going to do in a case of that kind ? There have been cases where everything was prepared and the clergyman was there to perform the ceremony, and at the last moment the lady backed out. What are you going to do in a case of that kind ?

The clause was adopted.

Hon. Mr. BEIQUE—I do not understand sub-clause :

4. Nothing in this Act shall affect a case where the wife or husband of a person charged with an offence may at common law be called as a witness without the consent of that person.

Hon. Mr. SCOTT—I cannot tell my hon. friend the cases referred to under the common law. The Bill has been prepared in the Department of Justice, and the authorities have been very carefully looked at.

Hon. Mr. LANDRY—That is no reason why we should pass a Bill that we do not understand. If there is anything in the hon. gentleman's argument there is no necessity to bring the Bill here ; let the Department of Justice run the whole thing.

Hon. Mr. SCOTT—We are not changing the law as it exists. We are simply changing one word in the law ; that is changing the clause which was interpreted to compel either husband or wife to give evidence against the other.

Hon. Mr. LANDRY—That is all right. But what about subsection 4 ?

Hon. Mr. SCOTT—It is purely negative. We are not interfering with the common law, whatever that may be.

Hon. Mr. BEIQUE—The Bill might be reported now with the understanding that this clause shall be explained before the third reading.

Hon. Mr. CASGRAIN (de Lanaudière), from the committee, reported the Bill without amendment.

THE RULES OF THE SENATE.

RESUMED IN COMMITTEE.

The House resumed in Committee of the Whole consideration of :

The third report of the special committee appointed during last sesion to consider and revise, and if deemed necessary, to add to the rules, orders and forms of proceeding of the Senate.

(In the Committee.)

On rule 114. Publication of Notices.

Hon. Mr. POWER—With respect to this rule, some hon. gentlemen who have had a good deal to do with these notices seem to think that some change should be made, and perhaps the hon. gentlemen will express their views now.

Hon. Mr. YOUNG—The first paragraph of this rule provides that when the application is for an Act to incorporate a railway or canal company, notice should be given in the principal city, town or village in each county through which the proposed railway or canal is to be constructed. It is suggested to make the publication compulsory in a newspaper published in the capital of each province for the time being ; and later on it is proposed to suggest to the Committee of the Whole that in each case of an application for a railway, telegraph or telephone charter, notice shall be given to each municipality through which the proposed work is to run, thereby securing better notice to the parties interested than is adopted at present, with a system less cumbersome and expensive to all concerned, and more effective than we have with the present rules.

Hon. Sir MACKENZIE BOWELL—Do you propose to omit the publication of the notice in each county ?

Hon. Mr. YOUNG—In each county, but it is proposed in lieu thereof, that the notice shall be sent to each municipality at least three weeks before the application is made to the Standing Orders Committee, insuring time for the municipalities to take such action as they may deem fit. At present

notice is supposed to be sent to the municipalities, but it is desired to make it clear that all the municipalities affected shall not only have notice but ample time to act if they see fit. That is the proposition ; one paves the way for the other, and hon. gentlemen can see the direction the amendments are taking.

Hon. Mr. LANDRY—Has the hon. gentleman framed those suggestions ?

Hon. Mr. YOUNG—The chairman of the committee has the wording of them.

Hon. Sir MACKENZIE BOWELL—I question very much whether that would be as effective a mode of notifying the people of the municipality as the present method. The notice might be sent to the municipality, but the council of that municipality might not meet for a week or two and the people most directly affected would not hear of it in time. If the notice suggested by the hon. gentleman is to be in addition to the publication, then it might be of benefit, but anyone who knows the workings of municipalities will understand that the clerk of the municipality might neglect to notify the reeve ; then after he had been notified he would have to summon the council to consider the question. After the meeting they would appeal to the people, probably, to know whether they were in favour of it or not. All this would consume too much time. If the publication be made in a leading journal published in the county through which the road would be run it will be read by nine-tenths of the people, and anyone who desires can enter his objections. It would be an advantage, I think, if notice were sent to the municipality also, but we should not confine the notice to the municipality.

Hon. Mr. YOUNG—In the first place, the wording is open to the question, which is the principal village or town in the county. There might be no question in the case of cities, but it certainly would arise in the case of villages. We had an experience last year of that nature. In some of these counties newspapers spring up perhaps a short time before the notice is given. The applicants for charters, although acting in good faith, not knowing that these papers are published—little local papers, fail to advertise in them. But according to our rules they would have to go back, as we have made them go in such case, and advertise in some little local paper which had no material effect except to delay proceedings before the House. It is difficult to determine which is the principal village in a district, and it is also difficult for the Standing Orders Committee to know where papers are published at the time they are considering the petition, in order to be certain that the notices have been published in all the papers as the rule requires. If the municipalities were notified in sufficient time to enable them to take action, and I think possibly three weeks time before the consideration of the petition would be enough—then if the work was of such a character as to interfere with municipal rights or with municipal ambitions, they could put in their protest before the petition was considererd, or at least before the Bill passed through all its various stages. It is with a view, as the hon. leader of the opposition has suggested, of making the notice effective, so that it will reach the people who are affected in time to permit them to present their case before parliament and have the proposed legislation either rejected or amended as the case may be, if it interferes with their interests. Any suggestion which will render the proceedings more effective will, I am sure, meet with hearty sympathy.

Hon. Sir MACKENZIE BOWELL—Could not the hon. gentleman's object be accomplished by leaving out the words 'principal' and 'villages.' I can understand the difficulty which would arise in a county where there is a number of villages; but if the notices were given in the city or towns in each county that would be sufficient.

Hon. Mr. YOUNG—There is another point ; in the new provinces in the west we have no counties at all. How are we going to meet the conditions there ?

Hon. Mr. BEIQUE—I understand that the hon. gentleman finds that the notices which have to be published under this rule are too cumbrous, and I quite agree with that idea. I have gone through the experience of publishing these notices for a railway of about 200 miles in length. These notices, to comply with the rule, had to be published in each county, village and

municipality, and had to be published in more than half a dozen small papers. This makes the proceedings very expensive and no adequate result is achieved. It seems to me that it would be sufficient to publish the notice in the official 'Gazette' and in a paper published in the principal city, town or village in the territory through which the proposed work is to be constructed, also sending the notice to the provincial secretary and the secretary of each municipality, I would suggest at least four weeks, or perhaps five weeks in advance. The notice has to be published in the newspapers for five weeks, and it might be given five weeks in advance to the provincial secretary and to the municipality. Surely anyone who has any adverse interest would then be notified in time to protect his interest; but if it is the sense of this House to change the rule I would suggest that we suspend this rule for the present in order to consult with the committee of the other House. The present rule was framed after consulting with the other House two or three years ago. I happen to be on a committee appointed by this House, and it is important that the rule, whatever it is, be the same for both Houses. The committee appointed by the other House are to meet to-morrow, I believe, and it will be easy to take the sense of that committee as to what we propose to do.

Hon. Sir MACKENZIE BOWELL—The publication of a notice of this character in the official 'Gazette' is of no use whatever, so far as the public are concerned, unless the local papers copy it.

Hon. Mr. YOUNG—Excepting for record.

Hon. Sir MACKENZIE BOWELL—It is a mere matter of record. The object would be accomplished if we leave out the word 'principal', then if the notice is published in either one or other of the various places the rule is complied with.

Hon. Mr. BEIQUE—As I understand, the hon. gentleman wants to get rid of the words 'In each' in the principal city, town or village in each county—that the notice be published only in some large centre. As to the notice in the official 'Gazette', it has this utility not only for a permanent official record, but as a matter of fact the leading papers in each province copy these notices from the official 'Gazette' as local news.

Hon. Sir MACKENZIE BOWELL—Not unless the official 'Gazette' is sent to every newspaper in the county.

Hon. Mr. YOUNG—It is sent to every paper I believe, and, as my hon. friend has just said, they frequently publish as an item of news that such and such an enterprise is contemplated; but as a rule they do not give very definite information as to the privileges and powers which are being asked for.

But with reference to the uniformity of rules as between the two Houses, the advantage of that cannot be overestimated. We find in the past that applicants for charters would comply with the rules of the House of Commons, and when they came before this House they found they were out of court because they had not complied with the more stringent requirements of the Senate. There should be uniformity, if it can possibly be arrived at, and this discussion will have the effect of giving those who will meet the committee in the other House an idea of what the Senate consider to be proper notice to be given in the case of applications for private charters. I suggested that in regard to all applications for railway charters, whether the works were declared to be for the general advantage of Canada or not, that these notices to the municipality should be given. By our present rules that is exacted only where the applicants ask that the work be declared to be for the general advantage of Canada, and I was suggesting that it would be just as well to make our rule general in that respect, that every application for a charter of this kind, before the petition is considered, be preceded by a notice to the municipality, as in the case of an application for a charter which is to be declared for the general advantage of Canada. This would be going further in the direction of notifying the municipalities than we go at present, which I am sure will meet with the hearty approval of this House. In view of a conference with the committee of the other House, the Senate should make some suggestion by which the matter could be taken up in definite form and dealt with at the proper time, when the meeting with the other committee is held.

Hon. Mr. LANDRY—Do we understand that the chairman of this special committee will meet the members of the other committee ? Who is going to do the work ? If it is left to everyone it will not be done at all.

Hon. Mr. YOUNG—An informal meeting might be held, and afterwards the House could decide.

Hon. Mr. POWER—Before undertaking to hold a conference with the committee of the House of Commons, it would be necessary that those who represent this House should know what the feeling of the Senate is. Not having been on the Standing Orders Committee, I do not, perhaps, fully realize the difficulty which has arisen, but it comes to this : At present, if a company ask for a charter to build a railway, say from Montreal to Sault St. Marie, they have to go over all the municipalities which intervene between those two places and find out whether any newspapers are published in each municipality or not, and, having done that, they have to publish the notice in a paper published in each municipality, if there is one, and, when all that has been done, and a great deal of money has been expended, the same work has to be done over again, to a very great extent, to meet the requirements of our committee. It is not desirable to put difficulties in the way of getting these petitions before the Senate. I did make a rough draft of what we might submit. It is substantially in the line indicated by the hon. gentleman from Killarney that there should be publication in the 'Gazette'. A publication in a newspaper issued in the capital of the province (as a rule the newspapers published in the capitals of the various provinces circulate throughout the province)——

Hon. Mr. CLORAN—To a very small extent in some places.

Hon. Mr. POWER—Then the proposal is that a registered letter shall be sent to the secretary of the province, which is perhaps the most important notice of all, because the provincial secretary is responsible for the well-being of his province and it is his duty to see that nothing is done which shall interfere with the rights of the province in any way or with the municipalities composing it. In addition to that, notice is sent to the clerk of each municipality. I think that is really a more effective mode of giving notice than the present one, and not so cumbrous or expensive. Four or five weeks notice could be given.

Hon. Mr. CLORAN—That would be more effective than a newspaper advertisement.

Hon. Mr. POWER—I would propose then, in paragraph five, under the heading 'A,' of rule 114, to come to a full stop after the first word 'notice' and then go on to say :

In such case, and in the case of any railway, canal, telegraph or telephone company, the applicant shall cause a copy of such notice to be sent by registered letter to the clerk of each municipality which may be especially affected by the construction or operation of such works, or through which such railway, canal, telegraph or telephone line is to be constructed, and also to the secretary of the province in which such works are or may be located or in or through which such railway, canal, telegraph or telephone line is to be constructed, and proof of compliance with this requirement by the applicants shall be established by statutory declaration.

A similar change will be made in the first paragraph 'B.' At the end of this rule there is to be an addition to the following effect:

Every notice or registered letter shall be mailed in time to reach the secretary or the clerk of the municipality, as the case may be, not less than five weeks before the consideration of the petition by the Committee on Standing Orders ; and the giving of this notice shall be substantiated by statutory declaration.

If that meets the views of the House we can try to arrange it with the committee of the other House.

Hon. Mr. CLORAN—I would suggest that the word 'and' should be substituted for the word 'or' so that it may read the secretary of the province, 'and the clerk of each municipality.'

Hon. Sir MACKENZIE BOWELL—I would suggest that the clauses to which amendments have been suggested be allowed to stand, and that the chairman of the special committee, the senators from Killarney and DeSalaberry, and any one else who wishes to go to the committee of the House of Commons should come to an understanding so as to avoid the difficulties that have arisen in the past because of conflict of opinion.

Hon. Mr. POWER—There is no difference of opinion on that point. My desire was simply to ascertain whether, if the committee of the other House agree that

this rule should be modified, the Senate would concur in the agreement.

Rule 114 was allowed to stand.

On rule 115. Maps filed with Standing Orders Committee.

Hon. Mr. YOUNG—This clause is rather vague in its application to the west, where, as I have already said, we have no counties.

Hon. Mr. LANDRY—Would not the word 'district' meet the case ?

Hon. Mr. YOUNG—That would apply to unorganized territories. We have townships, each of which is six miles square, but they are not each a municipality. 'Electoral division' might suit.

Hon. Mr. CLORAN—Would the electoral division' be federal or provincial ? The moment you make use of that term, you give an opening for the courts to come in and decide whether the division is provincial or federal. As I have often said, we should make our laws perfectly clear, and not give the courts an opportunity to interpret them. If it is to be a federal electoral district, why not say so ?

Hon. Mr. YOUNG—Another matter I wished to mention is the vagueness of some of the petitions which come before the House. For instance, petitions are presented applying for a charter for a railway from Ottawa to the St. Lawrence river. How is the Standing Orders Committee in such a case to say that the municipalities have been properly notified ? Last year a petition was presented for leave to build a road from Ottawa to the Georgian Bay, and it was very difficult for the committee to decide what particular direction the road was going to take. I must plead for more definiteness in petitions as to routes.

Hon. Mr. LOUGHEED—I would suggest that the word 'township' be used. There can be no two opinions as to what constitutes a township. That is established by the Dominion Lands Act, and, although the word is commonly used to represent a portion of a county, yet, it could not possibly in view of the Lands Act, be confused. If each township is shown on the map, the committee will have before it the most definite information possible. It might be provided that in all the western country, say in Manitoba, Alberta and Saskatchewan, the term township should be used. No confusion could result from that.

Hon. Mr. BOSTOCK—With regard to the province of British Columbia, I may say, that there is a great deal of territory there which does not enter into either a municipality, a county or a township, on account of the way in which the provincial surveys were carried on. These surveys are tied on to various points in the most heterogeneous kind of way and it is an exceedingly difficult thing to describe the lands. I should like to see some provision made here which would cover the condition of things existing in British Columbia.

Hon. Mr. FERGUSON—This rule provides that a map or plan shall be supplied to the Standing Orders Committee, but we have no rule, as far as I am aware, for the furnishing of a map or plan to the Railway Committee, which I think is a still more important matter. If any such rule exists I cannot find it, and I may say here I think that it is even more important than the rule of the Standing Orders Committee. In the Railway Committee we had continual trouble on this very subject, and not only that, but even where a kind of map was prepared and on hand, there was no place to hang it up. We might have half a dozen railway propositions coming before us on the same day, and the wall would be covered with one map and no place to hang up the maps covering other railway propositions coming up the same day. There are two points to which I wish to call attention: I think that this rule should be so amended so that the map or plan shall be furnished for the Railway Committee of this House as well as for the other House, and that should be followed up by some provision for the hanging up of the map or plan. The other day while visiting the observatory I saw in one of the rooms there a kind of rack by means of which half a dozen or more maps could be exhibited, and they could be run up or down by pulling a rope. By the use of such a device in the Railway Committee room a map for each of the Bills to be considered that day could be exhibited. A messenger could pull the rope and bring down the one that was required at a moment's notice. The device did not seem to me to be at all costly, and while a simpler plan might suffice for the Standing Orders Committee,

that is what we require for the Railway Committee. Every one who has had any acquaintance with the Railway Committee knows that we have continual trouble on that ground. Some of the petitioners did not furnish maps at all, and those who did had no means to exhibit and explain them so as to be useful to the committee. My hon. friend from Brandon has charge of the Internal Economy Committee and that is a matter he might bring before his colleagues. I ask, in the meantime, that consideration be given to this rule with a view to exacting from all railway promoters the necessity for furnishing proper plans and maps. We have been talking about it in committee, and sometimes have refused to go on without a map, but it appears there has been no rule for it, and even if there were, we had no accommodation for hanging up a map.

Hon. Mr. CASGRAIN (De Lanaudiere)—The hon. gentleman has not noticed that we have already in the committee room one of the devices he speaks of for exhibiting maps so that a messenger can run them up or down. It covers all one side of the committee room.

Hon. Mr. FERGUSON—Was that put in since last session?

Hon. Mr. CASGRAIN—No, it was there all last session, and all plans can be fitted to it. Before leaving rule 115, it should provide that the map or plan should also show the principal rivers and railway lines, to indicate whether existing railways are to be paralleled by the railway that we are asked to charter. That is for the Railway Committee. I understand that the same plan could be used for the Standing Orders Committee and the Railway Committee. I notice that these other railway lines are often omitted in the plans submitted to the committee. If he would make it a rule that the plan should be a correct plan, showing the principal cities, large rivers and lakes, the general topography of the country, and existing railway lines, it would be more satisfactory.

Hon. Mr. FERGUSON—A much simpler plan would answer the purpose of the Standing Orders Committee than the one we require for the Railway Committee, but it might not be proper to put the petitioners to the trouble of getting up two expensive copies when one might answer both purposes. We should see, however, that the plan we call for is one that answers the purpose of the Railway Committee, and if it did that it would answer the purpose of the Standing Orders Committee.

The clause was allowed to stand.

On rule 123. Bills may be referred to Supreme Court.

Hon. Mr. LOUGHEED—My recollection is that the Senate cannot of its own authority make a reference to the Supreme Court.

Hon. Mr. FERGUSON—This rule has been inoperative in the past. An attempt was made on one occasion to procure from the Supreme Court a decision and it was refused. I am afraid we have not the power by simply a rule of our House to make the Supreme Court take up a case and give a decision. It will require the action of both Houses of parliament.

Hon. Mr. SCOTT—I have a recollection of one case, but I cannot now quote it from memory, where we referred some matter to the Supreme Court.

Hon. Mr. LOUGHEED—I have the case before me. It will be found at page 725 of Bourinot. The first case was apparently with reference to the incorporation of the Christian Brothers' schools of Canada. Four of the judges expressed the opinion that the measure was of a class coming under provincial jurisdiction, and they apparently did not hear it. There was another case, on the Companies Act, 1862 to 1880. In that case the judges excused themselves from answering the first part on the ground that it related to private rights. Apparently the court took cognizance of the reference.

Hon. Mr. BEIQUE—Since then they have declined.

Hon. Mr. LOUGHEED—If they have refused to hear a government reference recently, it seems to me that it is equally obvious that they would refuse to hear a reference from either House.

Hon. Mr. POWER—The rule does no harm there.

Hon. Mr. LOUGHEED—It might be left for further consideration, having due regard

to the refusal of the court cited by my hon. friend.

Hon. Sir MACKENZIE BOWELL—It might be amended so as to provide for a reference from the Governor in Council, with a request that they have it referred for the opinion of the Supreme Court. That seems to be the only way we can get at it.

The clause was allowed to stand.

On rule 125. Bill from Commons referred to Standing Orders Committee, where no petition.

Hon. Mr. LANDRY—The language of this rule does not appear to be very clear.

Hon. Mr. YOUNG—On several occasions where no petitions had been presented to this House, the Bills in the meantime had come up from the House of Commons and the Standing Orders had both the Bills and the petitions before them. This is to obviate that duplication, and provide that in cases where the petition had already been referred to the Standing Orders Committee, it should be dealt with by that committee, and the Bill would lie on the table, until the petition was reported on by the committee. It is to obviate having both the petition and the Bill before the Standing Orders Committee at the same time.

Hon. Mr. LANDRY—This refers to any private Bill from the House of Commons for which there is no petition.

Hon. Mr. POWER—In the Senate. As the hon. gentleman from Killarney says, last session it happened twice that a Bill came up here and the Committee on Standing Orders had not reported on the petition, but the petition had gone to the committee, and it seemed absurd to refer the Bill to the committee as well as the petition. This just provides that if a petition has been referred to the Committee on Standing Orders, even though they have not reported on it, the Bill does not go to the committee, but remains on the table until the report comes from the committee.

Hon. Mr. LANDRY—That is a case where the Bill is based on a petition.

Hon. Mr. POWER—Yes.

Hon. Mr. LANDRY—You see here it says, 'Any private Bill from the House of Commons, not being based on a petition.'

Hon. Mr. POWER—The impression was that there was no petition. There was no report as to the petition and the House was under the impression that there had been no petition, and for that reason referred the Bill.

Hon. Mr. LANDRY—That was a false impression. You cannot make a rule to cover a false impression. I suggest that this should be modified to read 'Any private Bill from the House of Commons for which no petition, has been received by the Senate, &c.'

Hon. Mr. BEIQUE—The clause is very plain, and the suggestion of the hon. gentleman from Stadacona should not be accepted. There may be a petition, but the petition may not have been referred to the Standing Orders Committee, and then if the petition has not been referred, it has been before the Senate and it is the Bill which is to be referred instead of the petition.

Hon. Mr. LANDRY—But that is not the case here. This deals with a Bill 'not being based on a petition.'

Hon. Mr. BEIQUE—That is only part of the phrase, 'not being based on a petition which is before the Standing Orders Committee.' It is merely providing for a case where there may be a petition which has not been referred to the Standing Orders Committee.

Hon. Mr. LANDRY—If there is a petition, the Bill is based on that petition, but you are providing here for a Bill which is not based on a petition.

Hon. Mr. BEIQUE—The rule is perfectly clear.

Hon. Mr. CASGRAIN (de Lanaudière)—It is the old law.

Hon. Mr. LANDRY—It is the old law, but the old law is not clear.

Hon. Mr. SPEAKER—There is no question the clause provides for a Bill being sent to the committee and reported upon, instead of the petition.

Hon. Mr. LANDRY—You declare that it is not based on a petition which has already been received. You declare that there is no petition, and at the same time you de-

clare that there is a petition. My suggestion is to use the words 'For which no petition has been received by the Senate'.

Hon. Mr. BEIQUE—I object to the amendment. I think the rule is as clear as it can be made, and the amendment would not meet the requirements at all.

Hon. Mr. LANDRY—In what way ?

Hon. Mr. BEIQUE—Because it would not provide for the case for which we want to make provision. We want to provide for two cases ; either that there may be no petition at all, or there may be a petition which has been presented at the time the Bill came here, but which petition has not been referred to the Standing Orders Committee. It would not be logical to ask the Standing Orders Committee to pass upon a petition and a Bill, and this is intended to merely cover that case. The words between brackets are as clear as can be. They must be read together. The hon. gentleman throws doubt on the meaning of the clause by stopping after reading three or four words, but there is no comma ; you have to take in their entirety the words in the brackets; 'Not being based on a petition which has already been remitted to the Committee on Standing Orders'.

Hon. Mr. LANDRY—What does the 'which' refer to ?

Hon. Mr. BEIQUE—It refers to the petition.

Hon. Mr. POWER—I do not see that there is any special objection to the suggestion made by the hon. gentleman from Stadacona, because if you say any private Bill from the House of Commons for which no petition has been received by the Senate, you cover the whole ground, and the Bill is to be taken into consideration. That covers the case we intended to provide for. The old expression was 'Not reported on by the committee,' and we found that was objectionable. In this case the Bill would go to the committee only when no petition had been received. At any rate, the meaning of that is clear. The hon. gentleman from Stadacona, is a pretty acute and astute gentleman, and if he thought there was some doubt as to the meaning of the present rule—although it does not strike me there is any doubt—still if it strikes him that way, I think we should make it perfectly clear.

Hon. Mr. YOUNG—Suppose a petition is presented to-day to the House and not received to-day, and the Bill to which it relates comes from the House of Commons, we then have both the petition and the Bill; is it understood that the petition will be dropped, and that the Committee on Standing orders will deal with the Bill only ?

Hon. Mr. SCOTT—They will both go to the Standing Orders Committee

Hon. Mr. POWER—If you say instead of 'received', 'presented to the Senate', you have got it.

Hon. Mr. YOUNG—But, suppose the Senate refuses to receive it ?

Hon. Mr. LANDRY—This is to cover a case where there is no petition.

Hon. Mr. YOUNG—The time might have expired for receiving petitions.

Hon. Mr. LANDRY—But if the Standing Orders Committee reports that the time shall be extended, the time will be extended.

Hon. Mr. YOUNG—But in the event of the time expiring, the door is then locked, because the petition may be presented and not received, and then you shut off the Bill from going before the Standing Orders Committee.

Hon. Mr. LANDRY—It covers the case where there is no petition at all.

Hon. Mr. POWER—Well, we shall leave it 'received by .

Hon. Mr. YOUNG—There is nothing to prevent the presentation of the petition, but the rules of the House may prevent its reception.

Hon. Mr. CASGRAIN (de Lanaudière)—In that way all Bills could come from the House of Commons without any petition being presented to the Senate.

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

On rule 3. Existing rules repealed.

Hon. Mr. POWER—I move that the following proviso be added to the clause :—

Provided, however, that this repeal does not extend to the rules and standing orders adopted

on the 22nd day of March, 1906, which are declared to be in full force and effect and to form part of this codification of the rules and standing orders of the Senate, being rules 140 to 159, both included thereof.

That is to prevent any difficulty arising from our having adopted the divorce rules at an earlier date.

The amendment was agreed to and the rule as amended was adopted.

On rule 5. When rules go into operation.

Hon. Mr. POWER—I propose to alter rule 5 so as to read :

These standing rules and orders shall go into operation on the 31st day of March in the year of Our Lord, 1906.

We shall have adjourned then, and the rules will be in operation when we come back.

Hon. Mr. LANDRY—What is the reason for bringing the rules into force immediately ?

Hon. Mr. POWER—There is no particular reason, except that while these rules make no radical change in our practice, they make some changes which most members regard as desirable, and it is just as well that we should have the benefit of the amendments when we come back after the Easter recess.

Hon. Mr. LANDRY—I have been asking for a long time to have these rules printed in French so that we might see their exact significance before they come into force. I asked that the report of the committee should be printed in the Votes and Proceedings of the Senate, then it would have been immediately translated into French, but I could not get it. The other day I threatened to raise an objection if we proceeded further, but I yielded on the promise that the disputed clauses would be held over.

Hon. Mr. POWER—I am informed that the type is now being set for the French copy. These rules, when adopted, should be included in our minutes. That is the practice elsewhere. Then they will appear in the minutes both in English and French.

Hon. Mr. FERGUSON—We are not altogether sure yet when we shall adjourn, we might possibly not adjourn until the 31st of March, and in that case we would not have printed rules to go by. In any event, we could hardly expect when we return on the 18th of April to find these rules completed, translated, printed and bound in volumes available for use. There is no hurry, we can work under the old rules for another month or even until the first of July. It would be a mistake to attempt to bring them into operation so soon.

Hon. Sir MACKENZIE BOWELL—There is another objection. The committee had decided to wait for a conference with the Commons, and it is utterly impossible to say when that conference may take place.

The SPEAKER—We need not fix a date now; it might stand over until we see what progress is made.

Hon. Mr. LANDRY—I would ask the hon. Secretary of State if he would be good enough to see that we get copies of these rules in French.

Hon. Mr. SCOTT—I understand the French edition is now in type.

The rule was allowed to stand.

On rule 16. Power and duty of Speaker.

Hon. Mr. DeBOUCHERVILLE—For my part I cannot accept this rule. It is entirely new, and gives the Speaker a power which he has never before had, nor has the Lord Chancellor ever had such power in the House of Lords. May states, although I could not cite the page, that each member of this House is equal one to the other. Nobody can command any member of this House. It is only the Senate that can call a member to order. By this clause the Speaker would have that power. Another thing; in England sometimes quarrels have occurred in the House of Lords, although not often. There was no other way of stopping the quarrel except by having the Clerk read a clause resembling rule 25, or rule 27, forbidding quarreling in the House. It happened twice only, and this proceeding had the effect of stopping the quarrel in each case. The Lord Chancellor had no right to call the parties to order. By this amendment we are putting ourselves in the same position as the members of the Commons ; we are putting ourselves under a chief, under a man who will be superior to us. For over two hundred years it has been the

rule that the members of the Upper House are all equal; amongst themselves they have no superior. For that reason I object for my part to this clause, and ask that it be struck out.

Mr. SPEAKER—When the Clerk of the House read the rule, did he do that of his own motion or who commanded him to do it ?

Hon. Mr. DeBOUCHERVILLE—In the House of Lords there are two rules, both of which are very old. When this quarrel happened it was about 1832 or 1833 on the Reform Bill. Some very hard words were used and the other peers became excited. One of the two rules I have referred to was that any member could rise and ask that the Clerk, not the Speaker, read the other rule—by which violent language is forbidden.

Hon. Mr. BEIQUE—The committee understood that the practice in England is as has been stated by the hon. gentleman, but the committee, I think, were unanimous in adopting this wording. Heretofore the President of the Senate has been deprived of the rights which belong to any honourable member. It is open to any member, and it will remain open to any member, to raise a question of order; but heretofore it has not been open to the Speaker to call a member to order, which infringes upon the principle which has been enunciated by the hon. gentleman, that all members have equal rights.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman says that the Speaker should have the same right as the other members to call a member to order. He has the same right. He is a member, and when he wants to speak, when he is not acting as the mouthpiece of the Senate, he must leave the Chair. In England, the Lord Chancellor must leave the woolsack and go to his seat, and there address the House. Therefore, he has already the same right as any other senator, but no member has the right to call out order. He may rise to a question of order, but he must make a motion, otherwise there is nothing before the House. When a member calls out 'order' and does not make a motion he is out of order himself.

Hon. Mr. YOUNG—Rule 28 of the House of Lords is as follows :

To prevent misunderstanding and for avoiding of offensive speeches, when matters are debating, either in the House or at committees, it is for honour sake thought fit, and so ordered, that all personal, sharp, or taxing speeches be forborn, and whosoever answereth another man's speech shall apply his answer to the matter without wrong to the person ; and as nothing offensive is to be spoken, so nothing is to be ill-taken, if the party that speaks it shall presently make a fair exposition, or clear denial of the words that might bear any ill construction ; and if any offence be given in that kind, as the House itself will be very sensible thereof, so it will sharply censure the offender. and give the party offended a fit reparation and a full satisfaction.

That seems to be the only rule they have.

Hon. Mr. SULLIVAN—It is a confession of weakness on the part of the Senate to say that they must concede their good conduct to the charge of one individual. Heretofore the members of this House have been able to restrain themselves, but for some years past the debates have assumed such acrimony that members have used improper language to each other, and there should be some mode of dealing with cases of that kind. A very eminent member of this Senate, a few sessions ago, made use of a term which was most offensive and uncalled for. I brought it to the notice of the House at a subsequent meeting, and made a complaint, but there was no one to take notice of it. I sought to defend the rights of the Senate, but not a single member, not even the Speaker, said that I was right or wrong. That is a condition of affairs which should be remedied. I do not think there is anything unreasonable in confiding this duty to the Speaker, who is supposed to do his duty honourably, and I trust that no Speaker, no matter how strong a partisan he may have been prior to his appointment, will ever hesitate to do what is right and just here ; therefore I have no hesitation in conceding to him this privilege. Because in any case of gross misjudgment on his part, an appeal lies to the Senate. Repeated offences have been committed in the Senate in the past with regard to want of decorum, and it has brought discredit and dishonour upon us. I think this is the time to stop that condition of things for ever.

Hon. Mr. FERGUSON. It will still be proper for a member to arise and call attention to a point of order. We are not going to throw the whole onus upon the Speaker.

This was a matter in regard to which the committee were unanimous. We are not giving any very great power to the Speaker, although the practice in the House of Lords, as stated by my hon. friend is, that the Speaker shall not preserve order or take the initiative in any way in doing so, and if we had no rule on the subject we would of course fall back on the rule of the House of Lords. The reason why the House of Lords have had no rule on this point is because of the anomalous position of the Speaker of that House. Lord Brougham was Speaker of the House when he was not a peer.

Hon. Mr. DeBOUCHERVILLE—Lord Brougham was the last. Every Lord Chancellor since that has been a peer.

Hon. Mr. FERGUSON—I presume that would be one good reason why the Lords would not give that power to their Speaker, when, under the constitution, it was possible that he might not be a peer. However, with us no such condition of things as that could obtain ; our Speaker, though nominated by the Crown, becomes a member of the Senate forthwith, and I do not think any harm could arise from adopting this rule which is couched in fair and reasonable language.

The rule was adopted.

On rule 20. Unfinished business.

Hon. Mr. YOUNG—It was I who asked to have this rule stand because rule 73 seemed to conflict with it.

Hon. Mr. FERGUSON—I suggest that the words 'subject to the provisions of rule 73,' be inserted. It would be well to have both rule 20 and rule 73 retained because rule 73 is in the middle of a number relating to private Bills.

Hon. Mr. LOUGHEED—I suggest that we put a marginal note opposite rule 20, saying 'see rule 73.' The reader would then observe that there is another rule bearing on the same point.

The rule was adopted.

On rule 26. Objectionable notice disallowed by Speaker.

Hon. Sir MACKENZIE BOWELL—The only question that arose in discussing this rule was the difficulty of the Speaker knowing when he would find out that a notice contained objectionable words. He could only know that from hearing it read, and, in many cases, I am sure he does not hear the notices read. The Clerk could, when the motion is handed in, run his eye over it and see if it contains objectionable words, and then could call the Speaker's attention to them, but it is just possible that notices might appear on the paper without the objectionable language being discovered.

Hon. Mr. POWER—The officers of the House who would allow a notice of that kind to go without calling the Speaker's attention to it, would deserve the censure of the Senate.

Hon. Sir MACKENZIE BOWELL—Who is to judge whether it is objectionable language or not? That which is considered offensive by one might not be considered offensive by others.

Hon. Mr. FERGUSON—It puts the responsibility on the Speaker.

Hon. Mr. WILSON—I suppose it is the duty of the Clerk or the Speaker to carefully read over every motion. The Speaker would have the discretion to decide.

Hon. Mr. YOUNG—My recollection is that the committee desired to leave this rule as flexible as possible. In practice it will work out this way ; a notice may be given which the clerk may think irregular. He calls the Speaker's attention to it. We are fortunate in having a clerk who is well versed in parliamentary usage, and I am sure he will not allow an irregular motion to pass without bringing it to the attention of the Speaker. If, by any inadvertence, a member should put in a notice of that kind, his attention will be called to it, and the irregularity will be corrected.

Hon. Mr. LANDRY—That might apply to unbecoming words, but who is to judge when it offends against a rule of the Senate ?

Hon. Mr. YOUNG—I am sure the hon. member from Stadacona would be the first to call attention to it.

Hon. Mr. LANDRY—It might involve a discussion of two or three days on a simple notice of motion. If there is nothing unbecoming in the language of the notice, it should be allowed to go on the paper, and

if there is anything objectionable otherwise, it could be dealt with in the House.

Hon. Mr. YOUNG—We say that a motion shall not contain a preamble. A preamble would not be 'unbecoming words', and yet it would be contrary to the rules of the House.

The rule was adopted.

On rule 32. Certain motions may be reconsidered.

Hon. Mr. YOUNG—This is the rule to which I took exception the other day. I am unconverted; I am still of the opinion that that rule should not be adopted. We are a deliberative body and our judgment of to-day is likely to be as good as our judgment of to-morrow. I do not think we can change in twenty-four hours so much as to reverse the decision of the House, and we have in rule 25, another method by which the decision of the House can be reversed, and in reversing we would reconsider. I am strongly of opinion that this rule No. 32, is one not calculated to raise the dignity of the Senate as a deliberative body.

Hon. Sir MACKENZIE BOWELL—Why not move to strike it out?

Hon. Mr. YOUNG—I move that rule 32 be struck out.

Hon. Mr. POWER—I trust the committee will not strike out this rule. It is one which is in use in every legislature in the adjoining republic, from congress down to the smallest state, and it has been found to work satisfactorily there. We have had occasions here, within recent years, when it would have been a very good thing to have had some provision of this kind. We discussed the matter a little the other evening, and there is this case—to put the simplest one,—that in a very thin House, say on a Friday afternoon, some report of a committee may be adopted or voted down which members might feel would not have been the case had the House been full. Surely it is not unreasonable that there should be a chance to revise and reconsider that decision of the House, so that you will have the sense of the whole House, or of a reasonably full House? Then there are resolutions occasionally adopted without due consideration. That may happen in any legislative body, and there should be an opportunity to reconsider these. Honourable gentlemen are under the impression that this proposal makes a very serious change, and that it diminishes or interferes in some way with the procedure of the House; that it makes it possible to do things which could not have been done before. It is just the other way. At the present time, on the day after any resolution is adopted, or two days after, any member can rise and move a resolution to the effect that the action of the House on a previous day be rescinded. He can do that without giving any notice. That is a much more objectionable state of things than we would have under this rule. If this is adopted, the reconsideration cannot take place unless the notice is given on the day on which the action of the House has been taken, so that no one is taken by surprise. I remember more than one case; but there was one case to which I can refer in the Journals. In the session of 1900 this House passed a resolution at one sitting with respect to a Bill which was passing between the two Houses, and, at the next sitting, the House rescinded the resolution which it had passed at the previous sitting. It is highly objectionable that we should be in such a position, that you can solemnly adopt a resolution to-day, there is no objection taken to it, no notice of reconsideration given, and you can, two days after, move to rescind that action of the House. This amendment is really a conservative step. It points out how the House can reconsider its action. When it comes to rescinding where no preliminary notice has been given, you must have seven days' notice of the intention to rescind, and you must have a majority of all the members of the House to vote for rescinding. In England they rescind, and as I say we have rescinded here. In England they have to resort to all sorts of expedients to reach the result which is arrived at by the reconsideration. These are the reasons given by 'Cushing's Manual' for this rule for reconsidering:

> The inconvenience of this rule, which is still maintained in all its strictness in the British parliament (though divers expedients are there resorted to, as an explanatory or amending Act, to counteract or evade it), has led to the introduction into parliamentary practice of this country of the motion for reconsideration; which, while it recognizes and upholds the rule in all its ancient strictness, yet allows a deliberative assembly, for sufficient reasons, to

relieve itself from the embarrassment and inconvenience which would occasionally result from a strict enforcement of the rule in a particular case.

It has now come to be a common practice in all our deliberative assemblies, and may consequently be considered as a principle of the common parliamentary law of this country, to reconsider a vote already passed, whether affirmatively or negatively.

Hon. Mr. FERGUSON—Does not my hon. friend think this House has an inherent power to reconsider, without a rule at all ?

Hon. Mr. POWER—It has the right to rescind, and that right should be regulated. What we are really doing is regulating and controlling the power to rescind. I think it is an unseemly thing that a body like this should to-day solemnly decide something, and to-morrow, without notice, reverse that decision. If notice of reconsideration is given, you have not that spectacle. The House is warned that an attempt will be made to reconsider what has been done, and every member has an opportunity to be present.

Hon. Mr. LANDRY—Is the hon. gentleman of the opinion that this rule takes away the right of reconsideration except in the way provided here ?

Hon. Mr. POWER—I think so.

Hon. Mr. LANDRY—Or do they both exist simultaneously ?

Hon. Mr. POWER—It means that if you wish to reconsider the action of the Senate you have to give notice that you propose to ask to have that done.

Hon. Mr. LANDRY—But you must give that notice on the same day that the action of the House is taken?

Hon. Mr. POWER—Yes.

Hon. Mr. LANDRY—Does it deprive one of the general right?

Hon. Mr. POWER—No, because if you will look at rule 35 you will see that an order may be rescinded, but you must give seven days' notice.

Hon. Mr. BEIQUE—I would understand that if the two rules are adopted, 32 and 35, no reconsideration could be taken unless under clause 32. Therefore, notice would have to be given at the same sitting. A reconsideration of a motion and a recission of a motion are two different things. Reconsideration does not necessarily imply recission. The question is opened up again and the motion may be amended and adopted in an amended form, or negatived entirely, which would amount to a recission. With that exception I am perfectly in accord with the hon. member from Halifax. I think there is an inherent power in the Senate to reconsider, unless we adopt a rule to the contrary. Therefore, if you were to strike out rule 32, the Senate would have the right to reconsider and without any regulation of the matter. It is better, in my opinion, to regulate it and state, as is stated here that a notice must be given at the same sitting. Therefore I am in favour of maintaining rules 32 and 35.

Hon. Mr. SCOTT—The rule appeals to my judgment, inasmuch as I have known very many cases in the Senate where a snap decision has been obtained in a very thin House, and I feel it would be very wise if the House could have preserved it sub-judice. If a notice is given at the same sitting it is equal to a postponement of a consideration of the question, and it comes up immediately while it is fresh in everybody's mind. No harm can arise under it. Every hon. gentleman must know that cases have occurred in this Chamber of resolutions being adopted that really did not represent the sense of the Senate. This, at all events, preserves to the Senate the power to have a more formal and just decision in a matter that may arise.

Hon. Sir MACKENZIE BOWELL—The arguments advanced in favour of this rule by the hon. Secretary of State and the hon. member for Halifax are simply in favour of legislating for the benefit of those who absent themselves from their duties. Every Senator knows that his duty is to attend to his business here. If we are legislating to provide for absentees, it is only an encouragement to them to stop away. There is no objection to this rule unless it is restricted, as I have seen it restricted in other places where the rule prevails, to giving an opportunity to a member who has inadvertently voted in favour of a motion and who desires that it should be reconsidered. He would have a right to move for a reconsideration. You have this difficulty : The hon. gentleman says in a very thin House a mo-

tion may be brought up, considered and carried.

Hon. Mr. De BOUCHERVILLE—Unanimously.

Hon. Sir MACKENZIE BOWELL—Unanimously if you like.

Hon. Mr. POWER—There would be no re consideration in that case.

Hon. Sir MACKENZIE BOWELL—Any Senator who disagrees or is opposed to it could at once give notice for a reconsideration, and there would be an interminable difficulty on every occasion when a Senator was dissatisfied with the decision of the majority. He can give notice of reconsideration and that may occur every day in the week. I do not anticipate that it will occur, but it is opening the door for that kind of trouble. With the power we have to reconsider any question which comes before us, it seems to me this is a rule that ought not to be adopted, unless you put after the word 'adopted,' 'by a senator who has voted in the affirmative.' In that case any senator when a question comes up which he may not thoroughly understand and which, having been explained to him, he thinks he would have voted against had he previously understood it, he would have the right to say: 'I should like to have it reconsidered,' but if you leave the rule as it is now proposed it will open the door for interminable trouble.

Hon. Mr. De BOUCHERVILLE—As applied to a Bill I do not think the rule is as important as it first appeared to be; but it appears to me there is great danger so far as it applies to motions. The hon. gentleman says that if a substantive motion is carried, then, unless at that very sitting on which the motion is carried, notice of reconsideration is given, he cannot move. Supposing it happens in a thin House, and the motion is carried unanimously, I should like to know how anybody could find a Senator who would give notice of reconsideration since all present favoured it? That would be very dangerous; whilst if we strike out this clause and keep rule 35, I could understand after giving seven days' notice if a majority voted in favour of the decision, it might be finally decided for the rest of the session, but under rule 32 it is proposed to make it possible to take action which shall be final.

Hon. Mr. DANDURAND—That power would, naturally, not be exercised if there is unanimity.

Hon. Mr. FERGUSON—Our present rule, number 43, relates to re-consideration with regard to Bills.

Hon. Mr. POWER—The proposed rule 32, does not apply to Bills at all.

Hon. Sir MACKENZIE BOWELL—It is a constitutional principle that you cannot consider the same question twice during the same session, which is a very wise rule, and it is laid down by all the authorities and for this reason: you might be defeated to-day and bring up the same question to morrow; you might in that way bring it up every day, and practice has taught the legislators in England to adopt the rule that after a legislative body has decided a question it cannot be brought up again during the same session. The Hon. Senator from Victoria, B.C., two years ago, moved a resolution for an amendment to a Bill then before the House, relating to the Grand Trunk Pacific Railway Company, that the work of construction should be commenced at both ends of the line simultaneously. For some reason or other that was voted down. Some days afterwards, Senator Templeman, then a minister without portfolio, moved a similar motion, but it was ruled out of order because that question had already been decided. Under this rule he could have moved for reconsideration. I think we are opening the door for a great deal of trouble.

Bourinot deals with that question on page 414. I was under the impression we could reconsider a motion and practically reverse what we had previously done, but, according to the authorities laid down, we apparently have not that inherent power. Bourinot says:

> When a question has been once and sufficiently considered, the House will not agree to its renewal. In 1880——

And this, apparently, is a decision of our own House——

> In 1880 a senator rose and gave the usual notice of proposed resolution, but objection was at once taken on the ground that the matter had been already disposed of otherwise. The Senate finally resolved that, 'the notice should

not be received by the clerk,' inasmuch as the subject-matter thereof 'had already been considered during the present session and referred to the Committee on Contingent Accounts.'

Under note C, on page 415, are a number of authorities of an analogous character deciding that we cannot reconsider a matter, once having taken action, during the same session. I must say as I remarked the other night, I am a little in doubt as to these two rules. I think that a statutory rule might be evolved out of the two, 32 and 35, and that they should not be included as they stand. With proper safeguarding, a kind of compromise rule between the two might possibly be adopted, safeguarding any reckless action of the House during a small attendance of members.

Hon. Mr. YOUNG—With reference to rule 32, I have no sympathy with the thin House argument at all. I do not think it should be taken for granted if the House contains only a few members that it is the members who possess the wisdom of the House who are away. Those who attend to their work diligently are more apt to form a correct judgment than those who drop in occasionally and dip into the work of the Senate.

Rule 32, proposes that any substantive motion which has been adopted by the Senate other than a motion relating to a Bill, may be reconsidered. That is all the action that is proposed.

Hon. Mr. SCOTT—The proviso which follows, is really the important part of the rule. The matter is practically sub judice, it is under the control of the Senate.

Hon. Mr. YOUNG—May, on page 286 lays down the following principle:

It is a rule, in both Houses, which is essential to the due performance of their duties, that no question or Bill shall be offered that is substantially the same as one on which their judgment has already been expressed in the current session.

The authority given to us for years past is merely to reconsider. What is contained in the word reconsideration? If we reopen a question the next day, and decide something different from what was concluded the day before; if our decision happens to be to rescind, we are confronted by rule 35 which requires seven days' notice. While it might be wisdom, you cannot rescind under this rule. It seems to me we are making a rule which in many circumstances cannot be worked out to a logical end. After we have spent the second day in backsetting what we did the day before, we come to the conclusion that we are going to rescind our decision. Then immediately, the point of order is raised, under rule 35, that you cannot rescind. Now, I submit that rule 32 is not one which should commend itself to the judgment of the House.

The SPEAKER—I cannot admit the conclusion of the hon. gentleman as to the two rules clashing. My hon. friend could, I think, easily qualify for practice at the bar after the reasoning which he has just given us, but there are two ways of reconsidering, and two ways of rescinding a vote. The first one is given under rule 32 which says that if a notice be given at the same sitting the matter may be reconsidered the next day and dealt with either by readoption or by rescission. There are two modes of rescinding, in one of them notice can be given the same day, the other mode is found under rule 35, but there can be no question that the power to rescind under 32 is complete under the ordinary rules of interpretation which prevail before the courts, and which would prevail here. If the power is given to reconsider, power is given to alter the decision and to rescind if necessary. There are two ways of reaching this conclusion.

Hon. Mr. YOUNG—I have to thank the Speaker for giving us a clear interpretation of rule 32, and, from that interpretation, it appears that the rule is more dangerous than we thought it was. We can rescind on one day's notice, a thing which I think ought not to be possible.

Hon. Mr. POWER—I do not think the hon. gentleman puts the matter fairly. The object of giving notice of reconsideration is to keep the question open. While this reconsideration is pending the matter is not closed.

Hon. Mr. LANDRY—We could keep it like that all session.

Hon. Mr. POWER—Rule 34 disposes of that argument. It is really most important that we should have the opportunity of reconsidering. It does not apply to Bills, where it might be mischievous. The rules

with respect to Bills provide ample opportunity for re-consideration before they finally become law, but sometimes the adoption of a resolution, for instance with regard to the report of a committee, or some other matter about which there has been no time for consideration, may be really just as serious as any other.

It being 6 o'clock the Speaker left the Chair.

After Recess.

The House resumed in Committee of the Whole :—

Hon. Mr. FERGUSON—My hon. friend from Calgary, at an early stage of this discussion on rule 32, pointed out that, in his opinion, rules 32 and 35 might be embodied in one. I do not think you require these two sets of remedies to reconsider and to rescind. I find nothing in English practice about reconsideration, but there is a great deal about rescinding. My hon. friend from Killarney (Hon. Mr. Young) read a paragraph from 'May,' but had he read on further he would have found that there is ample provision for rescinding, the English arrive at the same conclusion as the Americans reach by reconsideration. One of three courses is open to us, either to depend upon the inherent power of parliament to reconsider or rescind, of which I have no doubt whatever, or follow the English practice, or make a rule for reconsideration or for rescinding, and have only one; but this double set is not necessary and will prove embarrassing. If a snap vote should be obtained at any time, and it is desirable to change the decision of the House, we could do so either by reconsidering or by rescinding. If hon. gentlemen will look at pages 286 and 287 of 'May,' they will find precedents there for effecting the object in almost any case, and the result, according to 'May,' has been practically what we mean by reconsideration. If the chairman of the committee who has charge of the rules would take this matter in hand and give us one rule which would meet our needs, I would be satisfied, or would not object if both were stricken out and we were left to depend upon the power of parliament to do what we want to do.

Hon. Mr. POWER.

Hon. Mr. POWER—The better plan now is to adopt rule 32. We have not that practice here, and it is much better than the practice of rescinding. We have the power to rescind, apparently without giving notice, but even supposing notice were given, a notice of a day or two, where a resolution has been adopted by the Senate, and no notice has been given of any intention to move against it, it seems to me would be objectionable if that resolution can at some later day be rescinded without a prolonged notice. If we are to do without either practice, I think the better thing would be to do without the power of rescinding.

Hon. Sir MACKENZIE BOWELL—This applies to all substantive motions, does it not ?

Hon. Mr. POWER—Yes.

Hon. Sir MACKENZIE BOWELL—Suppose the leader of the House gives notice that he will move for the appointment of the Striking Committee, and moves that motion the next day and it is carried, and some one gives notice of reconsideration that throws it over to the next day; and then if you want to rescind it, it will take seven days more under rule 35.

Hon. Mr. POWER—I do not see why we should mix up 32 and 35.

Hon. Sir MACKENZIE BOWELL—The one follows the other. The whole three are placed in the rules, I take it, for a certain purpose. One is to reconsider, the next paragraph declares that you shall not do that twice; then the next provision is for giving seven days' notice to rescind. I do not anticipate that anything of the kind will ever occur, but it might happen if any one desired to obstruct the House. You could do it under this rule without any difficulty and we could not help ourselves.

Hon. Mr. FERGUSON—If we were to strike out the proposed rule with regard to rescinding and make a rule for reconsideration it is very doubtful whether we could adopt the English practice as far as rescinding goes, because it would require a Philadelphia lawyer to distinguish between them. It would be held that we had a rule for reconsideration and therefore could not follow the English practice.

Hon. Mr. YOUNG—We lock the door.

Hon. Mr. FERGUSON—If we are going to have a rule at all, I think it would be better to follow the English practice, but that practice would be quite good enough for us without any rule.

Hon. Mr. BEIQUE—If either rule is to be sacrificed, I would rather strike out 32 and keep 35.

Hon. Mr. POWER—We do not want to sacrifice anything; but we may amend 35.

Hon. Mr. YOUNG—It is understood that 32, if passed, will refer to all reports of committees.

Hon. Sir MACKENZIE BOWELL—Every substantive motion.

Hon. Mr. YOUNG—In fact every motion passed by the House may be reviewed in this way excepting motions referring to Bills.

Hon. Sir MACKENZIE BOWELL—There is no doubt about that.

The committee divided on the motion to strike out rule 32, which was rejected. Contents, 11 ; non-contents, 16.

Hon. Mr. YOUNG—Can I give notice to reconsider ?

The rule was adopted.

On rule 35. Vote may be rescinded under certain conditions.

Hon. Mr. YOUNG—If the House has swallowed rule 32 it may as well swallow rule 35.

Hon. Mr. FERGUSON—We should strike out rule 35.

Hon. Mr. SCOTT—It applies to an entirely different condition of things. It requires a majority of all the Senate to make the change, and requires seven days' notice.

Hon. Mr. FERGUSON—It is a different way of getting at it, but after all you are aiming to effect the same thing, and you will have our rules encumbered with two processes.

Hon. Sir MACKENZIE BOWELL—I fancy this is a very safe rule. If you carry it out, you will scarcely ever be able to get a majority of the Senate. You must have a majority of all the senators, whether present or not.

The rule was adopted.

On rule 45. Motions for ajournment of Senate, how made.

Hon. Mr. FERGUSON—I am entirely opposed to this rule. It contains a great many absurdities. It opens with a provision that no motion for the adjournment of the Senate may be made without notice, except by or on behalf of the Minister of the Crown, unless a certain action is taken by some senators in bringing up a matter of urgent public importance. What would happen if a minister, having made a motion to adjourn, was defeated by the House ? It would not be competent for any one excepting a minister, or some one on his behalf, to move the adjournment. The minister might leave the House, and there would be no one present to move the adjournment. That is one objection. There is another objection that no member may rise, when the orders of the day are called, to bring a matter of public importance before the Senate unless five senators thereupon arise in their places indicating their approval of the proposed discussion ? By the common law of parliament, it is quite proper for any member to rise when the orders of the day are called in this House. It has been the practice that any member might do so in order to call attention to a question of public importance, and a discussion might arise thereupon, and it would be competent after he had completed this discussion for another member to rise and bring up another subject. Although hon. gentlemen might differ from some members who have used that privilege, I do not remember in the history of this House that any serious abuse has arisen from that practice. As a rule we do not have discussion enough. It would be better for the credit and standing of this body before the country, if we had more discussion of public questions, rather than to restrict and make it impossible for us to have such discussions as have taken place in the past. I think it would be manifestly unfair if a member of this House should not be allowed to rise and bring a matter of public importance before this body without canvassing and securing beforehand the support of five members of the House to give him that right. The practice of this House has always been that any member could bring a question of importance before

the Senate. We are going to restrict, to a very great extent, that privilege under this rule. I can imagine a case—I am sorry to see that my hon. friend from Richmond is not in the House—but we have a third party in this House, and it is to be expected that that gentleman will from time to time ventilate views not in accord with the regular opposition—if we can be said to have a regular opposition here—or the supporters of the government. If he wants to bring up a matter of urgent public importance, which, from his point of view, should be attended to, he will have to go to those who are politically opposed to him and ask them to stand up and get for him that privilege. The second subsection says that when speaking to the motion :

> The mover and the minister first speaking shall not exceed thirty minutes each, and any other senator or the mover in reply shall not exceed thirty minutes each, and every senator shall confine himself to the subject in respect tp which the motion has been made.

By implication it is quite proper and regular to speak irrelevantly on any other question coming before this House, but on speaking on this particular subject, and rising at this time, you are expected to confine yourself to the rules of the House, and strictly to the subject under discussion, which, as I said, by implication, would lead to the belief that you are free to violate all the rules of the House on every other question coming before the House. The subsection continues :

> And the whole discussion on the subject shall not exceed three hours.

I do not know what object there can be for this. These rules are taken from the rules of the Australian parliament. There may be circumstances there that call for them, but there is no necessity for placing that restriction on debate in this House. I hope that the House will refuse its assent to this rule.

Hon. Mr. LOUGHEED—What led to the adoption of this rule ? I was not present, and did not hear that portion of the discussion. Had it been considered that an ordinary motion to adjourn the House with a view to discussing any question has ever been abused by this House ? Within my memory it has not been done on more than three or four occasions within the last ten years. It certainly has never been the subject of abuse in the House, and why a well established practice of that nature should be wiped out, I am at a loss to understand.

Hon. Mr. POWER—We got along for a great many years in this Senate, and suffered no serious inconvenience from the absence of various rules, but as time goes on, in this House, just as in other bodies, we find that we require more rules. For instance in the English House of Commons, when the first edition of 'May' was published, there were only 14 rules. When the tenth edition was published there were considerably over one hundred rules. There was no special history in connection with this rule. It was put in the draft rule submitted to the committee, and as far as my memory goes there was no very serious discussion over it.

Hon. Mr. LANDRY—Oh, oh.

Hon. Mr. POWER—There was no prolonged discussion. At the final meeting, the hon. gentleman from Marshfield, very properly and very courteously, said something to this effect : 'I entertain very serious objections to this rule, and shall bring the matter up in the Senate,' and he is very properly exercising that right now. At that meeting, I think the hon. leader of the opposition was not present, but he had previously intimated that he did not approve of this method. Let us look at the position ; without these rules there is nothing to hinder the adjournment of the House from being moved three or four times in the same afternoon, and nothing to prevent the whole time of the House being taken up with motions of that kind, which would seriously obstruct the regular business of this Chamber. There is another thing to be considered ; when an hon. member rises and moves the adjournment of the House, those to whom he may not have communicated his intentions, are taken by surprise, and they are not in a position, perhaps, to deal with the motion in as satisfactory a way as they would be if they had notice. Now, there is nothing to hinder any hon. member who wishes to bring a matter before the House from doing so, by giving one or two days' notice, and I think that is no great grievance. If

the hon. gentleman has a matter to bring before the Senate, he should let his colleagues in the House know that he is going to bring it up. Then, if the matter is one of urgent importance, as to which there has been no chance of giving notice, surely any hon. member who wishes to bring an important public matter before the House can secure the assent of five of his colleagues to endorse his action. That is all that is required. If we were exacting anything unreasonable, I could understand an objection to the proposed rule. The hon. gentleman from Marshfield seems to have a very unfavourable opinion of the rules of the Senate in Australia. I do not know just why. The Senate of Australia is a respectable body—a representative body. It is a body composed of only thirty-six members, whereas this Senate is composed now of nearly ninety members, and there is more occasion for a rule of this kind in a body of ninety members, than there is in one of 36. The Australian rules are, I assume, the work of Mr. Blackmore, who is the Clerk of the Senate of Australia, and Mr. Blackmore is one of the highest living authorities on parliamentary procedure. They were laying the foundation of their new commonwealth and great care and pains were taken in preparing these rules, and this rule which the hon. gentleman from Marshfield thinks is absurd, is almost word for word the same as the Australian rule. This is the Australian rule No. 60 :

A motion without notice that the Senate at its rising adjourn to any day or hour other than that fixed for the next ordinary meeting of the Senate for the purpose of debating some matter of urgency can only be made after petitions have been presented and notices of questions and motions given, and before the business of the day is proceeded with, and such motion can be made notwithstanding there be on the paper a motion for adjournment to a time other than that of the next ordinary meeting. The senator so moving must make in writing and hand in to the president, a statement of the matter of urgency. Such motion must be supported by four senators rising in their places as indicating their approval thereof. Only the matter in respect of which such motion is made can be debated. Not more than one such motion can be made during a sitting of the Senate.

The rule is almost identical with the rule in the House of Commons and even out in the comparatively young colony of New Zealand, I find the same rule amongst the standing orders of the Legislative Assembly.

Hon. Mr. FERGUSON—The same rule ?

Hon. Mr. POWER—Substantially.

Hon. Mr. FERGUSON—I should like to hear it.

Hon. Mr. POWER—Rule 110 :—

The adjournment of the House may be moved at any time after the questions are disposed of, but the debate on such motions must be confined strictly to the question of adjournment.

Hon. Sir MACKENZIE BOWELL—Are not these portions of the rules that were adopted in order to enforce the closure ?

Hon. Mr. POWER—These are the rules of the New Zealand Legislature. The English rule is No. 10 :—

109. No motion for the adjournment of the House shall be made until all the questions asked at the commencement of the business of the afternoon sitting are disposed of, unless by leave of the House.

110. The adjournment of the House may be moved at any time after the questions are disposed of, but the debate on such motion must be confined strictly to the question of adjournment, unless seven members rise, and then any specific question alluded to in the replies of ministers to questions on that day may be discussed.

111. In speaking to such motion, the mover shall not exceed thirty minutes, and any other member shall not exceed fifteen minutes, and the whole discussion on the subject shall not exceed two hours.

It is not a matter of very urgent importance to us, but it is just as well to have rules laid by, so to say, which can be used if necessary. This Senate never rigidly enforces its rules. There is always a disposition to let hon. members have as much fair play as is consistent with the comfort of the remainder of the House. I suppose this is a rule which probably would hardly ever be put into operation, but it is well to have a weapon in our armoury in order that the House may protect itself.

Hon. Mr. LOUGHEED—The rules read by my hon. friend, taken from the Australian commonwealth, and also from New Zealand, and even the rules adopted in the Imperial parliament have all been the outcome of exceptional conditions that have no parallel whatever in this parliament.

Hon. Mr. POWER—What are the exceptional conditions in Australia ?

Hon. Mr. LOUGHEED—There is an excitability prevailing there that has no parallel in this country. We know that Australian governments have averaged a change

every two years. The labour and other troubles in New Zealand have contributed to the adoption of the rule which my hon. friend has read. The obstruction which has prevailed in the Imperial parliament for many years past has led to rules of closure such as my hon. friend has read, but I would challenge anybody to point out any abuse of that well established rule that a motion to adjourn, is always in order, in the Canadian parliament. As I have already said, I have no recollection, during the fourteen or fifteen years I have been in this House, that a motion to adjourn the House has been invoked on more than three or four occasions. It has been invoked this session, but I do not think it was last year, or during any recent session. It is the outgrowth of necessity, of well established parliamentary practice, and it is never invoked except some exigency arises which one might say on the spur of the moment demanded a public discussion on a question of public importance. Then, how can one foresee that such a condition of affairs is to happen to such an extent? Must this foresight be carried so far that a day's notice has to be given and five or six members approached to support the member who moves the adjournment of the House.

In my judgment, the passage of rules of this character should only be the outcome of necessity. I think that is a well established practice that rules of procedure have been the evolution of practice and of experience and of the requirements of conditions which from time to time arise, and to say that we should forestall the future and anticipate difficulty by adopting a rule of this character is, in my judgment, not only unwise but inexpedient and tends to the suppression of free speech and of that liberty which should characterize all representative institutions. I certainly am entirely opposed to this innovation. It is unwarranted. Nothing has arisen either in the House of Commons or in this Senate which would warrant us in circumscribing the liberty which each member has of moving the adjournment of the debate for the purpose of discussing some public question.

Hon. Mr. SCOTT—Unless there is a general expression of opinion in favour of this rule, I hope my hon. friend will not press it. To my mind it is not called for by any circumstances which have arisen in the Dominion Senate. I notice that in the House of Commons there used to be a sort of conference between the two parties with a view of adopting some rule of this kind, but the conditions existing there are not the same as in this Chamber, and unless the sentiment is remarkably strong in favour of it, I think it is a rule that might stand until the necessity for it arises.

Hon. Sir MACKENZIE BOWELL—The chairman of the committee intimated that no objection was taken to this rule in the committee. He must have forgotten that I fought it there for over half an hour after which it was allowed to stand. When I advocated postponing the consideration of these rules until the present session, this was one of the reasons I gave; that the provision we are now discussing was so important that it should be delayed for further consideration, and I accused the hon. gentleman at the same time of attempting to introduce the closure into this country, which he repudiated very strongly. I think the hon. gentleman should accede to the request made by the Secretary of State. I have no recollection of anything approaching real obstruction occurring in the Senate since I have had a seat in it, except once, and that was caused by the hon. gentleman himself aided by the Secretary of State when they sat on this side of the House. They opposed the passage of the Hudson Bay Railway Bill, alleging that they thought there was some ulterior object and although they did not go the length of saying so, I fancy they thought there was a little boodling in connection with it. But two or three years ago the hon. gentleman introduced a Bill to extend the same privilege to the same parties for the construction of that Hudson Bay Railway. That is the only time I can recollect anything like real obstruction, and I do not see why, in a body of this kind, the right to move the adjournment should be confined to a Minister of the Crown, or that any one desiring to speak thereon shall be confined to so many minutes. I think it is altogether uncalled for. It implies an abuse of rules, which has never existed in this House except upon the occasion to which I refer. If

hon. gentlemen look at Rule 50 it will be seen that during a debate no motion is received except to amend the question, to commit it or to postpone it. You can move the previous question, or you can move that the orders of the day be read, which virtually kills the question under discussion, or move for the adjournment of the House. How far would the adoption of this rule go to prevent a gentleman from rising in his place to make an explanation ? I remember last session or the session before I was, as I thought, misrepresented by the hon. gentleman from Toronto who is not here, I arose at once to make a correction, but I was called to order on the ground that I had spoken and consequently I had to sit down. I recollect whispering to my hon. friend on my right to move the adjournment of the House in order to enable me to put myself right. I was thus enabled to make my explanation. Is that right to be cut off?

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—My hon. friend says no, but where is the rule ?

Hon. Mr. POWER—The last paragraph of the rule says that this rule does not apply to the adjournment of the Senate under rule 50.

Hon. Sir MACKENZIE BOWELL—Rule 50 applies only to a question which is under debate. It declares what motions can be made, and among them is a motion for the House to adjourn. That does not provide for moving the adjournment of the House under any other condition. It must be during the time of a debate upon some question. I opposed this, from the beginning, and the more I think of it the stronger my feeling grows.

Hon. Mr. POWER—As the feeling of the House seems to be against it, and particularly after the expression of opinion from the Secretary of State, I move that rules 45 and 46 be struck out.

The motion was adopted.

On rule 51. Senator called to order.

Hon. Mr. DeBOUCHERVILLE—I should like to have an explanation as to how a senator is to be called to order ? He cannot be called to order by another senator saying 'Order, order'; he must be called to order by the Senate and there must be a motion. I think it would be well to make this rule a little clearer.

Hon. Mr. POWER—Under the new rules it will be the duty of the Speaker to call a member to order, and when a member is called to order, he always sits down. I have understood that the hon. gentleman from Montarville (Mr. DeBoucherville) was an exceedingly conservative gentleman. This rule is one which prevails, I think, in the legislative council of Quebec, and prevailed for 20 years in the Legislative Council of Canada before confederation. When a member is called to order, no matter what process you have to go through, it is his duty to sit down.

Hon. Mr. DeBOUCHERVILLE—Called to order by whom?

Hon. Mr. POWER—It does not matter by whom. In future I assume it will be the duty of the Speaker.

Hon. Mr. DeBOUCHERVILLE—I merely asked an explanation, and the hon. gentleman rises at once with a personal question as to my being a Conservative. It does not follow because this rule has been on our books for such a long time that it is clear. I think it is not clear. It is only the Senate who can make me sit down. No one has a right to tell me to sit down, though he may be impolite enough to shout at me; the Senate alone has that power. Now, I ask if this is made clearer, because it seems to me that the hon. gentleman thinks it is enough for any senator to call out order to another, and that thereupon that other must sit down.

Hon. Mr. FERGUSON—The practice has grown recently in this House of calling out order in the most vociferous manner. That is not the proper thing to do. The proper course is to arise to a point of order, and then the chair, under rule 16, will take cognizance of it. My hon. friend is quite right in calling attention to this subject.

Hon. Mr. LANDRY—Another inconvenience that will result from the adoption of this rule will be this : the rule says any senator called to order shall sit down and shall not proceed without the consent of the Senate. The consent of the Senate, that is, I presume, the leave of the Senate. According to the definition in paragraph four, the leave of the Senate is leave granted without

a dissenting voice. I may call some one to order, and he will sit down, but any other member may stand up, and prevent me from speaking by saying '1 shall not give my consent.' The consent of the Senate is not given, and I must stop.

Hon. Sir MACKENZIE BOWELL—Our practice has been abrogated by the adoption of rule 16, to which my hon. friend objected when it was before the Senate. Rule 16 gives the power to the Speaker, and makes it his duty to call a senator to order. There is a rule that senators must, in debating a question, adhere strictly to the subject under discussion. If a senator is beginning to ramble, it is the duty of the Speaker to call him to order. Rule 16 will give to the Speaker of the Senate, as I understand, the same power as is exercised by the Speaker of the House of Commons. The rights and privileges which senators have exercised in the past in this House are taken from them and placed in the hands of the Speaker. We are destroying the ancient usages of the House of Lords by these rules, and the usages of this Senate also.

Hon. Mr. BEIQUE—I take rule 51 to mean that when a point of order is raised the senator who is called to order must sit down, otherwise we would have any number of gentlemen speaking at the same time. It is only pending the decision, so that the point raised by the hon. gentleman from Stadacona (Hon. Mr. Landry) does not apply. After the decision is rendered of course the discussion may go on. As to the consent of the Senate, it is of course the unanimous consent, it is a way of stating that unless the point of order is abandoned it is not persisted in. There should be no bracket in the sentence.

Hon. Mr. LANDRY—He is deprived of discussing the point of order.

Hon. Mr. CASGRAIN (de Lanaudière)—The one out of order is deprived of speaking, certainly.

Hon. Mr. LANDRY—A decision has been given on that point already. My hon. friend from Richmond raised that objection once and he succeeded.

Hon. Mr. POWER—When we speak of being called to order, we mean properly called to order. The proper way to call to order is the mode adopted by the hon. gentleman himself on a good many occasions when he has risen and stated that he raised a question of order. It is then the duty of the member who has the floor to sit down until that question is decided. The House has always allowed the member who was out of order to make an explanation and defend himself, and it would continue to do so in the future. While the Speaker will have more to say in dealing with questions of order than in the past, the members of the House will still have the same right as members of the House of Commons possess.

Hon. Mr. LANDRY—If I rise to a question of order connected with something which my hon. friend has said, he will sit down while I discuss the point of order. As soon as I have stated my views, if the hon. gentleman wants to get up and defend his position and show that he is right, he will be deprived of the opportunity of doing so, because pending the decision of the Speaker he has no right to speak.

Hon. Mr. SCOTT—He has a right to speak on the point of order.

Hon. Mr. LANDRY—If you read the rule you will find that he has not.

Hon. Mr. SCOTT—He cannot proceed with the subject matter of his speech, but he can discuss the point of order.

Hon. Mr. LANDRY—The hon. Secretary of State is making a distinction that is not in the rules.

Hon. Sir MACKENZIE BOWELL—Leave of the Senate is defined by the rules to be leave granted without a dissenting voice; but the consent of the Senate, I take it, could be given by a majority of the Senate; at least that is the interpretation I put upon it, and that is the interpretation put upon it by the committee.

Hon. Mr. LANDRY—What is the difference between 'consent' and 'leave'?

Hon. Mr. FERGUSON—The only difference is, as my hon. friend will observe, that by the interpretation clause we put a special meaning upon the word 'leave' and not upon the word 'consent.'

Hon. Mr. LANDRY—Two things equal to a third are equal as between themselves.

Hon. Mr. POWER.—We have never had any trouble in this connection.

The rule was adopted.

On rule 52.

Hon. Mr. BEIQUE—I suggest that the only portion of this rule which should be kept is the first portion: 'All personal, sharp or taxing speeches are forbidden' and that the rest should be struck out. If the remainder is retained it should be an independent rule, because it is not germane and it is not intended to be germane to the first part. Let us make a rule of the first sentence, and make the remainder of the present rule 52 into a new rule.

Hon. Mr. POWER—I have no objection to accept the amendment of the hon. member from de Salaberry. It will have this beneficial effect, that this sub-division of the rule will fill up the vacant numbers.

Hon. Mr. LANDRY—And it will not conflict with the power given to the Speaker.

The rule was divided and adopted.

On rule 58, 'Senator with pecuniary interest not to vote.'

Hon. Mr. SULLIVAN—How are you going to make senators observe that rule? I know of two senators who voted upon a Bill in the railway committee, who had a direct interest in its defeat, and if they had not interfered the Bill would have been carried.

Hon. Mr. FERGUSON—I was responsible for having this rule stand over. The hon. member from de Salaberry will remember that while I was not satisfied, I did not feel prepared to draft anything to meet the case. I knew that the rule did not seem to be efficient in the past. I have myself seen notable instances of transgression of the principle on the part of hon. members. It cannot be denied for a moment that it is a serious transgression of the principle of this rule and of parliamentary propriety for senators to appear as promoters of charters, say for railways. The hon. senator from Toronto, when the Grand Trunk Pacific Bill was before the House, very properly took that position and did not record his vote. I thought he acted properly on that occasion, but I am sorry to say I have observed instances in this House, and very many more in the other branch of parliament where members have advocated Bills for charters which they were trying to put through committees, Bills in which their own names appeared as the original charter members. If possible we ought to endeavour to strengthen this rule so that this practice should be prevented. I have known members of both Houses to go among their colleagues and ask their help to get such Bills through. In many cases, members of parliament who have put themselves in that position, are not railway builders at all, and everybody knows they are not, that the purpose is to sell the charter, to use their influence in parliament in order to get a charter for a railway which they do not intend to build, but which they intend to sell to some railway company. It is a very great abuse and, in some way or other, we ought to get at it and prevent it. Not only that, but in the application for such a charter as that, a block is interposed in the way of giving a charter to actual railway builders over the same route, who are thus driven to buy out these charter mongers. It is clear to me, that we should have some rules to prevent a member of parliament from doing that which is not proper to be done even by citizens outside of parliament—that is, applying for charters where they never intend to build a railway, for the purpose of placing themselves in the position of charter mongers to sell their charters to actual railway builders.

Hon. Mr. CASGRAIN (de Lanaudière)—Would it not be well to construct the rule so as to prevent members of parliament from being promoters of charters?

Hon. Mr. FERGUSON—The hon. member from de Salaberry will remember that I put my views before him and he gave me his assurance that he would try to improve this rule. He was not present in the committee when the matter came up and I did not feel myself competent to draft a rule which would cover the case. Railway charters, I know, furnish much more flagrant instances of violation of this principle than banks. In the latter case, men invest their money substantially, and the interest of a

bank director or a bank shareholder is not in the same category as those others are. That is just the difficulty of dealing with these different classes of men, and I felt it was so great a difficulty, that I could not myself undertake to do anything in the matter.

Hon. Mr. McMILLAN—Will not a proper interpretation of this include shareholders of banks or stockholders of any incorporated companies as well ?

Hon. Mr. LOUGHEED—The construction placed upon this rule by many is that it applies to individual interests. I would suggest that these words be inserted :—' Or any firm or corporation in which he has a direct or indirect pecuniary interest.' In that way he would be precluded from voting for any corporation or firm in which he was interested. That has been the weakness of this particular rule in the past. Any court would construe it that a senator must be individually interested, and it would not follow because he was interested in a company that he had a direct pecuniary interest.

Hon. Sir MACKENZIE BOWELL—I have a distinct recollection of this question being discussed for many hours and many days in the House of Commons at a time when exception was taken to violations of the Independence of Parliament Act, and a good many gentlemen had to resign on account of it. If the suggestion of the hon. senator from Calgary be adopted, would not that shut out every man who holds a dollar's worth of bank stock, in case there was an amendment to the Banking Act ? There is where the difficulty comes in. If you own stock or shares in a loan company or any other company you are in precisely the same position. In case a Bank Bill came up for our consideration, how many members of this House would be precluded from voting upon it, if the suggestion of my hon. friend were acted on? If legislation affecting insurance companies were to come up, how many members of this House would be free to vote upon it ?

Hon. Mr. LOUGHEED—It would apply only to the particular company in which the member was interested.

Hon. Sir MACKENZIE BOWELL—The latter part of the clause is supposed to cover the point I am endeavouring to make. It says that a senator having a direct pecuniary interest shall not vote, that is if that interest is not held in common with the rest of the Canadian subjects of the Crown. Any Bill that deals with a general question may be voted upon by every senator, and the same applies to railway legislation. I quite agree with my hon. friend as to the abuse of railway legislation. Anyone in introducing a Bill asking for a charter to build a road which he never had the slightest idea of building, may be acting for his constituents—endeavoring to meet the wishes and desires of his constituents.

Hon. Mr. SULLIVAN—Then he has no interest.

Hon. Sir MACKENZIE BOWELL—He would argue, supposing he was on the directorate, that it was in the general interest of the whole people that the railway should be constructed. I think you will find very great difficulty in drafting an amendment, to remedy an evil that we all would like to deal with. I remember Sir John Macdonald, Mr. Blake, Mr. Mackenzie and others debating for hours in the House of Commons because, under the old Independence of Parliament Act, if you sold $5 worth of lumber to the government you violated the Act. I remember a number of illustrations. Mr. Currier, who represented Ottawa in the House of Commons, was a member of the firm of Batson & Currier, who had a saw mill across the river. Mr. Batson sold a small quantity of lumber to the government. Mr. Currier knew nothing about it, and when the matter was brought before the House he had to resign. You will remember that only a few sessions ago, when Mr. Harry Corby was a member of the House of Commons, his traveller sold some methylated spirit to the Inland Revenue Department. He knew nothing about it, but when attention was called to it in the House of Commons, he rose and said, 'I resign,' and walked out of the Chamber. It is very difficult to deal with the question.

Hon. Mr. SULLIVAN—The arguments to which we have listened only strengthen the position that I have taken. Am I to rise in a committee and say to any member, 'I charge you with being interested in this Bill and I demand that you refrain from

voting.' Should it not be the duty of the Speaker of the House to prevent these violations, if his attention is called to them? I would have called his attention on several occasions to violations of the spirit of this rule only for the meanness of challenging a man's vote. In the House of Commons, where party spirit is strong, men will do that, but in the Senate there ought to be some tribunal to go before in such matters.

Hon. Mr. BEIQUE—I feel as strongly as the hon. gentleman from Marshfield on the subject of this rule and we should all agree that the rule must be made strict if we want to enforce it, and it is very proper that it should be enforced. I would suggest the incorporation of these words: 'No senator is entitled to vote, either in the House or in a committee, upon any question in which he has any interest whatever not held in common with the rest of the Canadian subjects of the Crown, or on a matter of state policy'.

Hon. Mr. POWER—It must be a pecuniary interest.

Hon. Mr. BEIQUE—If he has any interest which is not common, he has some interest which should debar him from voting on the Bill. I do not think any harm will result from accepting this amendment. The rule is one which will be difficult of enforcement. I find the following in 'May,' page 420:

> In the Commons it is a distinct rule that no member who has a direct pecuniary interest in the question shall be allowed to vote on it; but in order to operate as a disqualification this interest must be immediate and personal and not merely of a general or remote character.

On referring to precedents I find that as a rule they were not disqualified from voting even as shareholders or directors in the application of this rule. Therefore we have to depart from that wording or we shall not attain our object.

Hon. Mr. McMILLAN—What does the hon. gentleman mean by 'immediate or personal'?

Hon. Mr. BEIQUE—Let me read from 'May':

> On the seventeenth July, 1811, the rule was thus explaned by Mr. Speaker Abbott: 'This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of His Majesty's subjects or on a matter of state policy.'

I suggest these last words, they are borrowed from Speaker Abbott, to meet the objection of the leader of the opposition, where he says it might be considered to disqualify a member, who happened to be the director of a bank, from voting on a Bill having reference to the Bank Act. It would be covered by these words 'Or on a matter of state policy.' It would be a question of general interest, and there the disqualification could not arise.

Hon. Mr. POWER—I wish to direct attention to one fact in connection with this rule which does not appear on the face of the draft, and that is that the rule is not exactly identical with our present rule, No. 31. Rule 31 is as follows:—

> No senator is entitled to vote upon any question in which he has a direct pecuniary interest; and the vote of any senator so interested will be disallowed.

In the draft these words are inserted: 'Not held in common with the rest of the Canadian subjects of the Crown.' I think that strengthens the rule considerably, and makes it easier to catch the interested members.

I wish to call attention to this fact, that it was only in 1894, when the committee of which the hon. leader of the opposition and myself were members, reported, that this rule not allowing a senator, who is interested to vote, was first put in our rules. I think the change proposed in the draft will strengthen the rule. With respect to the suggestion made by the hon. member for de Salaberry, I have this objection to make. He says: 'Any interest whatsoever.' There have been many Bills before this House in which I had a very keen interest, but no pecuniary interest. If for instance, there is before us a Bill respecting the militia, that is a matter in which I should be very much interested, and under the amendment proposed by the hono. gentleman from de Salaberry, I should be disqualified from voting. It must be a pecuniary interest. I have no objection to striking out the word 'direct.' That would strengthen the rule. The matter has come up in our own parliament on various occasions. Here is a decision with respect to a general bill, as to permanent build-

ing societies in Canada. The objection was raised that one member who was a shareholder in a society was interested in this general bill. Speaker Walbridge ruled that he was not, that a disqualifying interest must be one separately belonging to the person whose vote is questioned and not one in common with Her Majesty's subjects. 'Bourinot' goes on to say that this decision is in accordance with that of Speaker Abbott, that votes of members on questions of public policy are allowed to pass unchallenged, but when it comes to private Bills, it is a little different. This is one of the excuses, that their interests are only in common with those of His Majesty's subjects in Canada, and that is what we have put in here. This perhaps is the substance of 'Bourinot's' decision on the matter :—

> While members may properly vote on any question in which they have have no direct pecuniary interest, they will not be allowed to vote for any Bill of a private nature if it be shown that they are immediately interested in its passage. . . A member of a committee on an opposed private Bill will be discharged from any further attendance if it be discovered after his appointment that he has a direct pecuniary interest in the Bill. . . The Lords have never formally adopted a resolution on the subject, because it is presumed that the personal honour of a peer will prevent him from forwarding his pecuniary interest in parliament.

Speaking for myself, I have no objection at all to strike out the word 'direct,' but my hon. friend will see that he must leave in the word 'pecuniary.'

Hon. Mr. BEIQUE—I do not see that, because if we leave in the word 'pecuniary,' we open the door to Bills of this kind, where the promoter of the Bill has not subscribed any stock in the company. As a rule, stock is not subscribed until after the company is incorporated, and he could say when the Bill was before the House: 'I have no pecuniary interest.' The objection raised by the hon. gentleman from Halifax will not hold if his attention is called to this fact, that the interest in the case which he put, a Militia Bill, is an interest which is presumed to be common to everybody. These words are very wide, but they are qualified by 'not held by the rest of the Canadian subjects of the Crown.' They are still further qualified by the words 'matter of state policy,' which make the exception wider still.

Hon. Mr. FERGUSON—Even when senators' names appear in a Bill as charter members they could say very truly they had no pecuniary interest in it, although they were looking forward to having such interest. In many cases we know that promoters of Bills do not have a cent in the venture, but they expect later on to have an interest.

Hon. Mr. CASGRAIN (De Lanaudière)—Do I understand that in future members of parliament must not be applicants for charters? In the past it has been the rule with promoters to get members of parliament to co-operate with them in order to strengthen their chances of getting their Bills through. I have always declined to lend my name in that way, but others, to my knowledge, have given their name, and it should be made clear hereafter that no member of this House should be asked to become a charter member in any application for legislation. If people wish to be incorporated they should come before our committees and ask for charters on their own merits. It should be made plain hereafter that senators' names shall not figure in applications for charters.

Hon. Mr. LANDRY—Then the rule should be changed, because as it stands now in the draft, it only prevents members from voting under certain circumstances.

Mr. SPEAKER—I would not be disposed to debar a member of parliament from being an applicant for a charter. The application is made openly and his name is on the face of the Bill, and all that we should require is that he shall abstain from voting on the measure. There may be cases where it would be a hardship to prevent a member of parliament from being an applicant for a charter. He should know enough, apart from this rule, to understand that it is a moral obligation on his part to abstain from voting in a matter in which he is interested.

Hon. Mr. BEIQUE—I would call attention to this case; some time ago I bought a small railway which I cannot operate under the Railway Act. It was incumbent on me, at the ensuing session, to apply for a charter to operate that railway. The case shows that we cannot go as far as the hon. gentleman proposes.

Hon. Mr. WATSON—Not in the hon. gentleman's case anyway.

Hon. Mr. McMULLEN—I presume it will be the duty of the Senate to take part in the renewing of bank charters in 1909. A great many members of this House are holders of stock, directors, and in many other ways connected with banks, and having pecuniary interests in banks. Will this debar them from taking part in such legislation ?

Hon. Mr. POWER—The rule as it stands would not, because it has been held that an interest in a public measure does not disqualify a member from voting.

Hon. Mr. LANDRY—It applies only to the voting.

Hon. Mr. POWER—I regret that the hon. member from de Salaberry will not agree to let the word 'pecuniary' remain. 'Any interest whatsoever' is about as broad language as can be used. The hon. gentleman said with respect to the Militia Bill that it is an interest which one possesses in common with the rest of the Canadian subjects of the Crown. That perhaps is true, but there are one or two institutions which have been incorporated here, not institutions constituted with the object of making money—I speak of myself now—in which I take a special personal interest, and, under the wording of my hon. friend's amendment, I should be excluded from voting for those measures. What you want to prevent is a member of this House who has pecuniary interests in a measure from voting upon it, not to prevent a man who has any interest whatsoever from voting.

Hon. Mr. LOUGHEED—What objection has the hon. gentleman from de Salaberry to inserting the word 'pecuniary' ?

Hon. Mr. BEIQUE—I stated the objection. It would not cover Bills of this kind, where no stock is subscribed. I might be a promoter of a Bill and as such would have an interest.

Hon. Mr. POWER—It would be a pecuniary interest ?

Hon. Mr. BEIQUE—If I have not subscribed any stock it would not be a pecuniary interest.

Hon. Mr. POWER—Oh yes.

Hon. Mr. BEIQUE—Well, that has been the tendency of decisions in England. If we include that word 'pecuniary,' I am afraid it will be shown that it does not mean anything.

Hon. Sir MACKENZIE BOWELL—How would it affect a senator holding property in a locality that would be improved in value if a Bill which is introduced here should pass ?

Hon. Mr. SCOTT—He would have an interest certainly.

Hon. Sir MACKENZIE BOWELL—Then he could not vote for it. I think the clause as it stands is better than the amendment.

Hon. Mr. POWER—What is the meaning of the words 'matter of state policy' ?

Hon. Mr. LANDRY—That means he cannot vote at all.

Hon. Mr. BEIQUE—I take that wording from Speaker Abbott's decision.

Hon. Mr. WILSON—It strikes me that clause is a very arbitrary one. It would put almost every senator in a position where he could not vote for any public Bill. So far as the remarks of the hon. senator for Marshfield are concerned, I would say this: Are we to treat the whole Senate as though they would deliberately do what is contrary to the rules? I do not think it is necessary to do so. Then again how could I or any other man vote in the committee upon any measure unless I have some interest in it either one way or the other ? I do not think the clause is required, and I shall vote against it.

Hon. Mr. LOUGHEED—The far reaching effect of this provision has been pointed out by my hon. friend, and it is evident that it will result in the defeat of the rule itself, because it will be unanimously agreed that the Bill under consideration shall go through without any vote.

Hon. Mr. POWER—I am sorry not to be able to agree altogether with the hon. gentleman from de Salaberry, but I really cannot. I move in amendment that the clause read :—

No senator is entitled to vote upon any question in which he has any pecuniary interest whatsoever not held in common with the rest of the Canadian subjects of the Crown, and the vote of any senator so interested shall be disallowed.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman is repeating the principal motion as an amendment.

Hon. Mr. POWER—I did not move the adoption of the rule.

Hon. Mr. LANDRY—He cannot himself propose two motions.

Hon. Mr. CASGRAIN (DeLanaudière)—I will propose what the hon. gentleman from Halifax desired to bring before the committee.

Hon. Mr. WATSON—It appears to me that this question of who is entitled to vote presents considerable difficulty. As a member of the striking committee, I know that that committee were supposed to select men for the purpose of dealing intelligently with the different classes of private bills, railway bills, banking bills, &c. We found the members anxious to be placed on the railway committee because they said we have large railway interests, and others wanted to be placed on the banking committee because they had large banking interests. The hon. gentleman from Wellington (Hon. Mr. McMullen), for instance, wished to be a member of the banking and commerce committee because he was largely interested in banks, and I think probably those who have such interests are the best class of men to discuss these questions; at the same time I do not think a man who is largely interested in railway matters should have a vote on the railway committee, nor should a man who is largely interested in banks have a vote in the banking committee, because it is a well known fact that presidents of banks are of opinion that there are too many banks in the country already, and that no additional charters should be given. We ought to be careful not to place men on the committees who are directly interested, and who might personally benefit by the legislation considered by the committee.

Hon. Mr. SPEAKER—That will be an easy way of reducing the number of the committee.

Hon. Mr. POIRIER—Does the question of voting apply both to committees and to the House as well?

Hon. Mr. SCOTT—Yes.

The rule was adopted.

On rule 83.

The SPEAKER.—If it is to be understood that no senator interested in railways will have a seat in the railway committee, we can perhaps reduce it even below 35 members.

Hon. Mr. SCOTT—Even if a man is interested he may sit on the committee, and may speak, but he cannot vote.

Hon. Mr. McMULLEN—I move that the number of members on the railway committee be 50, as at present.

Hon. Sir MACKENZIE BOWELL—As regards the library committee and the printing committee, I think we should make them equal in numbers to the committees selected by the Commons. During the last two or three sessions, the Commons have had one or two more on the committee than the Senate.

The SPEAKER—Have we not held over certain questions to be decided by a conference with the other Chamber? If we have, these joint committees could be settled as to their number at the same time.

Hon. Mr. WATSON—That relates only to the library and printing committees, but as far as the railway committeee is concerned, I would support the motion that the membership be fifty. We increased the number from forty to forty-five and afterwards to fifty because a great many were anxious to be members of it. It is the most important committee belonging to either of the Houses, and every member is anxious for a seat upon it. It is just as well that matters should be discussed in the committee rather than on the floor of the House, and, consequently, I do not think the number should be reduced. Sometimes it has happened that there were some members directly interested in the Bills before the committee, but they all voted just the same; and for that very reason it should be a large committee. We are constantly receiving new members in the Senate and they are looking for places on the committees. The old members do not wish to drop out, and the tendency is constantly to increase the membership.

Hon. Mr. CASGRAIN (de Lanaudière)—I am entirely in favour of a membership of fifty, as at present, we have nearly ninety senators in the House, and besides that our committee is small as compared with that

of the House of Commons. Out of 213 members in the House of Commons there are 175 on the railway committee, nearly three-quarters of the whole House.

Hon. Mr. POWER—I am surprised at the reasons expressed by the hon. gentleman from Portage la Prairie for advocating a larger committee. It should be our object to provide that the railway committee should be made up of gentlemen who have no pecuniary interest whatsoever in railways; and one of the duties of the striking committee in another session will be to carefully exclude those who are looking for railway charters or promoting Bills to provide for the extension of railways. The hon. gentleman from de Lanaudière gave as a reason why we should increase our committee that it is not yet as large, proportionately, as the committee of the House of Commons. I think the hon. gentleman gave us perhaps the best possible reason why we should not increase it. Ours was a much better committee before it was increased ; I say it without fear of contradiction. I do not mean that those who have been lately appointed are not as good members as the others, not at all; but the mere fact that our committee is composed of fifty members means, of necessity, that it cannot properly do the work of the committee. The old committee of thirty or thirty-five could sit round the table and put their heads together and talk quietly without making speeches, and the business was done in a satisfactory way. It is very much to be regretted that we should insist on destroying the valuable characteristics of our committee.

Hon. Mr. WATSON. One of the reasons I gave for supporting the increase, is just what the hon. gentleman has said now—because thirty or thirty-five members could sit around the table and put their heads together and fix the Bills to suit themselves.

Hon. Mr. WILSON.—I think it is a very strained argument that fifty members would not put their heads together as well as thirty-five. There is no justification for making such a distinction. I agree with those who have spoken in favour of reducing the number. I am satisfied that a small, efficient committee will do much better work. In some of the smaller committees of the House of Commons, the work is well done and satisfactorily done, but if we go into the railway committee we find no order there. Everyone seems to have a special interest to get his Bill through, or to get his views expressed, and they are all talking together and you cannot tell what they are advocating. The fact that in the House of Commons they have a large committee does not prove the efficiency of that committee. Have we not, every day, coming from the railway committee to the Senate, Bills that interfere with provincial rights ? That is on account of our having such a large committee. If we had a small committee of efficient men, the Bills would come back in a form in which they could be more easily disposed of. If we have a large committee these railway Bills, when they come back to the House, are not referred to a committee of the whole House, and, consequently, it is only those who are upon the committee who really know anything about the matter. That may be said to be in the interests of retaining a large committee, but it is not. Other members feel that they are being made to take a back seat, and, not understanding what was done before the committee, when the measure comes to the House they allow it to go through without any explanation. The chairman explains the amendments made in the committee, and, as a general rule, those amendments are adopted without anyone giving them real consideration in the House. That is the result, to a very great extent, of having a large committee, and it would be better, therefore, to submit private Bills to a committee of the whole House instead of merely dealing with them in the way I have mentioned, when they come back from the Private Bills Committee. I am, therefore, strongly in favour of a reduction in the number of the committee, and I think it will be in the interests of the efficiency of the committee, and of better legislation.

Hon. Mr. FERGUSON—I agree with my hon. friend that a reasonably small committee is preferable to one that is too large, providing you have the right men; but the difficulty which we will have to face is that we now have a committee of fifty members, and I do not envy the striking committee their task if they undertake to

cut off fifteen heads. The uncomfortable and undesirable arrangement of our committee room last year was responsible, to a large extent, for the want of order which existed. The room is now in excellent shape, and there will be no trouble in conducting a good deliberative meeting. The full membership will never be present at any one time—thirty will be about all who will be present—and I think we should keep the membership at the present figure.

Hon. Mr. SULLIVAN—I think I may say that I understand something concerning the working of these committees. None of the gentlemen who have spoken have struck at the real cause of the difficulty. That cause is politics. Politics came here with a great deal of violence some years ago, and I am sorry to say it still maintains its position. In all deliberative bodies where there is freedom and independence, those members who exercise most talent and assiduity are rewarded by being placed on the chief committees. That has not been the case in the Senate. New members are immediately elevated to the highest position. The United States Senate is one of the most democratic bodies in existence, and it does nothing of the kind. The members who come into that House have to wait until they give evidence of their ability and their common sense before they are placed on these committees. Two committees in this Senate are supposed to absorb all the talent of the House. The railway committee is the blue ribbon committee, if I may so term it; no member is considered of any account unless he attains to a position upon it. Who are appointed to that committee? Not those members who attend best and work most diligently. If the membership of that committee were subjected to an examination, it is questionable whether they would be found to be remarkable in any way for their knowledge of things relating to railways. If the principle of fair-play is to be observed, we will place men on committees who are entitled to membership whether there be fifty of them or twenty only. I think there should be as many as possible on the railway committee, because it does not injure the committee in any way, and I hope nothing will be done to remove any hon. gentleman who is now a member. If the striking committee would throw aside politics and not make any appointments from that point of view, there would be no difficulty. When a new member enters the Senate he should understand that he has to take a while to hang up his hat and show by his conduct that he is fit to be placed upon a committee. I hope that will be the basis of action in the future—it certainly has not been in the past.

Hon. Mr. BEIQUE—Apart from the reasons which have been assigned against retaining the larger number of members on committees, I should like to point out that it does not make for uniformity of action. If the committee is too large, a rule will be adopted with regard to one Bill which will not be applied to another Bill, and it seems to me it would make for the dignity of the Senate and for the effective working of the committees to reduce the number to twenty-five for the banking committee and thirty-five for the railway committee. It is perfectly well known that the committee of the House of Commons is not as effective now as it was formerly. We cannot fail to recognize the fact that when the committee is large, if it is in good humour and has plenty of time to consider a Bill, all goes on smoothly; but it the committee is not in good humour and is short of time, then the Bill will be passed or thrown aside without much consideration; whereas if the number of the committee is limited, each member feels more responsibility and will pay greater attention.

Hon. Mr. WATSON—Possibly the hon. gentleman from Kingston (Hon. Mr. Sullivan) and I are of the same mind as regards the fighting we had for positions on these committees. I took a little part in that some years ago, when the party with which I was connected was in a minority in this House, One of the reasons why the membership of the committees was increased was the fact that those who had been serving for a number of years on the committees were unwilling to be dropped from them, and that new members coming in here could not possibly be on that committee until the older senators disappeared. That was the rule laid down some years ago. The number of members was increased in order to meet that difficulty, and I do not think it is the intention

of the Senate that new members should not be appointed to committees. They should have the same rights as old members. That is why the membership of the railway committee was increased from 40 to 50, and the railway committee is one of the best working committees in the House. I never saw any difficulty in preserving order in that committee. Legislation which they report generally passes this House with very little discussion. It is a much easier place to thresh out Bills than in the House. Any senator who is not a member of the committee can be present at its meetings, and even take part in the discussions though he cannot vote. We have a railway committee room comfortably fitted up, and large enough to accommodate all the members who wish to be present at the meetings. The striking committee's work would be a very disagreeable job if we undertook to strike fifteen names off the railway committee. It has been suggested this session that the number should be increased for the purpose of allowing two or three more members to be put on that committee, gentlemen who thought they ought to be there. It might be advisable to drop the names of members who do not attend the meetings regularly, and it would be well to let it be understood that next year they will be dropped, and the committee shall consist only of members who will take an active part in the work of the committee.

Hon. Mr. LOUGHEED—I am in favour of large committees. The work of the Senate is largely done in committee. If it were not for the work which engages the attention of members in the forenoon, they would feel like lost spirits wandering through space. It is a labour of love to most of them to attend committee meetings in the morning, and they would feel as though they had missed their destiny if they had no committee meetings to attend. This Chamber is very different from the House of Commons, and I am heartily in favour of large committees here. With regard to the manner in which the work is done, my observation is, that no matter how large or how small a committee may be, the Senate will leave the work entirely to that committee, and their work is very seldom discussed in this Chamber. We accept the result of a small committee as readily as the result of a large committee. Numbers have very little to do with the character of the work done, and this Chamber is not given to entering into the details which are dealt with by the committees. Therefore, I do not see why the committees should not be as large as anyone desires them to be.

Hon. Mr. POIRIER—Some few years ago the Senate in its wisdom, thought proper to increase the number of senators on the railway committee from 40 to 50. Now the suggestion is that a reduction be made, not back to forty, but below forty. The wisdom we showed in increasing the committee does not appear to be very consistent. Even with stronger reasons than any which have been advanced for reducing the number, I say it is better to leave the committee as it is to-day. It would be invidious work for the striking committee. to strike off the names of senators who have been on that committee for years, and who have, as it were, a vested right to sit there. On the other hand, there are many new members who are anxious to be appointed to committees and especially to the railway committee. I am in favour of leaving things as they are now. I have been on that committee for twenty years, and notwithstanding what has been said by hon. members who have not been here unfortunately for the Senate, as long, the work is certainly as thoroughly gone through and sifted now as it was then. That being the case, I for one shall have a good deal of sympathy for the members who are to be dropped from the committee, and especially for the striking committee.

The committee divided on the amendment, which was adopted, contents 12, noncontents 9.

Hon. Mr. SPEAKER—The character of the work of the Senate will be largely established by the work done in our committees. We have been inclined to boast that every Bill which comes to the Senate is thoroughly considered. We are retaining the larger number on the committee, and should we find hereafter that the work of the committee is not so good as it formerly was, it will be in order for some of its members to manifest their patriotism by sacrificing themselves and retiring from the committee.

Sub-clause 5 was amended by striking out 'thirty-five' and substituting 'fifty.'

The clause as amended was adopted.

On rule 96—'Payment of witnesses before committee.'

Sir MACKENZIE BOWELL—The word 'attendance' may include almost anything. I move to substitute for that word 'living.'

Hon. Mr. SPEAKER—Is nothing allowed for loss of time ?

Hon. Mr. CASGRAIN (deLanaudière)—Parliament does not pay any fee to witnesses for attending here. Witnesses are allowed four dollars a day for living expenses, and railway fares to and from the capital, and that is supposed to cover everything. Parliament has a right to summon anyone here and compel him to give evidence.

Hon. Mr. POWER—That is going a little too far. If an expert witness is required, say a distinguished physician is summoned here from Montreal to give evidence, and is kept here for two or three days, his time is worth probably $50 a day.

Hon. Mr. SULLIVAN—Then it would be wrong to give him $50. He should get the standard allowance and nothing more.

Hon. Mr. POWER—I was not saying that we should give him $50, but to pay him nothing but his travelling expenses, is inflicting rather too serious a tax on him.

Hon. Mr. LOUGHEED—You cannot draw a distinction ; the sacrifice might be as great in the case of a poor man as in that of a rich man.

Hon. Mr. WATSON—You are restricting the amount that the clerk shall pay, but further on you could provide that the committee might pay a further amount.

Hon. Mr. SULLIVAN—I think the last three lines should be struck out. If a physician residing in Ottawa is required to attend, he should have his allowance. To treat him otherwise is to treat him scurvily.

The rule was adopted.

On rule 108,

Hon. Mr. FERGUSON—I should like to be excused from discussing the amendment of which I have given notice, as I am not feeling well to-night.

Hon. Mr. POWER—It is an important amendment, and should be discussed carefully. I move that the committee rise, report progress and ask leave to sit again.

Hon. Mr. SPEAKER—As between the amendment and the draft, which is nearest to the Commons form ?

Hon. Mr. FERGUSON—This is mainly taken from the words of 'May.' It is nearer the Commons rule certainly than the draft.

The motion was agreed to.

Hon. Mr. ELLIS from the committee reported that they had made some progress and asked leave to sit again to-morrow.

LIEUTENANT GOVERNORSHIP OF NOVA SCOTIA.

Hon. Sir MACKENZIE BOWELL—Before the adjournment is moved, might I ask the leader of the House if any gentleman has been appointed yet for the Lieutenant Governorship of Nova Scotia ?

Hon. Mr. SCOTT—No, I think not.

Hon. Sir MACKENZIE BOWELL—Will he give the House any information as to when the appointment will be made ? I don't think I got a full answer from the hon. gentleman.

Hon. Mr. SCOTT—I answered all that could be said. No appointment has been made, nor can I say that any progress has been made, because when any progress is made the Act will be effective.

Hon. Sir MACKENZIE BOWELL—The government are trying to find one I suppose ? It is a most extraordinary thing that a governor cannot be found for a province.

Hon. Mr. SCOTT—It has been offered to a good many.

Hon. Sir MACKENZIE BOWELL—It is extraordinary that the office should go begging, and that the legislature should have to be postponed or adjourned from time to time in order to get a gentleman to occupy the position. Is there nobody here who would take it if it were offered to him? Let

me ask the hon. gentleman another question: It has been the habit, and the constitutional practice that when ministerial changes have taken place, an explanation was given not only in the House of Commons but, as the constitution provides, simultaneously here. If the hon. gentleman will give it to-morrow that will do.

Hon. Mr. SCOTT—To-morrow.

The Senate adjourned until three p.m. to-morrow.

SENATE.

OTTAWA, Tuesday, March 27, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ALLAN DIVORCE PETITION.

MOTION.

Hon. Mr. KERR (Cobourg) presented a petition from James Allan, of the city of Toronto, praying to be allowed to present a petition to the Senate praying for the passing of an Act to dissolve his marriage with Margaret Jane Allan, notwithstanding his inability to pay the fees required by rule 108.

I wish to make a remark by way of preface to the motion which I am about to submit to the House, which is that the petition just presented be referred to the Committee on Divorce to inquire into and report upon the means and circumstances of the petitioner, so that this House will be in possession of all the information necessary to say whether he shall have the relief for which he prays ; that is, whether he shall be relieved from the payment of fees and be permitted to present a petition for divorce. The House by consenting to this motion commits itself to nothing. I, therefore, move that this petition be referred to the Divorce Committee.

The motion was agreed to.

FRED. W. WIGHT DIVORCE PETITION.

MOTION.

Hon. Mr. KERR (Cobourg)—I present a similar petition from Fred. Wm. Wight, of the city of Toronto, praying that he may be relieved from the payment of prescribed fees and for leave, at the proper time, to present a petition for a Bill of divorce. With regard to the petition just presented, I wish to make a motion similar to that which I had the honour of making in the former case ; that this petition be referred to the Committee on Divorce to inquire into the means and circumstances of the petitioner, and to say whether he can be allowed to carry on these proceedings in forma pauperis. Of course, if the Divorce Committee find that he is able to pay I presume that they will rigidly insist upon the payment of the fee. At any rate that committee will simply report to this House the facts and circumstances and make a recommendation either for or against the petition. I, therefore, move that this petition be referred to the Committee on Divorce.

The motion was agreed to.

FRANCES FIELD DIVORCE PETITION.

MOTION.

Hon. Mr. KERR (Cobourg)—I have a similar petition from Frances Field, of the town of Oshawa, praying for the same treatment as is asked for in the last two petitions, and for the reasons given in the former cases. I move that this petition be also referred to the Committee on Divorce.

Hon. Mr. SCOTT—Are we to understand that these are three petitioners appealing to the Senate for divorce without payment of any charge ? I think it would be setting a very serious and dangerous precedent, and I hope the Divorce Committee will consider the subject carefully and remember that even if they make a report, unless it is based on the very strongest grounds, the Senate is not likely to accept it.

Hon. Mr. KERR (Cobourg)—I hope the hon. Secretary of State will allow me to explain ?

Hon. Mr. SCOTT—The explanations should be made to the committee ; they will have to report.

Hon. Mr. KERR (Cobourg)—These petitions do not ask for Bills of divorce but for leave to present petitions.

Hon. Mr. ROSS (Halifax)—These petitions are evidence that we have one law for divorce for the rich and another law for the poor. Before coming here a petitioner for divorce must pay $200 to begin with, and have funds in addition to go on with the necessary evidence before the committee. I think I may assume that the Committee on Divorce is not going to accept those petitions; that they will rather abide by the law as it exists at present. I think it is high time that this House should change its system of granting divorce, and that the system in practice in Nova Scotia and New Brunswick should be adopted.

Hon. Mr. LANDRY—No, no.

Hon. Mr. ROSS (Halifax)—You will continue to spread about the filthy literature to members of both Houses of parliament and in the city of Ottawa, publishing the dirt that is exposed by the evidence in certain cases. That is what you want done. In Nova Scotia a case is tried before a judge of the Supreme Court and the evidence is never printed. Nobody outside the court ever knows what the evidence in the case is. The judge who tries those cases in Halifax, Judge Graham, informs me that not more than six of the men or the women who get divorce in the province of Nova Scotia could afford the expense of obtaining divorce under the system that prevails here. As I said before, we have a divorce system for the rich, but where does the poor man come in? If divorces are allowed by the statute of Canada, then the rights of the poor should be respected as well as those of the rich.

Hon. Mr. LANDRY—They have no right to divorce.

Hon. Mr. ROSS (Halifax)—The rich have.

UNITED STATES EMIGRATION OFFICIAL AT ST. JOHN.

Hon. Mr. ELLIS—Before the Orders of the Day are called I should like to direct the attention of the hon. Secretary of State to a paragraph which appeared in the newspapers of Saturday last as follows:—

Another high-handed piece of pettiness on the part of American immigration officials occurred here on Thursday, when seven people from St. Pierre with through tickets for New York were held up. Among the passengers on the train from Halifax, were three men, one woman and three children bound from St. Pierre for France. The men were soldiers or constables of the French government and wore their uniforms. They had tickets through to New York, and intended taking a steamer from there for home. In their possession they have official papers showing their recall, and the necessity of reporting in France on a specific date. Their trip was arranged to make close connection at New York with a steamer sailing for France. Inspector Bridges, of the United States staff, ordered them not to go by yesterday morning's train, telling them they would be turned back at McAdam. The party cannot speak English and were unable to make themselves understood. After sitting in the railway station all day, they were allowed to resume their journey on Thursday night. The inspector declines to state why he detained them.

I should like to make the statement that while it is important those immigration officers should save people the trouble of going across the border when they would be sent back, it seems to be a bad use of the authority which they possess to stop people of that kind and it is possible that the Dominion government, or some person, should send a warning to the United States government that they should send officers there with greater discretion than these men appear to exercise. It is not the first time that people have been stopped, possibly for a cause, but in this case it seems an improper proceeding. If I might add a word, I think we should have somebody at Washington to represent this government.

Hon. Mr. SCOTT—The attention of the government has not been called to it, and we know nothing of the case except the paragraph in the papers, a copy of which the hon. gentleman sent me a few days ago. The people who were detained at St. John, were, I understand French residents of St. Pierre, and were on their way to France, passing through Canada in transit. As a matter of convenience the convenience of which, I believe, the officials of the United States recognize, is they often mark baggage at points like St. John or Halifax, for people who propose going to the United States, in order that they may not be stopped at the border. I inquired of the Minister of the Interior as to whether there was any understanding between the officers of

that department and the United States officials connected with immigration to the United States, and I understood from him that there was none, at all events none that was officially recognized. Assistance is mutually rendered to each other, because it is well known that passengers passing through Canada to the United States who are objected to there for cause, either being paupers or afflicted with particular diseases, are returned; but, beyond that, I do not know that we have any jurisdiction or authority. It is a matter of convenience often to have passengers' baggage examined before the owners of it leave Halifax or St. John. It is not a parallel case to what occurs at Niagara frontier, where persons going through are obliged to pay a tax of $2. This is a case where they stop immigrants for other causes. The male travellers, I understand, were in uniform, and possibly that may have had something to do with it.

Hon. Mr. ELLIS—There is a difference between the customs officers who mark the baggage and the officers of the immigration department. I understand they are allowed in the port of St. John and perhaps other places in Canada, to stop persons who are going through to the United States if they are not persons who would be admitted to that country under the immigration laws of the republic. The reason they are stopped at St. John is that it saves them the cost of going from St. John to United States points, but these officers appear to have gone beyond all discretion. This is one of the cases for which Canada ought to have a representative at Washington.

MINISTERIAL CHANGES.

Hon. Mr. SCOTT—Before the Orders of the Day are called, in accordance with the request made by my hon. friend opposite, and of constitutional usage, I desire to make some reference to the vacancies which have occurred in the government since last session. The first one was the retirement of the Postmaster General. In 1901 he had been deputed to represent Canada at the inauguration of the commonwealth of Australia, and in the journey there he took ill and was severely afflicted with neuritis. Perhaps I can best explain the character of his affliction by reading a letter of his to the premier, which has been read in another place. In this letter Sir William Mulock says:

Ottawa, October 7, 1905.

My dear Sir Wilfrid

The time has at last arrived when I must without further hesitation withdraw from public life. As you may remember, I made known to you on my return from Australia, which country I visited in 1901, at the request of the government to represent Canada at the inauguration of the commonwealth parliament, that I contracted during the somewhat severe Atlantic voyage, a serious attack of neuritis which for nearly a year caused me continuous suffering, the pain at times being almost unendurable. After a while, it gradually yielded to treatment, but left my nervous system seriously imparied, and in consequence less able to stand the strain inseparable from the public life in which I have been engaged for nearly a quarter of a century. Several times since, there have been partial recurrences of the attack which, I have been advised, are but premonitions that if I am not to succumb entirely, I must seek a less wearing life.

During the last two or three years, I have on several occasions informed you of my condition, and requested your permission to my retiring into private life, but you have always been so anxious for me to remain, and I myself have felt so interested in my public work, that until now I have postponed reaching a final conclusion.

The last occasion of my speaking to you upon the subject was in June last when about to leave for England to attend the Pacific Cable Conference. I then mentioned to you that the pain was constantly returning and that I was assured it would continue to do so as long as I was engaged in my present strenuous occupation, and therefore again made known to you my earnest desire to retire. With your invariable sympathy and kindness, you renewed your expressions of regret at the prospect of my withdrawal, urging me to postpone reaching a final conclusion until my return from England, adding the hope that perhaps the change would prove beneficial.

Realizing your very strong desire for my continuance in the government, I again defered to your wishes, and have thus had advantage of the interval in which to give further consideration to the matter.

Taking a deep interest in public affairs, being in entire political harmony with the government, on the most friendly and intimate relations with each minister, and being deeply attached to the constituency of North York, which has unswervingly reposed its confidence in me ever since my entry into public life, it is with the greatest regret that I have now to inform you of my having reached the final decision, that I feel myself compelled without further delay to give up the public career into which I have for so large a portion of my life thrown my whole heart and energies. Nevertheless, it is, I feel assured in the public interest that I should take this course and I therefore now tender my resignation as a member of your cabinet and would ask you to kindly submit it to His Excellency at the earliest moment for his acceptance.

It will, I know, be a great satisfaction to you to learn that my nervous system alone is affected and that with proper care and under

more peaceful and restful condition, I may reasonably hope for a gradual and complete recovery.

Believe me, my dear Sir Wilfrid,

Yours sincerely,

(Sgd.) W. MULOCK.

The Right Honourable
Sir Wilfrid Laurier G.C.M.G., P.C.,
Prime Minister of Canada, Ottawa.

Hon. Sir MACKENZIE BOWELL—What is the date of that letter ?

Hon. Mr. SCOTT—October 7, 1905. The date of the first attack was in 1901 on the voyage to Australia. It will probably be in the recollection of hon. gentlemen who took any interest in that visit, that he was laid up for some considerable time in Australia, suffering from the effect of this nervous disease. Since that time he had repeatedly requested the premier to allow him to withdraw from the government. However, his presence was extremely important; he had been a most successful administrator, having improved the department over which he presided from a condition in which there was a long series of large deficits, sometimes amounting to $750,000 a year, to what was practically a paying department, and in addition to that reducing the cost of postage to the people of Canada. I need not enlarge on the many improvements which Sir William Mulock made in his department; they are known to every one, and the public, I think, fully appreciate them. In October last, Sir William Mulock pressed the premier to accept his resignation. It was placed on such reasons as could not be entirely ignored. That he left the cabinet with very great regret will be gathered from his own statement in answer to the extract from a letter which I have just read. I will read a part only of Sir William Mulock's letter to the premier :

My dear Sir Wilfrid,—Yesterday I received your extremely kind letter of the 11th instant, in acknowledgment of mine of the 7th October in which you with great reluctance have agreed to submit to His Excellency my resignation as a member of your cabinet. I assure you that words fail to express my pain at withdrawing from public life, and from associations in the ministry with yourself and my other dear friends there. One of the happiest memories of my life will be the recollection of your unfailing kindness to me beginning in 1882 and continuing without interruption and increasing with years until the present moment.

It is quite evident that Sir William Mulock felt very great regret in giving up public life. He was appointed, on his retirement, to the presidency of the Exchequer division of the High Court of Justice for Ontario. Possibly some comments may be made on the fact that Sir William Mulock himself, on many occasions, in another place, publicly announced that he did not approve of members of parliament retiring to soft seats outside immediately on their resignation as members. Sir William Mulock's advocacy of that doctrine did not find favour; it was not supported even by his own friends in the other House. The premier disapproved of it entirely, and there is abundance of evidence in the parliamentary history of Great Britain to show that it is the practice there constantly for ministers holding high positions in the government to accept retiring positions either on the woolsack or elsewhere in the courts. On Sir William Mulock's resignation having been accepted, the Honourable Mr. Aylesworth was named as his successor, and, as hon. gentlemen know, he was elected by a large majority for the same constituency for which Sir William Mulock sat.

The next vacancy that arose in the government was due to a very sad event, the death of the late Mr. Préfontaine who, as hon. gentlemen know, died in Paris on the 25th December last. Mr. Préfontaine had been a very valuable official in the department in which he administered. He was highly popular, took a great interest in the administration of his department, and had made very considerable improvements in the navigation of the lower St. Lawrence, studying the danger points and erecting lighthouses at those points. There was a gentleman in the cabinet, without portfolio, who occupied a seat on the floor of this House. In the natural order of things it was only reasonable and proper that he should be accepted as a member of the government. As the work of the Marine and Fisheries Department, particularly the marine section of it, had largely to do with the development of the lower St. Lawrence channel from Montreal to the ocean, it was felt desirable that a gentleman from one of the eastern provinces should occupy the position, and the Minister of Inland Revenue was named for the office, and Mr.

Templeman succeeded him in the Inland Revenue Department. As announced elsewhere, the intention of the premier was, and I presume is, to withdraw from the Department of the Interior one or two of the many branches now connected with it. It now has the Indian Branch and the Geological Survey Branch, as well as the control of mines, and I presume legislation will be brought down this session transferring to the department that Mr. Templeman has charge of, some portion of the duties which have hitherto been attached to the Department of the Interior.'

THIRD READING.

Bill (A) An Act to amend the Supreme and Exchequer Courts Act.—(Hon. Mr. Scott).

CANADA EVIDENCE ACT AMENDMENT BILL.

THIRD READING.

The Order of the Day being called :

Bill (B) An Act further to amend the Canada Evidence Act, 1893.'

Hon. Mr. SCOTT—In moving the third reading of this Bill, I desire to explain a question put to me by some hon. gentlemen as to what might be the meaning of subsection four. The husband or the wife may be called as a witness one against the other in a number of common law cases. It is a very common thing for a wife to take legal proceedings against her husband for support, and, unfortunately, there are cases which arise where a woman has to bring her husband up for assault. These are cases in which the husband and wife may have to give evidence against each other.

I move the third reading of the Bill.

The motion was agreed to.

RULES OF THE SENATE.

The Order of the Day being called :

House again in Committee of the Whole to consider and report on the third report of the special committee appointed during last session to consider and revise, and if deemed necessary, to add to the rules, orders and forms of proceeding of the Senate.—Hon. Mr. Power.

The House resolved itself into Committee of the Whole.

(In the Committee.)

On rule 108. Document quoted by minister.

Hon. Mr. FERGUSON—When we were in committee upon these rules, I confess I did not hold exactly the same view in regard to rules 108 and 109 which I now hold. However, I have given notice of my present view in regard to rule 108, and as my hon. friend from Halifax has not intimated his willingness to accept the amendment I have suggested, I will make a brief statement to the House of my view in regard to it. This is one of the most important rules that we could possibly deal with. Up to the present time we have been governed by the English practice as we learned it from the English Journals, and 'Bourinot' and 'May,' but now we propose to make a rule of our own by which we shall be bound instead of by the British practice. It is, therefore, most important that this rule should be according to the practice that prevails in the mother country. After a very careful investigation into this matter I have come to the conclusion that rule 108 is not according to the correct British practice ; it is taken from the Australian rules, and, I say once again, that many of these Australian rules may be very good for the commonwealth, but they were brought into existence almost impromptu and I am afraid some of them will not bear the stress and wear and tear of experience. When we turn to British practice, we have something before us which has stood the stress of time. It has been found through the operation of centuries to be radically and essentially right. This rule 108, as it stands, deals with an offence after it has been committed. The true British practice is to prevent the occurrence of the offence. Rule 108 says that a public document, quoted from by a minister of the Crown, may be ordered by the Senate to be laid upon the table, that is, having been quoted by the minister, having been read in the House, it may then be moved that it shall be brought down. Of course that motion could be made regarding any document. In 'May,' page 321, we find the following :—

Another rule or principle of debate may be here added : A minister of the Crown is not at liberty to read or quote from a despatch or

other state paper not before the House unless he is prepared to lay it on the table.

Rule 108, as drafted, is simply a remedy for a breach of the British practice after the harm has been done. On the 7th July, 1864, the British House of Commons was discussing a motion of censure by Mr. Disraeli, a censure of the government and especially of Earl Russell as Foreign Minister with regard to the Schleswig-Holstein question, or the Germany and Denmark question. Earl Russell was severely condemned by Mr. Disraeli and others for the character of the negotiations which had been conducted between Germany, Denmark and Great Britain. Mr. Layard, who was the Under Secretary of State for the Foreign Office, undertook to defend Earl Russell in the commons. In the course of his speech Mr. Layard proposed to read extracts from despatches in the Foreign Office, which passed during the administration of the department by Lord Malmsbury in justification of Earl Russell's course at the time of the discussion.

Lord ROBERT CECIL. Sir, I rise to a point of order. The hon. gentleman is referring to despatches which are not on the table and his extracts from which we are not able to verify. That is, I submit contrary to the practice of the House.

Mr. LAYARD. I have expressed my willingness to lay all these despatches on the table. I beg to ask whether, in that case, I may not refer to them ?

Mr. SPEAKER. The despatches should be laid on the table before the hon. gentleman can quote from them.

There is no question that the practice is, that if the minister announces that he is going to read a public document, and a member of the House observes what he is doing and raises the point he cannot proceed to read it until it has been laid upon the table.

The rule in the draft, as I pointed out, takes the matter up after the breach has been committed. After the minister has read the paper, it provides what is not necessary to have a rule about at all. Any member may move for the production of these papers. The House will see what a great inconvenience would arise in that way. The minister has read his extracts, whatever effect they are calculated to make has been made, and other gentlemen are not able to quote from them evidence, perhaps, of a different nature, and time has passed and all the remedy would be to move for the production of papers, which might be brought down a week or ten days after the debate had closed and the incident was over. My hon. friend from Halifax, and other hon. gentlemen, will see that we must adopt the rule which 'May' sets down and which I have already read—'A minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the House.' I have given notice of the following amendment in which I have quoted the exact words of 'May':

108. A minister of the Crown is not at liberty to quote from or read any public or official document not before the House, unless he is prepared to lay it immediately on the table. such document, if referred to, but not quoted from or read by a minister, ought to be laid on the table of the House forthwith, unless such minister assumes the responsibility of stating that it is of a confidential nature or cannot be produced without prejudice to the public interest.

Perhaps I have said sufficient to establish my point with regard to the first clause of my amendment. It stands on the authority of 'May'; it is the exact words of 'May' with the exception of two changes necessary to make it fit in with the concluding paragraph and it is supported by the extracts which I have read to the House. Mr. Layard proposed to read certain despatches, and was stopped and prevented from reading them unless he had previously laid them on the table of the House. The concluding part of my amendment, says that 'such document, if referred to, but not quoted from or read by a minister ought to be laid on the table of the House forthwith, unless such minister assumes the responsibility of stating that it is of a confidential nature, or cannot be produced without prejudice to the public interest.' I find that the English practice invariably is that it is quite competent for a minister to refer to the document, dispatch or official communication between the minister and his officials, in parliament, but he must not read from it, and he must not quote the exact words. To use the language of Gladstone on one occasion, when he said 'I gave the impression, received on my mind from the perusal of a document. I did not quote from it or read any part to the House.' I think it is quite possible to cite a number of incidents

where that has been done, and where the conduct of the minister was sustained by the Chair. I shall refer to just one very interesting case which occurred in 1858 when Gladstone gave an explanation to the House, of a communication he had received from Lord Dufferin in reference to the administration of Egypt. I will read what he said, in order to show how far this practice is carried of giving an impression of what is contained in a communication and still refusing to produce the communication on the ground that it was of a confidential nature :

Mr. GLADSTONE. I stated yesterday, Sir, that I had a communication from Lord Dufferin, which was somewhat of a formal character, and, as I thought that Lord Dufferin had a better cognizance of the actual progress that had been made in Egypt than any one else, I asked him to give me, in a very few words, a note of the progress which he conceives to have been attained with respect to several of the most interesting questions in the reorganization of the country. With respect to the army he considers that work to be almost completed, and in quite a satisfactory condition. With reference to the plan on which it is devised. With respect to the constabulary, that is not so forward. The constabulary proper is reorganized, but with respect to the police, there is still a good deal to be done, though a good deal has been accomplished. With regard to the judiciary, he believes that a fair body of judges, presumably competent, have been secured, but it has been found necessary to translate the Judicial Code into Arabic, and that has caused some delay With respect to the legislative bodies, Lord Dufferin is not now aware how far nominations have been made with regard to a portion of them that are to be nominated ; but all the arrangements with reference to the elective body have been made and have been published With respect to irrigation a plan has been made by Mr. Moncrieff, the engineer for the irrigationof the Delta, and Lord Dufferin believes that that is favourably regarded by the government. But no positive decision has been taken in respect to it. And lastly, with respect to the taxation of foreigners a plan has likewise been submitted for the attaining of that very important matter. These are the points on which I asked Lord Dufferin to give me such information as he could.

Hon. gentlemen may think it remarkable that Gladstone could give that much of the contents of the letter and still claim that he had not read it or quoted from it. Sir Wilfrid Lawson asked 'Will Lord Dufferin's communication be laid on the table ?

Mr. GLADSTONE. Certainly not. I have mentioned that this information is conveyed in a private letter.

Subsequently Mr. Raikes, member for the University of Cambridge, rose and said :—

Mr. RAIKES. A question, Sir, arises out of the statement of the right hon. gentleman, and I therefore wish to ask if you will inform the House whether the rule which requires that any official document cited by a minister in debate shall be laid before the House, does not apply to communications addressed by official personages to members in this House to be used by them for purposes of informing the House in reply to questions ?

Mr. GLADSTONE. Before the question is answered, perhaps you will allow me, sir, to make a little more clear what I thought I had made sufficiently clear before, as to what my answer was with respect to Lord Dufferin. Before Lord Dufferin left London, I desired to see him, to inform myself as well as I could, from conversation, on the point which has been given me roughly in private letter. But Lord Dufferin unfortunately had left, and therefore I sent after him, and, informally, he said in a private letter what he would have given me in conversation, and I am afraid the question will arise whether it is lawful to have conversations with officials for the purpose of obtaining information, inasmuch as conversations cannot be laid upon the table.

The Speaker did not reply to the question of the member for Cambridge University. A day or two later, however, Mr. Raikes raised the question in the House and made rather a long speech which called for the Speaker's ruling :

Mr. RAIKES. Begged to ask Mr. Speaker whether he will still lay down the rule as interpreted by his predecessor in the chair, that public despatches, documents and papers relating to public affairs, if read, and quoted by ministers, may be called for to be laid on the table ; and whether he will also inform the House whether in his opinion, a memorandum upon a public topic, composed, not by a colleague of a minister, but by an ambassador in Her Majesty's service and relating to a mission in which he had been expressly employed by the government and communicated to a minister, did not, if cited by a minister, come within the range of that ruling.

Mr. SPEAKER. As to the latter part of the question of the right hon. gentleman, the member for the University of Cambridge, my answer will depend upon the character of the memorandum in question. If it was of a private character, I should say it could not be called for in order to be laid on the table of the House. My predecessor has laid down very distinctly the rule of debate in this matter as quoted by the right hon. gentleman. I have only to add that it is a well-known rule of the House that, when a despatch or other state paper is cited by a minister it should be laid on the table of the House ; but it has always been held that that rule does not extend to private communications. Such documents are never ordered to be produced by the House, or presented by a command of Her Majesty. I did not answer the question of the right hon. gentleman on Tuesday last, because the explanation of the right hon. gentleman, the First Lord of the Treasury, as to the character of the paper to which he referred appeared to me to be satisfactory, and I thought that the right hon. gentleman himself would

accept that explanation and see that it was such a document as could not be properly laid on the table of the House.

Mr. GLADSTONE. Sir, there is no memorandum in my possession. There was a letter, but I quoted nothing from it. I merely confined myself to giving to the House a general impression of my own founded upon it, which I thought would be interesting as being the best intelligence I had, embodying Lord Dufferin's opinion.

Now I think, from the authority which I have quoted, from May, and the practice in the British House of Commons, which I have cited with regard to both these points, first the propriety of a minister reading despatches, or documents to the House which have not been produced, has been emphatically settled in the case of Mr. Layard. The practice with regard to papers merely cited is clearly established by many other cases, and it is not necessary for me to take up the time of the committee to show that it is quite proper for a minister to refer to an official document in his possession which for either one or two reasons he can decline to lay on the table of the House, first that it is confidential, or second that its production at that time would be prejudicial to the public interest.

These are the grounds on which I submit this amendment to the rule as it appears in the report of the committee. I find in my reading or investigation of the subject that a distinction is drawn between a despatch and the official communications which pass between a minister and his deputy, or any important functionary under the minister. I am very confident, if hon. gentlemen will go into this matter as I have done, that the amendment I am submitting to the House is one that comes as near the present British practice as can very well be done by any rule.

Hon. Mr. BEIQUE—Will the hon. member permit me to ask what objection he has to rule 109 ?

Hon. Mr. FERGUSON—I shall state that when we reach it, I have no objection, however, to do it here.

Hon. Mr. BEIQUE—It seems to me that we had better deal with the two rules at the same time.

Hon. Mr. FERGUSON—Perhaps my hon. friend is right. When we were discussing this subject in committee, gentlemen of the committee may remember that I saw nothing wrong with the rule 109 at that time. From the limited investigation I had given of the subject, I thought that rule 109 was all right. When investigating the matter of rule 108, I came across information which altogether changed my view with regard to rule 109, which is, in my opinion, altogether wrong :

109. A document quoted from by a senator, who is not a minister of the Crown, may be ordered by the Senate to be laid upon the table; and such order may be made without notice immediately upon the conclusion of the speech of a senator who has quoted therefrom.

Such a document might be of one or two natures ; one might be a public document, and the other a private one. As far as a public document is concerned it should never reach the House through the hands of a private member. It must reach parliament from the government, its proper custodian. Hon. gentlemen will see that a public document should not be placed on the table in a surreptitious manner, I shall give a case which illustrates that point, which occurred in the parliament of Canada in 1880. Mr. Cockburn, of Northumberland, brought a question up in the House in relation to fishing privileges on the Ottawa river, and he had been supplied with official documents, from a fishery overseer or official who had got into trouble with the Department of Marine and Fisheries. These documents be used in the progress of the debate. Mr. Patterson, of Essex, replied to him from the other standpoint, and also produced public documents, none of which had been laid on the table of the House. Mr. Mackenzie raised a point of order, that, these documents having been quoted, must be laid on the table of the House. That was not disputed, and Speaker Blanchet, decided that when a member reads a document it must be laid on the table of the House, and it was laid on the table.

Hon. Sir MACKENZIE BOWELL—By whom ?

Hon. Mr. FERGUSON—These gentlemen produced the documents they had read from, and they were laid on the table of the

House. 'Bourinot,' page 461, after laying down the rule with reference to public documents generally, comes to this point :

It does not appear that the English Commons have ever applied this rule to the case of private members citing public documents not in the possession of the House.

The foot note in 'Bourinot' on page 462 reads this way :

The English authorities do not support a decision of the Speaker in 1880 (Can. Com., J. 200) to the effect that a private member who quoted from public documents ought to lay them on the table.

He refers to the case which occurred in the British parliament, in regard to operations in the Baltic, when Sir Chas. Napier had given away public documents, and he adds this :

Since 1880 the opinion of Speaker Blanchet has not been followed. It arose from a mis understanding of the correct practice.

So, in Canada, from 1880 to the present time, that practice has never been followed; that is, of the House insisting upon the production of public documents in the hands of a private member and the laying of them on the table. There is another extremely inconvenient circumstance which would arise from the production of private letters in the hands of any member, and rule 109 goes that far, if hon. gentlemen will take the trouble to read it.

A radical objection to that practice is, that if a member reads a private letter or any part of a private letter to the House, and that letter is bound to be produced, such a letter might contain public reference, and have private matters contained in it also. It might contain things making it very absurd to produce it in parliament, and under rule 109 it would be proper for any member to make a motion and the House to order the bringing down of that letter, and the letter would become a record and have to go to the Printing Committee to be entered in the Sessional Papers. That would be the course that would be inevitably followed if any such rule as that were to be adopted. 'May,' at page 322, refers to the case of Mr. Ferrand which occurred on May 18, 1865.

Mr. FERRAND demanded that the Attorney General do lay on the table of the House written statements and letters used by him regarding the Bankruptcy Court at Leeds. The Attorney General absolutely refused.

Mr. SPEAKER sustained the Attorney General.

Then 'May' laid down this principle :—

Indeed it is obvious that, as the House deals only with public documents in its proceedings, it could not thus incidentally require the production of papers which, if moved for, separately, would be refused as beyond its jurisdiction.

That is as clear as anything can possibly be. A private member, or a member of the government who reads a private letter in the House would be compelled by this rule to lay it on the table. In dealing with rule 108, we are dealing with official documents, but in rule 109 with all documents, and it is absolutely impossible that parliament could order the production of a private letter. Such a motion would not be entertained if it was dealt with separately. Such a document could not be brought down, because it would not be in the custody of the government, and parliament could not enforce its order. 'May' goes on to say :

Members not connected with the government have also cited documents in their possession, both public and private, which were not before the House, but though the House is equally unable to form a correct judgment from partial extracts, inconvenient latitude has sometimes been permitted, which it is doubtful whether any rule but that of good taste would have restrained.

Hon. Sir RICHARD CARTWRIGHT—I think all the hon. gentleman desires could be met by a much shorter modification of the proposed rule. The practice, as he is very well aware, in the House of Commons, has been always that when a public document is quoted by a minister of the Crown it must be produced and laid on the table unless the minister is prepared to take the responsibility of stating that the public interest would suffer by its production. I understand that the hon. gentleman does not object to that proviso. Now, here are the words :

A public document quoted from by a minister of the Crown may be ordered by the Senate to be laid upon the table.

If these words were used—a public document quoted from by a minister of the Crown shall be laid upon the table—it would make it a positive rule unless, in the event of the exception to which we have alluded, and to which apparently the hon. gentleman does not object. I think

that would meet his views, and, probably, be more consistent with the general practice. I suggest this amendment for his consideration and for that of my hon. friend from Halifax who has been taking great pains framing these rules. It is not altogether expedient that when a public document is quoted it should be open to the Senate to order it to be produced. It should go as a matter of course on the table, unless the minister makes such a statement as is contemplated by the exception.

Hon. Mr. FERGUSON—I think the hon. gentleman failed to grasp my main objection to rule 108. It is that it only provides a remedy for the offence—perhaps offence is not the exact expression to use, but I use it in default of better—after the offence has been committed, while the English practice is that the minister may be prevented from reading if any member raises the point. The first clause of my amendment is exactly in the words of 'May.'

Hon. Sir RICHARD CARTWRIGHT—I am speaking from my recollection of the practice and habits of the House of Commons, and also with regard to public convenience, I do not think it is desirable that ministers should be prevented from quoting from public documents. On the contrary, I think it is often very desirable they should do so even if those documents have not previously been in the possession of the members. But I also think that when they do so the documents should without further motion, be laid on the table, unless in the case of the exception provided for. Probably my hon. friends opposite may remember cases when it has been in the public interest that ministers should quote from public documents, but there is a check upon that—these public documents should be laid upon the table unless the minister on his responsibility declares that it is not in the public interest to do so. I think rule 108 is a good one, only that it is not consistent with the practice to require a formal order of the Senate to compel a document quoted by a minister to be laid on the table.

Hon. Mr. FERGUSON—In the majority of cases where this question has arisen, both in our parliament as well as in Great Britain, it has arisen just as stated by my hon friend. After the minister has quoted these documents, after, as I have said, the offence has been committed, then the question arises how to get these documents into the hands of the other members. Since we are going to frame a rule, and will no longer refer to the British practice for guidance, is it not desirable that our rules should be in accord with the practice?

Hon. Sir RICHARD CARTWRIGHT—Not necessarily in that respect. Perhaps I am a little more radical than my hon. friend. I think we are quite as capable in many respects of forming rules for our guidance as is the British House of Peers.

Hon. Mr. FERGUSON—The Speaker of the British House of Commons ruled—and it is a ruling which has never been impeached—in the case of Mr. Layard, that he could not proceed to read extracts from public documents until he had produced the documents from which they were taken. 'May' lays down the principle, that a minister of the Crown is not at liberty to read from the documents until they are produced. No doubt my hon. friend's memory goes back to a great many cases in the House of Commons where a minister proceeds to read extracts of this kind. In probably nine-tenths of the cases no notice is taken of what is happening until the extracts have been read; then an hon. gentleman rises and demands that the documents quoted from shall be produced. The rule is that they must be produced unless the minister takes the responsibility of saying they are of a private nature; but I hold that a minister should be prohibited from reading from documents to the House. He has the fullest liberty to summarize them, but he should not be permitted to read or give extracts unless he submits the documents to the House. If he gives a summary and takes the responsibility of stating that the papers are of a confidential nature and that their production would be prejudicial to the general interests he would be excepted from the rule. I have in mind a great many cases in which the plea has been accepted. On that point 'May' goes on to say:

Another rule or principle of debate may be added. A minister of the Crown is not at

liberty to read or quote from a despatch or other state paper not before the House, unless he be prepared to lay it upon the table.

Mr. Layard, in the case I have reported, said 'I am prepared to read, I want to go on reading, but the Speaker said you cannot do so, you must not go on reading until you have produced the document.' May goes on to say:

The restraint is similar to that rule of evidence in courts of law which prevents counsel from citing documents which have not been produced in evidence.

This illustrates the point perfectly. A lawyer would not be allowed to read extracts from a document not produced in evidence. It must be in the possession of the other side, and the point would be very quickly raised in a court of law. No lawyer could read one word from such a document unless it were produced.

The SPEAKER—There does not seem to me to be a very great difference between the wording of the amendment proposed by the hon. gentleman from Marshfield and that proposed by the Minister of Trade and Commerce. I note the point made by the decision just read, that the minister quoting should not be allowed to continue to quote unless he lays upon the table of the House the document itself. Of course, if he is quoting from a document he has it in his hands. If the minister who is reading declares that he is prepared to lay the document on the table when he is through reading from it, I suppose that would be compliance with the rule. Then under 108, as amended by the Minister of Trade and Commerce, the result would be exactly the same, because my impression is that he would not object to adding one more word which would make it read as follows:

Shall forthwith be laid on the table.

Hon. Sir RICHARD CARTWRIGHT—Certainly.

The SPEAKER—I think it would then be similar to the amendment of the hon. gentleman from Marshfield; the two phrases mean about the same thing.

Hon. Sir MACKENZIE BOWELL—My recollection does not accord altogether with that of the Minister of Trade and Commerce. This question has been, as my hon. friend well knows, discussed frequently in the House of Commons on many occasions. Instances have arisen when a question was before the House, and there were official documents in the possession of the government, a minister would refer to these documents and to a certain extent give their contents for the information of the House. The question would then be asked: 'Is the hon. gentleman prepared to lay the document on the table?' His answer would be: 'No, I am not quoting from them, and it is not in the public interest that they should be laid before the House.' On other occasions the answer would be: 'The correspondence is not complete and therefore it is not advisable or expedient in the public interest that it should be laid before the House.' If he is reading from a private document the objection would be taken: 'No, there are other matters in this letter which are not of public interest, I do not desire, it being private, to lay it on the table.' I have a distinct recollection of a demand being made upon myself on one occasion of this nature and the answer I gave was exactly what my hon. friend from Marshfield has indicated. I remember distictly in this House reading from a number of documents in reference to the construction of the Teslin Lake Railway, letters which I had received from prominent gentlemen in Victoria. I was asked to lay them on the table. I declined to do so, for the reason given by the hon. gentleman from Marshfield; but I said to the members who asked for them: 'I have no objection to handing these papers to you so that you can read for yourself and you can judge then of the character and reliability of those who are making the statements.'

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman is referring to rule 109 and not to 108.

Hon. Sir MACKENZIE BOWELL—I am combining the two. To my mind rule 108 opens the door for very great abuse. I do not desire to intimate that these things have been done, but it is evident that if a public document is read by a minister, he may read such portions as will suit his purposes for the time being. I am not going to illustrate by referring to any cases which have come to my knowledge, but I have known them to occur. A public document is taken by the member who has it in his possession

and he reads just such portions of it as he pleases. Then the demand is made to lay it on the table and he says 'no, I cannot lay it on the table, because the other portions of the document would be detrimental to the public interest.' When that is done, the House is misled and comes to a conclusion that it would not arrive at if the full document were laid on the table, and I see no reason why a minister should have a privilege which is not enjoyed by any other member. He can refer to the fact that correspondence is going on on the subject under discussion and can also inform the House that a certain portion, if read, would lead to certain conclusions, but in the public interest he does not think it advisable to lay it on the table at present, but probably in the future it might be produced. The motion made by my hon. friend would meet the case much better, and it would be more in the interest of legislation than to leave the matter open. If the House decided that the draft of the rule as it appears now should not be adopted, I certainly would support as strongly as possible the suggestion made by the hon. Minister of Trade and Commerce, and also by His honour the Speaker, that if it is to be retained it should include the words 'shall forthwith lay it on the table,' but, considering the whole question, I think it much better that we should adopt and adhere to the practice which has prevailed in England for scores of years, and which has never been found, so far as my reading is concerned, or my knowledge of parliamentary procedure goes, to have any other effect than that which is in the general interest of the public. I am opposed to allowing any one, particularly a minister, to read from an official document and then refuse to lay it on the table, and for the reasons which I have given. I should be very sorry to intimate that it would be done, but it is open to that. I have known cases of that kind, and we should prevent it in the adoption of any rules.

Hon. Sir RICHARD CARTWRIGHT—I should like to ask my hon. friend if he does not think that there would be quite as much danger of the House being misled by a minister making a kind of summary or precis of the contents of a document as by quoting the exact words? In point of fact, I think there would be rather more danger of the House being misled from a summary such as he describes, than if the exact words were quoted.

Hon. Sir MACKENZIE BOWELL—I do not think I went quite so far as to say a summary.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend knows very well that it would not require much dexterity to make references to a document which would be a good deal more likely to mislead than quoting the exact words, and he also knows that, as a general rule, the document is ultimately produced. The reasons which induce a minister to refuse to lay a document on the table are usually temporary inconveniences which might accrue from production. My experience has been that after a while the document quoted is produced and, I think, my hon. friend will not contradict me, that ultimately anything that is quoted from in the House, comes to light, though occasionally it may be of such peculiar character that it is not brought down. I would just say to my hon. friend, I desire as much as he does that in amending any of these rules, we adopt something which will stand on its merits. I do not want, and I am quite sure my hon. friend the Secretary of State, and the hon. member from Halifax, do not want to impose any unfair rules; but I really think all the ends he desires to attain would be attained if he introduced such an amendment as I spoke of, that if a minister quotes a document it shall be forthwith laid on the table.

Hon. Sir MACKENZIE BOWELL—I hope I was not understood, in any remarks I made, as advocating the giving even of a summary. I was giving to the House what my recollections and experiences were.

Hon. Sir RICHARD CARTWRIGHT—I think the hon. gentleman will remember that some summaries have been made.

Hon. Sir MACKENZIE BOWELL—I quite agree with the hon. gentleman that a summary might be as misleading as a false quotation, and I would go this far, that no reference should be made to the contents of any public document unless the minister is prepared to lay it on the table, not even a summary. He might intimate the fact that such documents were in the

possession of the government, and such correspondence was proceeding, but he might make a summary which if I or some one else were to make it, might come to a different conclusion altogether.

Hon. Mr. POWER—I think the discussion we have had has been very illuminating, and if the committee which was charged with the duty of revising the rules had had the benefit of this discussion, the probabilities are these two rules would have been reported in a different form. The House is under an obligation to the hon. member from Marshfield for the trouble he has taken to inquire into the matter. Now as to the practical result of the discussion, speaking for myself, I may say that I am perfectly satisfied to adopt the sugestions made by the Right Hon. Minister of Trade and Commerce, and by His Honour the Speaker, and that this rule shall be amended so as to read as follows :—

A public document quoted from by a minister of the Crown shall forthwith be laid upon the table unless it is stated by the minister to be of such a nature that its production would be inconsistent with the public interest.

The leader of the opposition, went so far as to intimate that under no circumstances should a minister be allowed to quote from a public document if he was not prepared to lay it on the table. There might be an important despatch, involving great public interests, as to which it was most desirable that parliament should have information, but portions of which might not, with due regard to the public interest, be laid on the table at the moment, and surely no one would contend that the minister should not be allowed to quote from it. One of the very earliest pieces of parliamentary practice that I remember having heard of, was one which occurred some fifty years ago. Mr. Howe, who was at that time Provincial Secretary of Nova Scotia, quoted from some public document and it was insisted that it should be laid on the table, but he resisted the application and the motion to have the document laid on the table was voted down. Then, having asserted the principle that a minister had the right to discriminate, Mr. Howe laid the papers on the table. The wording of the amendment which the hon. gentleman proposes is not altogether suitable. A minister is not at liberty to quote a word or line from a despatch unless he is prepared to lay the whole despatch on the table ; that would be carrying the rule altogether too far.

Hon. Mr. FERGUSON—They are the words of 'May.'

Hon. Mr. POWER—Yes, but you take a particular case and you find language there which, when you come to construct a rule, you cannot use. In making a rule you have to look all around ; you cannot be guided by the circumstances of any particular case. I do not think we should lay down that rule, that a minister of the Crown should not have liberty to give information to the House even though he is not prepared to lay the whole document on the table. Then the further portion of this proposed rule, that if such public document is referred to but not quoted or read from by the minister it ought to be laid on the table forthwith—the hon. gentleman must see that in suggesting that amendment he is going directly against the British practice which he quoted himself.

Hon. Mr. FERGUSON—No.

Hon. Mr. POWER—It was laid down by the Speaker that when Gladstone referred to Lord Dufferin's letter he could not be compelled to lay it on the table, and the decision was the same in the other case also.

Hon. Mr. FERGUSON—He did not quote from it at all.

Hon. Mr. POWER—The hon. gentleman has not limited himself to quotations. He says : 'Such public documents if referred to.' Gladstone referred to a document.

Hon. Sir MACKENZIE BOWELL—It was not a public document.

Hon. Mr. POWER—I do not think the reference to a public document does not involve its being laid on the table, if the quoting from it does not involve that. I should like to call attention to another passage in 'May.' I am not undertaking to question generally the rule laid down. The hon. gentleman thought he ought to add, 'official' after 'public,' but I do not think so. Now, I quote from the tenth edition 'May,' page 510 :—

The opinions of the law officers of the Crown, given for the guidance of ministers, in any question of diplomacy or state policy, being included in the class of confidential documents have generally been withheld from parliament.

Then there is a sentence which shows that this rule was departed from in one particular case. This is what I wished to call attention to :

But, however ample the power of each House to enforce the production of papers, a sufficient cause must be shown for the exercise of that power ; and if considerations of public policy can be urged against a motion for papers, it is either withdrawn or otherwise dealt with according to the judgment of the House.

I wished to refer—although I do not think it is necessary—to a case which arose in the English House of Commons in 1878. It will be found in the English 'Hansard,' volume 243. Mr. E. Stanhope, who, I think, was Secretary for India, had referred to certain telegrams :

Fawcett rose upon a point of order. The Under Secretary of State for India, in his opening remarks, had made certain statements with regard to Indian finances from private information derived from telegrams. He had always considered it to be the rule that ministers were not allowed to quote from documents which were in their possession, and not in that of hon. members, without producing such documents, in order that they might be compared with the statement made. It was absolutely impossible for them to arrive at any clear opinion of this matter, however anxious they might be with regard to the position of the India finances. The Secretary of State for India on Monday last made certain statements as to the Indian finances, and then the Under Secretary, without presuming to lay a single document on the table, came down to that House and stated that he had received a series of telegrams, the effect of which, as he understood, was to reduce the anticipated surplus of Monday last from £2,100,000 to £1,500,000. He wished to ask whether it was not the invariable practice that, in financial debates, ministers should lay upon the table of the House the documents from which they quoted.

Mr. SPEAKER. The practice of the House is, that if an official document is quoted by a minister it should be laid before the House. At the same time if the public interest should be opposed to that proceeding, that would be accepted by the House as a reason for withholding the documents.

And the documents were withheld. If we get this rule in the shape in which it will be when the amendment suggested by the Minister of Trade and Commerce and the Speaker is made, it will go as far as we ought to go.

Hon. Mr. FERGUSON—I wish to direct the attention of my hon. friend the Speaker, and also the Minister of Trade and Commerce to a fact which they have apparently lost sight of, that the suggestion made by the Minister of Trade and Commerce and referred to by the Speaker might fairly meet the case as covered by the first part of my amendment, but it fails altogether to meet the second case. I could quote a great many cases showing the English practice. One I quoted with regard to Egypt, and one has been quoted by the hon. member for Halifax with regard to the Afghan war. In the latter case, the question was raised that a telegram referred to must be produced. It was raised again and again during the progress of the debate, and members demanded the telegram. Finally a satisfactory solution was arrived at—the substance of the telegrams was communicated to the House, as the statement was made that they dealt with a great many matters. My amendment deals with two distinct situations, one when a minister proceeds to read from a public document, and my view is that if he reads from a document, it does not rest with him afterwards to say that the document is of a confidential nature and he cannot produce it. It is not reasonable for him to say that its production would be prejudicial to the public interest. If these conditions existed he certainly should not have read from the document at all, and my view is, and I know it is strongly supported by English precedent, and not by reading one word here and there but by following a case from beginning to end, the British principle is, that if a minister reads from documents, quotes from them; he is bound to produce them. And that it does not lie in his mouth afterwards to turn around, having made use of that for his own purposes, and tell parliament that they are confidential or that their production would be prejudicial to the public interests. When a minister rises and proposes to read from these documents, if he is called to order, as Mr. Layard was in the case I have quoted, he cannot be allowed to proceed to read until he has produced the documents. That was the decision in his case and there is nothing at variance with that. But if a minister proceeds and reads and the attention of the House is not called to it until after he has read his extracts, then I do not think it lies

in his mouth to say that the document is of a confidential nature, or that its production would be prejudicial to the public interests. If he has only referred to a document in order to make himself clear by giving a summary of it I use the word summary—and certainly Mr. Gladstone's reference to his letter from Lord Dufferin was somewhat in the nature of a summary—the English practice is that a minister when he refers to a letter, without quoting from it, is still bound to produce it, but then he may say, 'I did not quote from it, I gave my impression of its contents, because I was not prepared to submit it,' and he then can say it is confidential and its production would be prejudicial to the public interest. We are now taking away from this House the protection and privileges which are vouchsafed to us under the English practice, and are proposing to make a rule which will do away with that protection. It is a serious thing for those who are not in sympathy with the government, but it may some day be just as serious for gentlemen opposite, and if we are going to wipe out the British practice and set up a practice which will give the government power to do pretty much as they choose in the House with regard to public documents, the day may come when the rule may be turned against gentlemen on the other side. I presume gentlemen opposite are determined to carry this rule by the strength of their majority, and I can do nothing but protest that in so important a matter as this is, ill considered, ineffective and inefficient rules are adopted here that will deprive us in this House of the protection we would otherwise possess under the British practice. Leave these rules out altogether if you like. We are quite safe, with 'Bourinot' and 'May' and the British 'Hansard,' and in our expectation of justice from the Speakers in this House. We have no fear in that regard, but we do fear and I believe that if gentlemen on the other side of the House were to look carefully into the matter they too would fear, when they look forward to the future, that the day will come when under rules of this kind they themselves may suffer. There is no use in prolonging the discussion. I feel strongly on the matter, and I think the proposed action is unfair to the opposition in this House.

Hon. Mr. KERR (Toronto)—I protest against the imputation that there is any one here who is going to vote down or compel others to submit to this rule. Each one here is entitled to independence of thought and action. For my part, I am utterly opposed to rule 108, and I will give my reasons. It is an absolutely unnecessary rule, and so far from conferring privileges on the Senate it is depriving members of a right which they now have under the practice. Under the present practice the rule is perfectly plain. All that is covered by this rule can be accomplished by simply calling for the production of the document, and the practice, as laid down in 'Bourinot,' is so much more definite and satisfactory than the proposed rule that I prefer it. If there is protection to the House as a whole, and to the individual members to enable them to get at a document fairly and properly, then it is not necessary nor is it expedient to frame a rule. By doing so in order to get at the document you have to act within the four corners of the rule, but by leaving the matter alone the rule of practice which is more or less elastic, but which is very powerful, gives this House and every member of it well defined rights. What is the rule with regard to a public document? It has been laid down by the highest authorities that when a Minister of the Crown quotes a public document in the House and founds upon it an argument or assertion, that document, if called for, should be produced, and it is invariably done. Is there any reason why that should not be so? What is the rule you are proposing to substitute for it? A rule that he is to produce the document, not if called for, but when ordered by the Senate; so that the majority of the Senate can say that a Minister of the Crown need not produce a document although the public interest as represented by the minority in the Senate might demand it. Under the old practice, when the minister takes the document in his hand to quote from it or read it, he takes the responsibility of saying 'I have a document here which if called for is to be laid on the table,' so that anybody can see it, and therefore, when he quotes from it it is at the disposal of every member of the Senate. That is a very valuable privilege

which it is now proposed to curtail, and I do not think it should be done. I am opposed to the proposed amendment requiring the document to be immediately tabled. While it may be necessary for a minister to quote from a public document; while it may be important that the public mind should be set at rest on a point which may be of a serious nature, it may also be important that the document should not be produced. If a minister clothed with the responsibilities of a Minister of the Crown, and in the practical discharge of his duties, assumes the responsibility of saying before the House that in the public interest the document as a whole should not be produced but it is in the public interest that he should make a statement and cite this authority, though it contains matters which make it expedient that he should not produce it he should have the power to do so. The only person charged with responsibility in a matter of this kind is a Minister of the Crown, and if we cannot trust ministers in such a manner, we had better not have them at all. The proposed amendments are all in the direction of calling for an immediate production. The rule protects also in this respect, but I say, in answer to the argument advanced by the other side, a document should not be used unless the minister is prepared to lay it on the table. If a minister should feel called upon to quote from or make a statement founded upon a public document which he is not prepared to produce, he should accompany it by a statement that the public interest requires that the document should be withheld. That is a principle of British fair play in a debate and it is in the interests of the public. I am utterly opposed too to the amendment requiring that the minister must immediately lay the document on the table. There may be many reasons why that should not be done; there are many reasons practically why it could not be done. Many of our official documents are in print, and it would be neither convenient nor sensible to require that the original should be produced. As to rule 109, I take a different view, I think that 109 is a case in which it should be vested in the Senate to say if a member, other than a Minister of the Crown, refers to a document, whether or not that document should be placed at the disposal of members. It seems to me in that respect that rule 109 is a good one, but for the reasons I have given, I am opposed to rule 108.

Hon. Mr. FERGUSON—My hon. friend's view is my own view. I do not want to lay down a rule with regard to this subject at all, but as there was a determination to make a rule on the subject, it should be framed as nearly upon the British practice as possible. My complaint was that we were taking away from this House the protection which the British practice gave us, and I would very much prefer no rule at all than anything which could be drafted in the direction indicated. If the hon. gentleman is moving that rule 108 be struck out I will withdraw my amendment and support his motion.

Hon. Mr. KERR (Toronto)—Since the amendment has been withdrawn, I move that rule 108 be struck out.

Hon. Mr. POWER—If the motion now made is lost, then a motion will be made to amend the rule in the direction suggested by the Minister of Trade and Commerce. The hon. gentleman from Toronto has taken the ground that we know what the practice is, and we do not want any rule on the subject. Now, the hon. gentleman himself has taken one view; the gentleman from Marshfield has taken another, and other gentlemen have taken other views, and it is desirable that members of this House who, like myself, do not assume to be authorities on the subject, should have something to go by.

Hon. Mr. BEIQUE—I desire to say, as supporting the motion of the member from Toronto, that I think it unnecessary to make a rule for the reason that he has stated; that the rule is sufficient as it is, and that it would lead to very serious inconvenience in a number of cases to have the document forthwith deposited on the table. I think we would be better without a rule than with the proposed rule.

The SPEAKER—I do not remember now if the hon. gentleman from Marshfield has cited a case found in Denison's and Brand's Speakers' decisions, which is as follows :

Afghanistan, expenses of military operations.

The Under Secretary of State for India having referred to a series of telegrams which seemingly altered the financial statement, and Mr. Speaker being asked whether it was not the invariable practice in financial debates that ministers should lay upon the table of the House the documents from which they quote.

Mr. SPEAKER. That practice of the House is that if an official document is quoted by a minister it shall be laid before the House. At the same time, if the public interest should be opposed to that proceeding, that would be accepted by the House as a reason for withholding the documents.

There is a decision from the Speaker of the House of Commons in England which seems to fairly cover the case of rule 108 as amended. It seems to show that the practice is not a very settled one in the British House of Commons, because a decision cited by the gentleman from Marshfield is contrary to this decision.

Hon. Mr. FERGUSON—If my hon. friend will look at the report of the debate on the Afghan war he will see that Lord Stanhope did not quote the telegram at all; he only referred to it and to a number of other telegrams, and the rule was laid down accordingly. If the hon. gentleman will look again he will find that there was nothing read from the telegram, but merely a statement made that a telegram had been received that morning to the effect that the Indian surplus was to be very much less than had been previously announced, and then it was stated that there were several other telegrams which it would be inconvenient to produce.

Hon. Mr. YOUNG—Rule 108 is especially interesting to whoever may be in opposition. The majority, having the ministers on their side, are naturally not so much interested in this rule as the minority are. The rule is especially for the protection of the minority, so that they may get fair play in debate and have at their disposal the same advantages as the ministers have who are taking the opposite side of the question. When this rule was considered by the committee, the object they had in view was to place the minority in such a position that they would get fair treatment. Apparently the result of their endeavours has not been satisfactory to the minority, and from the motion which has been made by the hon. gentleman from Toronto it would appear that the minority feel that they are safer to rely on the well established practice. There is a good deal in that which commends itself to my mind. They think they would be safer to rely on the British practice—we thought we had embodied it in this rule. If they prefer to rely on British practice, I think this House should accept their views and say, if that satisfies you, take it. I am prepared to vote for the motion of my hon. friend from Toronto just for that reason.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman made one statement, that the action of the committee was based on a desire to protect the minority, but he will remember that I opposed it then, as strongly as I do now, in the committee.

Hon. Mr. YOUNG—I admit that. Like all great minds, though we were not exactly all of one mind, we were nearly so.

Hon. Sir MACKENZIE BOWELL—I think British practice is good enough.

Hon. Mr. BEIQUE—The rule as suggested by the hon. member for Marshfield would entirely defeat his object. It would place the minority in every case at the mercy of the majority, and that would be very unfortunate.

Hon. Mr. YOUNG—And very unfair.

Hon. Mr. FERGUSON—The British practice is good enough for us.

Hon. Mr. YOUNG—British practice is good enough for me.

Hon. Mr. POIRIER—If we strike out rule 108, we might as well strike out all the rules. The reason alleged is that we might rely upon precedent and usage. It is precisely for the purpose of crystallizing what is usage that these rules have been so laboriously prepared, and therefore I see nothing logical on the part of my hon. friend—who in my opinion is nearly always so logical—in moving to do away with clause 108 simply because we can fall back upon obscure, contradictory or at least contradicted precedents. I shall therefore emphatically vote against the sub-amendment, reserving to myself the right to say a few

words on the amendment of the hon. minister.

The committee divided on the motion to strike out rule 108. which was agreed to, contents 25, non-contents 13.

Hon. Mr. POWER moved to strike out rule 109.

The motion was declared carried.

Mr. SPEAKER—The rule ought to be struck out, but I thought some few words should have been said before it dies. The practice which has prevailed in this Chamber, at all events since I have been here, has been very objectionable to a number of senators. It has gone against my grain to hear private letters from highly respectable or prominent people or from most important citizens, from a certain corner of Canada, cited here with no information given as to the identity of the writers. I remember when the first discussions took place, after I came to this Chamber, on the Yukon Railway Bill, numbers of letters were cited as coming from important people and answered by similar letters from equally important people, but we were not informed of the names of those who wrote the letters. I thought something could be said in favour of rule 109, although perhaps it could have been amended, as I see the practice in England at all events, is against allowing a private member to lay on the table public documents. I wondered if we could not have ordered the production of private documents which are cited. The suggestion of the hon. member for Marshfield did not absolutely meet with my approval, but when we are making rules we should devise some means by which members would be prevented from reading private letters which are only of value if the signatures are worth something, and yet the signatures are withheld from the Senate.

Hon. Mr. POWER—My hon. friend the Speaker will have an opportunity, if the remainder of the rules are adopted, of following the regular British practice.

Hon. Sir MACKENZIE BOWELL—I would remind the Speaker that he is out of order, and since we have given him extraordinary powers to keep other members in order, he should respect the rules himself.

Hon. Mr. POIRIER.

On rule 114. Publication of notices.

Hon. Sir MACKENZIE BOWELL—It was suggested when this was laid over that there should be a conference with the committee appointed to revise the rules of the House of Commons so as to make them uniform. Are these rules the result of that conference ?

Hon. Mr. POWER—They are not. The hon. member from de Salaberry and myself were present at a meeting of the standing orders committee of the other House to-day, and it does not seem probable that there will be any general revision of the rules of the other House for some considerable time ; but the impression was made, upon my mind at any rate, that if we agreed here upon a rule with respect to these notices, the standing orders committee of the other House would be very likely to adopt the same rule.

Hon. Mr. BEIQUE—I desire to say that after having been heard by the members of the committee of the other House, it was suggested by them that we put our suggestion in writing, and they would consider it.

Hon. Sir MACKENZIE BOWELL—This rule reads 'also by registered letter to the secretary of the province and to the clerk of each county.' What is to be understood by the clerk of each county ? I do not know any official in Ontario with such a designation. There is a clerk of the county council or clerk of a municipality, but there is no such officer recognized in Ontario as the clerk of the county.

Hon. Mr. LANDRY—Nor in Quebec.

Hon. Mr. POWER—Say county council.

Hon. Mr. KERR (Toronto). You might as well say fasten it up in the basement as send it to the clerk of the county council.

Hon. Sir MACKENZIE BOWELL—In most counties of Ontario the county council meets twice a year. The clerk would receive the notice, and he certainly would not put the county to the expense of calling the council together for the purpose of placing the document before them. I see no objec-

tion to it, though I do not think it is of much use.

Hon. Mr. KERR (Toronto)—I suppose the idea is to give some reasonable notice to the parties affected. This proposition, which I have now seen for the first time, provides that notice is to be given in some leading newspaper published in the principal city of each province, in or through which the proposed work is to be constructed. Publication in the 'Gazette' might give some notice, because the local papers would copy that; but we may assume, take the province of Ontario, that railway development is more likely to occur in the new part of the province than in the old settled part. Take for instance a railway in Northern Ontario; publication in a newspaper in the principal city of the province would probably mean a newspaper in Toronto, and it may be a weekly paper with a circulation of 500.

Hon. Mr. POWER—You could not call that a leading newspaper.

Hon. Mr. KERR (Toronto)—Why not, it would be a leading one probably on some fad. If you say the one with the largest circulation, you will have trouble to find out which one it is, because they are all disputing that question. I suggest that it should be published in some paper in Toronto, the principal city, and in some paper in the locality where the proposed railway is to run, and then you have a notice which will be read. I am afraid if you do not want parties to come before the railway committee complaining that they have not received notice, that you will have to change this rule.

Hon. Mr. GIBSON—Under the old arrangement in the province of Ontario, when the county council was composed of the reeves and deputy-reeves of the municipalities, the county council was a part of the machinery of the municipalities, but the county councils now are elected at large by the county and are distinct altogether from the municipal corporations. In many counties, a large portion of the public highway is vested in and under the control of the county council. If a railway proposed to go down a public highway it would be held that the county council had not received proper notice of the intention of the company, and I would caution the committee against dropping the term 'county council.' It is true, the county council meets only twice a year, but it is within the power and province of the warden for the time being to call a special meeting of the county council at any time. A matter of importance is coming before the county council and the warden does not feel disposed to go to the extra expense of calling an extra session, and it is often the case that those who are interested in this special legislation will go so far as to intimate to the warden that they will bear the expense of this meeting. In Ontario, the county council possess powers almost next to those of a legislative assembly, and I would therefore ask the chairman and members of the committee not to drop the term 'county council.' The clerk of the county council, or the warden of the county should be notified. Every county council has a clerk, and it would be his duty on receipt of a notice of this kind to take some notice of the legislation proposed, and the council could either oppose or aid the legislation as they deemed best in the interest of the county.

Hon. Mr. LANDRY—I do not see any clause in these rules which imposes any obligation on the clerk of a council to take notice of such matters. He receives the notice that is all. He has no duty to perform.

Hon. Mr. GIBSON—I understood it was the desire of the committee to omit the words 'county council', and I have tried to point out that that would be a mistake, as the county council in Ontario is a very important body and in close touch with the people. Any infringement on the rights of the county council would be a serious matter for this House to undertake. It would be a mistake to declare that no notice should be taken of the county councils.

Hon. Sir MACKENZIE BOWELL—There is no proposition to strike out the words 'county council'; the proposition was to add the words to make it distinct.

The motion was agreed to.

On rule 114, 'Publication of Notices'.

Hon. Mr. BEIQUE—I suggest that paragraph five of section ('A') of rule 114 be amended by adopting a similar wording—

Through the clerk of each county council and of each municipality.

The paragraph as amended was adopted.

On rule 115, 'Maps filed with Standing Orders Committee.'

Hon. Mr. YOUNG—It was suggested by the hon. gentleman from de Lanaudière yesterday that the plans filed should be more specific than in the past. If we require that the applicant shall notify the municipalities, we must know that we have done so through what municipalities the line of railway is proposed to be constructed, and we should have a plan which would show the municipalities.

Hon. Mr. LOUGHEED—There are no municipalities in the Northwest. I moved yesterday that the word 'township' should be inserted here.

Hon. Mr. POWER—I think it would be unreasonable to exact from a railway company that they should furnish a map showing each township through which the line shall run.

Hon. Mr. LOUGHEED—Any government map will show the township in outline.

Hon. Mr. POWER—As I understand the object of having this requirement for the plan here, it is that the committee on standing orders may be in a position to see whether or not notice has been given to the proper parties. If the township is not a municipality, there is no person in the township to whom notice need be given.

Hon. Mr. LOUGHEED—As I understand, the plan is for the purpose of showing the district through which the road is to be run, so that the House may be seized of the interests which may possibly be affected by the construction of the railroad, the expropriation of lands, &c. How will the people of any section of country through which that railroad is to run, be made aware of where the road is going unless it is shown on a plan that they propose to build through certain townships.

Hon. Mr. KERR (Toronto)—We used the word district not as indicating a municipal district but as a section of the country. This rule is intended to provide for a plan to be laid before the standing orders committee in order that it may see that a reasonable notice has been given to the parties whose interests are likely to be affected. When you come to deal with the matter in the railway committee, if the map is not sufficiently definite, another map can be called for.

Hon. Mr. POWER—The hon. gentleman practically requires the railway company, before they get their charter to make a location survey.

Hon. Mr. LOUGHEED—Not necessarily. If you use the term district, it is so general a term that it may mean anything. You cannot use the word county, because there are no counties in the west. You cannot use 'municipality', because there are no rural municipalities in the west. I suggest to the committee that some word with a legal meaning should be adopted, defining certain boundaries. I do not care whether you use the term electoral district or not, although a term of that kind could not be relied upon as possessing any permanency, while township lines are fixed. The map before the standing orders committee will be the same map as that to be produced before the railways committee.

Hon. Mr. BEIQUE—It ought to be the same map, it would serve all purposes and it would be but fair that the plan should give in a general way the proper information. I cannot see any objection to using the word township.

Hon. Mr. LOUGHEED—The first thing the promoters of a railway would do would be to obtain a map of the Dominion government survey of the Northwest, which shows every township surveyed in Manitoba, Saskatchewan and Alberta; they would thus be enabled, without the slightest difficulty, to show the particular townships through which they propose to run their lines. Of course if the survey has not been made yet, we will have to judge approximately where the line runs, but that could be indicated by reference to the lakes, rivers, &c.

Hon. Mr. McKEEN—Two or three years ago we had a Bill introduced here along these lines. The contention was then made.

that under the present conditions parties were anxious to secure charters for no other purpose than to exploit them. They applied here for charters, but they had no maps, no surveys, nothing to show the localities through which they wanted the right—and no money to build. I think the ground was very well taken, that a new system should prevail, and that no charter should be given by this House excepting where surveys have been made—that is, preliminary surveys, and also accompanying maps of the same. To my mind it is a great pity that that Bill did not become law, because it is the experience of everybody here that applications have been made to this House for charters where there was no real intention by the parties applying to do anything more than to make money out of the charter. Charters granted by parliament have been put on the market and sold time and again, and in this connection it would be a very wise proceeding to have that matter understood, that when a charter is applied for, the committee on standing orders shall be made perfectly aware of the proposed location of the railway. It is impossible for any body of men to understand the effect of a proposition of this kind unless there are maps to define the route, because it relates to a country which the committee may never have seen, and which is possibly more or less unknown.

Hon. Mr. KERR (Toronto)—Supposing a line of railway is projected from, say Toronto to Georgian Bay. The conformation of the country might possibly force the company to build, perhaps, 25 miles to one side or the other of their line as originally projected. Unless they had beforehand an absolutely accurate survey, they could not lay down their line upon a map within six miles—within three miles in fact, for that is what the proposition of the hon. gentleman from Calgary amounts to. You would make it impossible for them to come before the committee unless they had an absolutely accurate survey before giving notice at all, which cannot practically be done. It seems to me if the general locality is given, and notices are sent to the different municipalities in each locality, it is sufficient for the purposes of the committee on standing orders. When you come to consider conflicting interests and the rights of parties along the line, then the railway committee may have to require further notice, but that is not the point we are considering now.

It being six o'clock the Speaker left the Chair.

After Recess.

The committee resumed.

Hon. Mr. LOUGHEED—In the preparation of a map, under this rule, a series of townships might be shown through which the road would run, but using the word already suggested would have no meaning in the Northwest. There is no such thing as a county, no such thing as a district in the legal sense, nor would the term municipality be appropriate. I think, therefore, that no difficulty would arise by using the word township. I do not think it would impose on the railway companies any extra expense in completing their map to show the townships through which the railway would run. The route shown on the plan is simply approximate, and if the company wants to deviate, we never think, when those plans are submitted to the standing orders or the railway committee, of imposing on the railway company, particularly where the route is a long one, that they shall be confined to any belt say within fifty or sixty miles The best illustration of that was the Grand Trunk Pacific. When my hon. friend, the leader of the House, held up the literature issued by the Trans-Canada Railway Company showing that road to be several hundred miles north of the Saskatchewan and running through the Peace River country, we did not at that time confine the Grand Trunk Pacific to any particular belt, and now we find it, I suppose, four or five hundred miles south of the route pointed out by the leader of the House. By using this term "township," it certainly would not have the limiting effect pointed out before the House rose for recess.

Hon. Mr. SCOTT—My hon. friend concedes that the railways would have the right to deviate from the plan shown to the railway committee. To give the townships it was proposed to run through would be misleading. It is an assurance to the people of that section that the line is to pass there. We know that from the time a line is first

surveyed until it is finally located and built, there are great deviations. Under the Railway Act, the route that is approved by council does not show the townships. It is on such a small scale that they can only show the general direction, and that is all that should be shown on the plan for the railway committee. Otherwise you are misleading the public, because it is unlikely the route will follow the first line shown. After the surveys are made, the line departs from the original location always to a considerable extent. So long as the objective points, and intermediate towns likely to be touched, are shown on the plan, that is all that could be asked.

Hon. Mr. LOUGHEED—How will the standing orders committee determine whether the rule which we passed before recess has been complied with, namely, that notices in the leading newspapers of the territory through which it passes as well as to municipal corporations through whose territory it passes have been given.

Hon. Mr. SCOTT—It is quite a mistake.

Hon. Mr. LOUGHEED—If the two objective points are simply to be shown on the map or plan it would be utterly impossible for the standing orders committee to determine whether the rule has been complied with.

Hon. Mr. SCOTT—It is impossible, because you cannot tell. Moreover the railway committee have power to change the route. It is impossible to determine in advance the route of a railway. I have had a good deal of experience with railways the last fifty years, and I know that no railway conforms to the first line shown.

Hon. Mr. LOUGHEED—If that be so, why require a plan at all? If the railroad is to be chartered, say from Winnipeg to Edmonton, why not say Winnipeg to Edmonton? It looks like imposing needless expense on a railway company to require elaborate maps and plans. I am not arguing that this plan is desirable; that is not the point. The point is, what kind of plan shall we prepare to adjust itself to the rules and standing orders to furnish to the House the information required by the rule?

Hon. Mr. SCOTT—The termini and the intermediate towns it is projected to touch. Take the line, approved only a few months ago, the Grand Trunk Pacific from the point of intersection down to the Kaministiquia river, a distance of over 400 miles, the plan certainly was not any longer than that table. Of course the company must have a wide margin in particular sections of Canada. In the Northwest, I admit, it is a good deal easier to lay down a line that is likely to be followed, but in other parts of the country you cannot do that. Proper grades are the great object, and facilities for crossing rivers, and therefore deviations sometimes of 40 and 50 miles take place.

Hon. Mr. YOUNG—Rule 115 refers to the map which must be supplied to the Standing Orders Committee, and the question is, what information can we reasonably ask in a plan so that the rules laid down by the House for notification to municipalities and so on, may be checked up by the committee? If we get fair and reasonable rules, then we can insist upon a compliance with them by applicants for charters. If you insist, and I think reasonably so, that when a railway is to be declared for the general advantage of Canada, that municipalities should have notice that such an application is being made, you must also provide your committee with some reasonable method of checking up the applicants, to see that they have complied with that notice to which the municipalities are entitled. It has been suggested that they come before the Standing Orders Committee with a plan showing the line from the starting point to the finishing point, and indicating some of the towns here and there; but how are the Standing Orders Committee to determine what municipalities should be notified according to the rule we have just passed; and let me add, a rule that we have had in force for the last couple of years. The applicants should furnish the committee with a map showing, not only the route, but the municipalities through which the projected line is to run, and the committee can then see whether their notices comply with the rules; but when they come before the Railway Committee it may be clear and reasonable for the committee, if they see fit, to insist on another and a more accurate map altogether, a map showing, for instance, existing lines of railway, the rivers, lakes,

&c., as the information which the Railway Committee require may be altogether different in character from that called for by the Standing Orders Committee. We are not asking too much when we demand that the applicants should indicate as closely as possible the municipalities through which it is proposed to run their line. It cannot be absolutely the route, because the Railway Committee may force them to deviate from the location they proposed to take, for one reason or another, which I need not discuss. We are not asking any more than is absolutely necessary to enable the Standing Orders Committee to see that the rules of the House are observed, and if we make the rules reasonable we should insist on them being carried out in their entirety.

Hon. Mr. LOUGHEED—The rule which we have just passed provides that a company making application for a charter must give notice in the Official Gazette and some leading newspaper published in the principal cities of the province through which the proposed work is to be constructed, and also by registered letter to the secretary of the province and the clerk of each county council and of each municipal corporation in or through the territory where such work is to be constructed. The logical outcome of this must necessarily be, if the Standing Orders Committee is to inquire into and satisfy itself that the rule has been complied with, namely by the necessary notices being sent to the clerks of municipal corporations, that they shall have a plan before them showing where the proposed line runs. I am not captious, nor am I anxious about this matter. I believe in free trade so to speak, in railway charters and railway legislation. I am in favour of giving a charter to any one who wants it, and I am not anxious that they should be compelled to produce plans or furnish any particulars of their lines. The more railways we have the better, but if we pass a rule, let us be logical and have information before the committee such as the rule calls for; otherwise, let us wipe out the rule. I am not moving any amendment; I am simply presenting the case to the House.

Hon. Mr. POWER—It has been suggested that the word 'municipality' be inserted after 'county', and that is as far as we can go. As I understand, a township in the west has no corporate existence; it is simply a block of land six miles square, and there is no one to whom you can give notice there. If every municipality gets notice that should be sufficient.

Hon. Mr. LOUGHEED—It is not a question of notice that we are dealing with.

Hon. Mr. POWER—Yes it is.

Hon. Mr. LOUGHEED—No, it is the plan called for under rule 115.

Hon. Mr. POWER—That is the same thing.

Hon. Mr. LOUGHEED—That plan should show the townships through which the proposed route will run, and, if that is not done, you cannot have even an approximate idea as to where the line is going to run, and in the new provinces of Saskatchewan and Alberta there is no use in employing terms which have been suggested, municipalities, counties, and districts. Those terms might be applicable to the other provinces, but not to those new provinces and the only way you can get even approximately accurate information is to mention the township and ranges where the route is to be.

Hon. Mr. BEIQUE—This plan should be also the plan which will meet the requirements of the railway committee. It is well known that it is usual to have such questions raised before the railway committee as damage to parallel lines. It is the main ground of opposition. Surely the committee must have the means of dealing with an objection of that kind. The committee may be disposed to protect a parallel railway already established, or having a charter, and the railway committee I am sure, from the experience of the past, will be anxious to have the necessary data to pass on an objection of that kind. Therefore it is necessary that a map should be furnished, not necessarily a survey map; it may be a rough map or plan, but it should give the approximate location of the railway in order that the committee may be able to know what they are dealing with. Therefore it seems to me that we might accept this wording: 'In each county, township, district or municipality.' It will be easy to satisfy this requirement, and it may not be a hardship on any railway promoters? I therefore

move that this rule 115 be amended by adding these words.

The clause was amended and adopted.

On rule 123. 'Bill may be referred to Supreme Court.'

Hon. Mr. FERGUSON—The point which we reached last evening was how we were to get the reference to the Supreme Court so as to have it entertained. It was suggested by some hon. gentlemen that we should apply to the Governor in Council to authorize the reference. It is claimed that the Supreme Court are not bound to take cognizance of our reference, but they are obliged to take up any matter referred to them by the Governor in Council, so the proper thing to do here would be to provide that the application could be made to the Governor in Council for a reference to the Supreme Court.

Hon. Mr. LOUGHEED—The section of the statute which deals with that particular matter is section 38 of the Supreme Court Act which provides for a reference of any Bill to the Supreme Court or any two judges thereof for their examination and report. It would look very much as if that section were sufficient.

The clause was adopted.

On clause 5. 'When rules go into operation.'

The CHAIRMAN—I have a memo. here that these rules shall go into operation on March 31.

Hon. Mr. LANDRY—That cannot be. You must first have a conference with the House of Commons so as to ensure uniformity in the rules requiring notice to be given of applications for legislation. Besides that, they must reduce the quorum of their committees.

The SPEAKER—I understand we have abandoned the idea of proclaiming our rules at the same time as the House of Commons and that we are adopting our rules without regard to the other Chamber.

Hon. Mr. LANDRY—Then we have not yet been furnished with French copies of the rule. and I ask that the French copies be distributed before proceeding further.

Hon. Mr. SCOTT—It is suggested that they go into operation on the first of May, and I assure my hon. friend that we shall have French copies long before that.

Hon. Mr. POWER—These rules, when adopted, will appear on the minutes of the Senate in French as well as in English and besides we shall have the French copy.

Hon. Mr. LANDRY—When I spoke of this matter before, I was told that the French edition was actually in type, and that it was only a matter of getting it printed—that it was delayed only for the purpose of incorporating any amendments which might be made, so as to have it appear in due form immediately.

Hon. Mr. POWER—I am just suggesting that we shall have two French editions, one in our minutes, and the other in the regular form.

Hon. Mr. YOUNG—If we have our rules completed, and only the printing is to be provided for, and as we are likely to adjourn to-morrow until the 18th April, it seems to me that if these rules are to be enforced this session they should go into operation without delay. With the probability of a short session, if we put it off until the first of May we might as well let them stand until next session. I do not see why, if the French edition is in type, we should not have the rules printed in both languages and ready for us on the 18th April. My hon. friend's request is reasonable. He has been patient and lenient in consenting to proceed with only the English edition before us, and he certainly deserves the thanks of the House. Fair play is a jewel, and I give him that credit—it is not often I have occasion to do so. I would suggest that the rules should go into force on the 31st March, and when we meet on the 18th of April they will be printed in both languages and in the hands of members.

Hon. Mr. LANDRY—I want to see the rules in French before adopting any of them. There is no necessity for hurry. We have rules now which have been in force for years. All the notices that have been given were under the old rules, and why is it necessary to make this change in the middle of the session ?

Hon. Mr. KERR (Toronto)—I would appeal to the hon. senator from Stadacona not to dispel the illusion created by the hon. senator from Manitoba about his good nature.

Hon. Mr. FERGUSON—I agree altogether with the hon. senator from Stadacona. I cannot see any reason why we should be in such haste to put these rules into operation. The chances are altogether against these rules being printed in both languages and ready for use on the 18th April. And my hon. friend will not be very well pleased if the French edition is not ready, and he will have good reason to be displeased. I cannot see any necessity for putting these rules in operation so soon. When we come to examine the revision, it will be found that the difference between the new rules and the old rules is almost imperceptible, and I doubt if it was worth while to subject the hon. senator from Halifax to the immense amount of labour the preparation of these new rules has imposed upon him. We can continue the old rules for this session and let the others come into force next session, and the world will move on in the same way. The hon. the Secretary of State will be as bland as ever, the hon. senator from Halifax as wise and studious, and all will perform their functions as before and no difference will be perceptible. Why not, therefore, put off the adoption of these rules until next session ?

Hon. Mr. POWER—The hon. gentleman's argument is a good argument against doing anything at all. It must be remembered we are not now dealing with these rules for the first time. The motion was made in the early part of last session, I think in the month of February and there was a great deal of work done. The rules, as submitted to the committee now were completed before the close of last session, and it was thought desirable by some hon. gentlemen, and the House accepted that view because we were in a hurry to get away, that we had better postpone action until this session. Now the hon. gentleman suggests that we had better postpone it until next session. It is an argument against having the rules revised at all. The work has been done, and, as the hon. gentleman says, these rules do not make any radical change in our way of doing business, except that they give the Speaker a little more power than he has now, and I think that is a desirable thing that we should have.

Hon. Mr. CASGRAIN (de Lanaudière) moved that these rules go into operation on April 17 next.

Hon. Mr. LANDRY—I shall certainly take objection when the committee rises. The rules cannot go through now. I want the French copy before they do. And we cannot get it before April 17 or 18.

The SPEAKER—If we order the printing of them in the minutes, then they will appear naturally in French and English.

Hon. Mr. LANDRY—I understand that the hon. Secretary of State ordered the French copy long ago, but we have not got it yet.

Hon. Mr. BEIQUE—I appeal to the hon. senator for Stadacona. We have, as the hon. senator for Halifax has said, had these rules under consideration all last session. Now we have been a considerable time discussing them this session, and surely they should go into operation some time during the present session ; and the most opportune time will be after the long adjournment. I would have been inclined, at first sight, to accept the suggestion that they should go into operation on the 1st May, but that might be in the middle of the session, and it is much better to bring them into force at the expiration of a long adjournment.

The French version will surely be ready then. The French translators have not much to do, and it will be their duty to complete the translation at once. I may say, as chairman of the committee, I shall see that it is done with the least possible delay. The hon. member may be assured that in a week at most the rules will be printed in French.

Hon. Mr. MACDONALD (P.E.I.)—There is one fatal objection to putting these rules in force during the present session. They make a very material difference in the applications to parliament for Bills coming before the Standing Orders Committee. All the applications up to the present time, and to be made during the early part of this session, come under the existing rules. When these new rules become the fixed rules of the House, the Standing Orders Commit-

tee will find that the applications for these Bills do not comply with every requirement of the law, and there will be a difficulty in consequence of that. It would be better to let the new rules go into operation at the beginning of next session.

Hon. Mr. POWER—There is not as much force in the objection of the hon. gentleman from Charlottetown as might at first appear, because the notices have been given in accordance with the rules in force when they were given, and they are, of course, good. There will not need to be any notice given after we come back; all the notices will have been given by that time. With respect to the French version, I have ascertained from one of the officers whose duty it is to see to the translation, that not only has the translation of these rules been completed but some of the proofs have already come to the translators, and with respect to the printing the difficulty suggested by the hon. senator from Marshfield does not arise. These rules can be printed and ready for distribution in pamphlet form in a week.

Hon. Mr. LANDRY—Rule 5, provides that these standing rules and orders shall go into operation immediately on the prorogation of the present session of parliament.

Hon. Mr. POWER—That was last year.

Hon. Mr. LANDRY—Why did you not put it the first vacation we had ?

Hon. Mr. POWER—Because the work of the committee was done, and this report was submitted only a few days before prorogation.

Hon. Mr. LANDRY—It would have been the same thing this year if I had availed myself of my right to have a French copy before consenting to go into committee. We would not have got that copy before the recess, and it would have amounted to the same thing. The only reason given by the hon. gentleman is that he wants to clothe the Speaker with more authority. That could be done without putting these rules in force. Let us give him a sessional order for that special purpose and he can have all the power he requires. For the rest, why does he want the rules to come in force so soon ? It cannot be for the railway bills. He says they will be considered under the operation of the existing rules.

Hon. Mr. POWER—The notices will be.

Hon. Mr. LANDRY—I can see nothing to be gained in pressing for the adoption of these rules immediately.

Hon. Mr. POWER—I really cannot understand the attitude of the hon. gentleman.

Hon. Mr. LANDRY—There are many other things that the hon. gentleman cannot understand.

Hon. Mr. POWER.—The hon. member for Stadacona was a member of the special committee to which this duty of revising the rules was referred, and he was a very useful and satisfactory member of that committee. He did valuable work on the committee. All the members of that committee, I think, tried conscientiously to do their reasonable best to get those rules into shape. Having got them into shape, I cannot understand why the hon. gentleman should be so particularly anxious that we should not have the benefit of them until some remote day when, probably some members of the committee will no longer be in the Senate. We had better have the use of the rules while we are alive. I have not heard any reason why we should not. If the rules are a good thing, let us have them as soon as we can ; if they are not a good thing, let us drop them.

The Senate divided on the motion that the rules go into operation on the 17th April, which was adopted, contents 29, non-contents 10.

Hon. Mr. YOUNG—Before the committee rises, I desire to say that the clerk of the House has placed in my hands his copy of the rules with certain suggestions which he thinks it would be well to consider. The first is in regard to rule 24, paragraph 10 : the clerk suggests that the words 'twenty-five or fifty' be added. No notice is required under rule 50 of a motion for adjournment, and the same applies to rule 25.

Hon. Mr. POWER—I would move to amend rule 24 as suggested.

The motion was agreed to.

Hon. Mr. YOUNG—The next relates to rule 67; the clerk's suggestion is that the words :

—and translated, and placed on the orders of the day for second reading on a future day.

should be added.

Hon. Mr. POWER—I do not think that is necessary.

Hon. Mr. YOUNG—In rule 68, the clerk thinks it would be well to omit the words

—when any amendments have been made in committee.

as they conflict with rule 24. I may say that our practice has been that when a Bill has not been amended in committee it may be read a third time. This is the practice in the other House also.

Hon. Mr. CASGRAIN (de Lanaudière)—It can only be read the third time with the consent of the House.

Hon. Mr. POWER—I think it is better not to make any change there.

Hon. Mr. BEIQUE—Why not except rule 68 from rule 24.

Hon. Mr. LANDRY—If you except rule 68 from the operation of rule 24, that will apply to committee of the whole, to second readings, to third readings, to every part of rule 68.

Hon. Mr. POWER—This is the same rule we have worked under since 1894, and there has never been any trouble.

Hon. Mr. YOUNG—I simply submit these suggestions as coming from an able parliamentarian, one who is, perhaps, better qualified to speak on a question of this kind than almost any member of the House and it is for the House to consider whether what he proposes should be done. Our present rule 41 is the same as draft rule 68, but we did not have that section in rule 24, which is a new rule.

Hon. Mr. POWER—I move that the words, 'When any amendments have been made in committee,' be stricken out.

The motion was agreed to.

Hon. Mr. FERGUSON—As regards rule 24 I should like to ascertain whether the view which I hold is that which is entertained by the other hon. gentlemen. The practice in this House has been that an hon. gentleman may rise before the orders of the day are gone into and make a speech on any subject of urgent public importance without requiring, as in the Commons, that he should before sitting down make a motion for the adjournment. I should like to be sure that by adopting rule 24, as we have done, we do not take away that privilege. I do not think we have done so.

Hon. Mr. YOUNG—Look at rule 50.

Hon. Mr. FERGUSON—Rule 50 has no bearing on this point. When an hon. gentleman rises before the orders of the day are called, there is no question under consideration; there is no debate at all.

Hon. Mr. LANDRY—You will find the point dealt with in rule 25: 'No notice is required for any of the following motions.'

Hon. Mr. FERGUSON—My hon. friend will see that that does not cover the point as this is not one of the situations provided for in that rule. The practice of the House makes it all right, if it is understood. The past practice has been that a gentleman may rise and make a statement, before the orders of the day are read, without intimating that he would move the adjournment of the House before he sat down; and I want it to be clearly understood that we are not, by this rule, impairing the practice in that respect.

Hon. Mr. POWER—That was not the intention of the committee. The intention of the committee was to provide for a case, which very often arises, when some hon. gentleman gets up and moves that on Friday next this House do adjourn for, say, three weeks.

Hon. Mr. YOUNG—I have one more suggestion to offer on behalf of the clerk of the House. He suggests, in regard to rule 92, adding the following words: 'Or may be placed on the orders of the day for future consideration or laid on the table.'

Hon. Mr. POWER—That is provided for by a previous rule. The second paragraph of rule 92 declares that it shall not apply to the reports of select standing committees upon private bills referred to them in the ordinary course of business. I think the proposed addition would lead to conflict.

Hon. Mr. YOUNG—I will read the suggestion from the same authority regarding paragraph two of rule 92:

This rule does not necessarily apply to the reports of select standing committees upon pri-

vate bills which may be referred to them in the ordinary course of business which may be disposed of forthwith.

That is a case where an unopposed report comes from a committee and the House is prepared to deal with it at once. It may be dealt with at once, if the House sees fit, without any delay whatever.

Hon. Mr. POWER—I doubt the wisdom of the last words, because the Select Standing Committee may make a report as to which there is considerable difference of opinion in the Senate. If there is no difference of opinion, then the rule may be suspended. If there is a difference of opinion, then the report should not be dealt with forthwith. I think we had better not adopt the second amendment.

Hon. Mr. GIBSON—Before declaring the rules complete, and reporting to the House, I move that rule 32 be reconsidered. This is a very dangerous rule, and a great deal of mischief may arise from it. For instance, on Thursdays we have usually a very large attendance of the House and a measure might be brought before the House at that time and receive a great deal of consideration and be carried on a motion. The gentlemen who might be in the minority might feel disposed to give, at any time during the day, a notice of motion to reconsider on Friday. We all know that on Friday the House is usually very thin, and taking advantage of a thin House for the reconsideration of the principle or motion that had been adopted by a full House the day before, we are leaving the door open to a very dangerous practice that may be followed. What would be thought of a judge who would reverse to-day the judgment which he gave yesterday? That is practically the position the Senate would take under rule 32. This rule should not be hastily adopted. The rules are for our guidance, and if there are any loopholes in them we know, from past experience, that advantage will be taken of them. I therefore, move that rule 32 be reconsidered.

Hon. Mr. POWER—I submit that the motion is out of order. The good old British practice, which the hon. gentlemen behind me have been maintaining, forbids such a motion as that.

Hon. Mr. YOUNG—Reconsideration does not seem to work very well except when a rule is suggested.

Hon. Mr. GIBSON—It shows that what is sauce for the goose is not sauce for the gander. The hon. gentleman is willing to allow somebody next week, or the week after to reconsider what we did before, but we are not to reconsider what we have done in connection with the rules now under discussion. I ask is reconsideration to apply only to certain things to which certain members give their assent? I want to test the feeling of the House and I, therefore, move that rule 32 be struck out entirely.

Hon. Mr. SCOTT—This rule was very thoroughly threshed out in the House yesterday. It was discussed ad libitum and a vote was taken on it, and the rule was adopted by a very considerable majority. It seems extraordinary that we should be asked to-day to change a rule which we adopted yesterday. No notice of reconsideration was given yesterday.

Hon. Mr. WILSON—The rule itself provides that notice of reconsideration must be given at that very sitting.

Hon. Mr. LANDRY—That is not the rule yet.

Hon. Mr. GIBSON—My hon. friend has forgotten the fact that our rules have not yet been adopted, and that they are still open for discussion. You can see that once they are adopted what a bad precedent will be established. My hon friend says I cannot move this motion without notice; very well, I abide by that decision, and give notice that, when the rules are brought up again, I shall move that rule 32 be struck out; but I think I am in order. I ask the ruling of the Chairman as to whether I am within my right or not.

Hon. Mr. POWER—The hon. gentleman would be perfectly within his right, when the report of the committee is presented, in moving that it be amended by striking out rule 32, and the two following rules.

The CHAIRMAN—I think it would be better for the hon. gentleman to consent to take it up when the Speaker is in the Chair.

Hon. Mr. WATSON—I have not taken much part in the discussion of these rules. I voted for the striking out of rule 32, but the committee has been reconsidering and practically wiping out rules already adopted without any notice whatever. Why should an exception be made of rule 32 ? I agree with the hon. senator for Welland in his objection to this rule. Any rule which will permit a member of this House to bring on a discussion on a subject already decided, is fraught with danger. It will lead to a great deal of trouble. I can understand members taking exception to things done in their absence, and giving notice of reconsideration, but I do not think it is fair to those who stay here and attend to their work, that they should be interfered with in that way at the suggestion of any member.

The CHAIRMAN—So far as the Chair is concerned, the committee has decided that the rules go into operation on April 17 and I should prefer that this matter should be brought up with the Speaker in the Chair.

Hon. Mr. KERR (Toronto)—The matter should be disposed of in committee.

Hon. Mr. SCOTT—This particular rule was discussed by the House and a vote taken upon it, and it seems to me an absurd position to take that we should reconsider it. The rules that we have gone back to were ones that were allowed to stand and were subsequently taken up by unanimous consent. They were not like this, which was debated and adopted yesterday.

Hon. Mr. YOUNG—I understand the point of order is withdrawn.

Hon. Mr. POWER—I did not withdraw the point of order.

Hon. Mr. BEIQUE—I voted for this rule for this reason, that sometime this body, like other bodies, may be surprised to a certain extent, and it may be found that a different conclusion should be arrived at. From the experience we have had of this practice, which has obtained in all municipal and deliberative bodies, except parliament, it has not led to any inconvenience or abuse. I can speak with some knowledge of the city of Montreal. Instead of leading to any abuse or inconvenience there, it has been of considerable service in that city. On the other hand, I admit that there is no such necessity for this rule in the Senate, because a municipal body is liable to be bound towards third parties, whereas a body like this is not liable to be bound at all, and remains always master of its own decisions. If I were in the city council of Montreal I should assuredly insist on maintaining a rule of this kind. For the present, I cannot see that there is much ground for changing the decision at which we arrived yesterday. I am, however, open to conviction.

Hon. Mr. YOUNG—Does the hon. gentleman compare this House to the city council of Montreal ?

Hon. Mr. BEIQUE—No, I have explained the difference. The argument which I confess has appealed somewhat to my mind is this : I understand there is a fear that at the last moment, when the House is going to adjourn, some member may give notice of a reconsideration for the next day and, perhaps, spring a surprise on the House. There may be a good deal in that. The question is worth considering.

Hon. Mr. WATSON—I understand that without this rule at all, the Senate can at any time reconsider a motion, but it must be of importance, and it cannot be sprung on the House by one member.

Hon. Mr. SCOTT—No, unless you get a majority of the whole Senate and then it must be on seven days' notice.

Hon. Mr. WATSON—If you have not a majority of the whole Senate there is no use reconsidering it.

Hon. Mr. BEIQUE—As I stated yesterday, reconsideration and rescission are two different things. Reconsideration does not necessarily imply rescission, and I think we could meet the difficulty if we dropped clause 32, and make clause 35 read 'to rescind or reconsider'—add the word 'reconsider' in clause 35.

Hon. Mr. POWER—These rules are not under consideration now. As I understand, the hon. senator from Welland proposed to give notice when the report comes up in the House that he will move that rule 32 be stricken out. We spent the greater part of yesterday discussing rule 32, and I do not see why it should be brought up again.

Hon. Mr. GIBSON—I only stated that intention in case I had not the right to do it now. It is the opinion of a number of hon. gentlemen around me that we have a right to reconsider the rule now. If that is so, it should be done now. We are going to adjourn to-morrow, and we shall have no time to consider it. I will test the feeling of the House by moving that rule 32 be struck out.

Hon. Mr. POWER—I persist in the point of order which I raised, that under the British practice you cannot reconsider a decision solemnly arrived at.

Hon. Mr. KERR (Toronto)—There has been no such decision arrived at. The House is in committee now and has only been debating this matter in committee. It is all tentative, and what we adopt does not necessarily go into operation, not until a formal motion is carried that the rules go into effect. There has been no formal decision on this at all. If a majority of the members are of opinion that the decision of yesterday was ill-considered, or that they were ill-informed, or had not sufficiently considered the matter, and think that the rule should be changed, surely we are arriving at a better solution of the matter by deciding it now, and not putting it off.

Hon. Mr. POWER—That would be perfectly true if the members who were present yesterday were made aware that there was an intention to raise the question. The hon. senator from Toronto is probably aware that we have a rule which provides that the rules of the House shall apply in committee, except certain specified rules about previous questions; so we cannot reconsider, and there is no such motion known.

Hon. Mr. LANDRY—Rule 43 of the existing rules provides that a senator may at any time before a Bill is passed, move for the reconsideration of any clauses thereof already passed.

Hon. Mr. POWER—This is not a Bill.

Hon. Mr. FERGUSON—There can be no doubt that before this committee rises we can go back to any clause. As the hon. gentleman from Toronto says, it is all in a tentative position, and we can go back to any clause without notice. I agree with the hon. senator from de Salaberry, and it has been my opinion all through, that it would have been better to have one rule only with regard to reconsidering and rescinding, and if we struck out clause 32 we would have the power to rescind, which is somewhat similar to the power existing in the British parliament.

Hon. Mr. GIBSON—The very fact that the old rule is headed 'reconsideration of clause,' shows that we possess the power. What are we doing now? Reconsidering clause after clause. I have moved for a reconsideration of this clause just the same as other members of the committee have asked for certain changes in other clauses of the rules now before the House. As this rule has not become law, we can this evening amend or strike it out as we please. I am satisfied had this matter been thoroughly considered yesterday, the door would not have been left open for any question to be discussed a second time in the House after the judgment of the House had been taken upon it.

Hon. Mr. POWER—The hon. gentleman is now doing the very thing which he says should not be allowed to be done. We discussed this matter in committee, and we discussed it in the House, and came to a decision by a reasonable majority; and now the hon. gentleman wants to upset the decision of the majority.

Hon. Mr. GIBSON—The vote shows that there were only twenty-six members present at the time.

Hon. Mr. FERGUSON—Rule 43 deals with the proceedings in Committee of the Whole on a public Bill; that is entirely analogous to what we are doing now. There is no doubt we have the power to do what is proposed to be done.

Hon. Mr. GIBSON—Then I move reconsideration of clause 32, and, if the House adopts the motion, I shall then move that the clause be struck out.

The CHAIRMAN—I expressed to the hon. gentleman a desire that he would hold his motion until the Speaker is in the chair, but I am satisfied that it is perfectly competent for him to make a motion on any of the rules.

The committee divided on the motion to reconsider clause 32, which was adopted contents 26, non-contents 16.

Hon. Mr. GIBSON—The motion having been adopted, I move that rules 32, 33, and 34, be struck out.

Hon. Mr. WILSON—It appears strange that we should within twenty-four hours have so completely changed our minds, after having carefully considered and deliberately arrived at a sane conclusion yesterday.

Hon. Mr. FERGUSON—We are older and wiser.

Hon. Mr. LANDRY—We are doing better.

Hon. Mr. WILSON—Some people improve with age, others do not. If we have a right to proceed in this way, we have a perfect right to do the same with all the rules and cancel them one after another.

Some hon. GENTLEMEN—Hear, hear.

Hon. Mr. WILSON—Are we not making children of ourselves to reverse our decision in this way? There is no reason or justification for it. The hon. gentleman from Lincoln (Hon. Mr. Gibson) says we had a small House yesterday, why were not the members here? We can under such practice, come here to-morrow and proceed to reconsider and cancel what we are doing to-day. Is not that a strange course for a deliberative body to pursue? I would call attention to the fact that nobody gave notice of reconsideration yesterday, although this rule makes provision for it. I raise a point of order that no notice has been given in accordance with the rule which we are now asked to repeal.

The CHAIRMAN—That rule is not governing us now.

The motion was agreed to on a division.

Hon. Mr. BEIQUE moved that clause 35 be reconsidered for the purpose of inserting before the word 'rescinded' the words 'be reconsidered.'

Hon. Mr. POWER—I object to that as being totally contrary to British practice. It is most irregular. You propose to reconsider a thing and you have to give seven days' notice of your intention to reconsider. That is irrational on the face of it. Rule 35 is to deal with the matter on which action has been taken finally by the House. We have decided not to have reconsideration, and the hon. gentleman had better stick to the rescission which is used in the British parliament. Rule 35 as it stands is useful, because it will prevent rescinding a decision of the House unless there is a proper majority, but to say that you merely reconsider, with this notice provided for in rule 35, is objectionable. Rescission is wiping out completely a previous action of the House; reconsideration is simply talking it over again and possibly modifying it. You may debate it again, but you do not necessarily abolish it; but when you rescind you strike out and abolish the previous action.

Hon. Mr. BEIQUE—I am surprised that the hon. member objects to this as being contrary to British practice. I understand that British practice is, that the same question cannot be raised twice during the same session, and he suggests our departing from that practice by rule 35. If the principle of rescission is sound, surely it is logical to apply it to reconsideration. I voted for the striking out of clause 32, as I stated before, in the expectation that it would be covered by an amendment to rule 35. I therefore insist upon my motion.

Hon. Mr. POWER—I am surprised that a gentleman of the parliamentary experience of the hon. senator from de Salaberry does not know that rescinding is in accordance with British practice. At page 236 of 'May,' I find that a resolution may be rescinded, and an order of the House discharged, &c. There are provisions there with respect to rescinding, but they have no provision for reconsidering, and I say if we are to have reconsidering let us have it, without adopting a practice which does not prevail in England.

Hon. Mr. BEIQUE—The hon. member was in favour of retaining rule 32, and, therefore, departing from the English practice; now he is complaining that I am applying the very principle in clause 35. That is not logical.

Hon. Mr. POWER—It is perfectly logical. The two things are unlike. I venture to assert, without fear of being contradicted, that no such provision as this will be found

in the rules of any legislature under God's heaven.

Hon. Mr. WILSON—I think it would be better to move that the committee rise.

The committee divided on the motion to amend rule 35, which was agreed to, contents 22, non-contents 18, and the rule as amended was adopted.

Hon. Mr. FERGUSON—I would ask the committee to turn to rule 25, which contains two provisions relating to adjournment of debate and adjournment of the Senate. We have been looking over the question, and are a little doubtful as to whether the right remains of rising before the orders of the day and calling attention to a subject of general importance.

Now, under rule 25, we are dealing with motions for which there is no necessity of giving notice, and I move that a paragraph be added to the following effect: —

For the purpose of bringing up a question of urgent public importance before proceeding with the orders of the day.

By putting that in, no question can arise in the future.

Hon. Mr. KERR (Toronto)—I think the hon. gentleman is raising a new question and opening up one as to whether a matter may or may not be one of public importance. We cannot decide that point until we have heard the whole story. He would not surely intend to allow a member to force upon the House a speech on something which was merely of importance in that member's private opinion? The member is left to be the only judge on that point. We had better stand where we are, on British practice.

Hon. Mr. FERGUSON—It must be a matter of urgency because you can always bring a matter up by giving one day's notice.

Hon. Mr. YOUNG—The question which the hon. gentleman from Toronto has raised as to who shall determine whether a matter is of public importance or not, would, I think, be covered by words which were struck out of our proposed rule 45. I suggest that my hon. friend add to his proposition the words:

Which he will then state in writing and hand to the Speaker.

The House would thus be seized of the subject on which he is going to speak.

The SPEAKER—I am afraid if we depart from the practice it may lead us into extraordinary and unknown fields. We have two ways by which a matter can be brought up—in fact, we have three. The adjournment can be moved; a question of privilege can be raised——

Hon. Mr. FERGUSON—The adjournment can only be moved for certain specific purposes, and this is not one of them.

The SPEAKER—In practice any question can be raised before the orders of the day are called, and a certain amount of latitude is given, but we all know at such a time that there is no question before the Chair and the discussion can always be stopped. As a matter of privilege a member may raise a question before the orders of the day are called, or put questions to the ministers, or direct attention to an important event that has taken place. That practice is quite elastic, but it is simply permitted in virtue of the past custom of the Senate that such questions may be raised and discussed at length. I do not see that we shall gain anything by adding to the rules in this matter. You have the question of privilege or you can raise a discussion on an important question by moving the adjournment, and, in addition, it is possible at the present time, before the orders of the day are called, to draw the attention of the House to any important question. I do not think a rule should be made.

Hon. Mr. FERGUSON—An hon. gentleman could not put himself in order by moving the adjournment unless we provide in the way I am proposing, because the question of adjournment is hedged in by the rules we have now made, and no motion of that nature can be made, except for certain specific objects, and this is not one of them. The practice warrants an hon. gentleman rising before the orders of the day are called and bringing up a matter of urgent public importance, but hereafter we may have some trouble if no specific provision is made. I do not think myself that any hon. gentleman has a right to rise at that stage unless it is to ask some important question of a minister, but if he

discusses any question of public importance it should have the merit of urgency in it, because, otherwise, he can always give one day's notice. The element of urgency must come in before the member would have the right to rise.

Hon. Mr. YOUNG—I made the suggestion to my hon. friend: is he willing to add these words :

Which he shall state in writing and hand to the Speaker.

Hon. Mr. FERGUSON—Is it necessary to do that when he announces that he will conclude with a definite motion ? That is not the practice, and has never been the practice. Let the proposed rule be confined to what has been distinctly our practice.

The SPEAKER—That is just the reason why I said it was by tolerance that these discussions are permitted to take place. If two or three or four senators have spoken, the question of order may be raised that there is nothing before the chair.

Hon. Mr. FERGUSON—A motion to adjourn would put the member perfectly in order.

Hon. Mr. KERR (Toronto)—Therefore the hon. gentleman is not without remedy, as he has been suggesting. The introduction of these words, to my mind, may seem to give colour to a right to bring up a matter which is obscure, and of which the House has no notice. We have known discussions in parliament where a subject has been opened up in a very large way because it struck some particular member as being of vital importance, and we had a long speech which turned out, after all, not to be pertinent in its nature. The present system enables such a proceeding to be stopped.

Hon. Mr. LANDRY—The motion to adjourn is always in order.

Hon. Mr. POWER—I should like to know what the motion of the hon. gentleman is. I was at first under the impression that he proposed that he could move the adjournment of the House for the purpose of discussing a matter of public importance ; but that is not his motion as I now understand it. As I now understand, the hon. gentleman says no notice shall be required to enable a member to rise and call attention to a matter of public importance without moving any resolution whatever.

Hon. Mr. FERGUSON—If the hon. gentleman from Halifax had been following matters as closely as he usually does, he would have noticed that I am proposing to amend rule 25 which deals with motions that may be brought up without notice.

Hon. Mr. POWER—The hon. gentleman does not wish any notice to be given.

Hon. Mr. FERGUSON—It is a motion for the adjournment of the House.

Hon. Mr. POWER—He does not say that. I do not see that the amendment he proposes requires any motion of adjournment at all.

Hon. Mr. FERGUSON—The words 'for the adjournment of the House' have been accidentally omitted ; they should have been included.

Hon. Mr. KERR (Toronto)—I think the proposition should be stated at the beginning of the discussion. I might conceive that the matter was of great consequence, but if I were to state what it was beforehand, the government might very quickly show me there was a reason why it should not be brought up at that time. If this is not provided for, we might have a long fruitless debate, one which is positively injurious on a great public question. The House should be informed of the subject matter of the discussion at the opening of the observations and not at their close.

Hon. Mr. YOUNG—The clear understanding is, no matter what the wording may be, that when an hon. gentleman moves the adjournment of the House to discuss a matter of urgent public importance, he shall state the subject upon which he is going to address the House by placing it in the hands of the Speaker in writing before he proceeds to address the House.

Hon. Mr. KERR (Toronto)—Why not then insert the word 'previously.'

Hon. Mr. WILSON—I do not understand the object which the hon. gentleman has in view. Does a member who moves the adjournment, under such circumstances, require a seconder ?

Some hon. MEMBERS—No.

Hon. Mr. WILSON—It gives him the right to move a resolution and talk as long as he feels disposed, taking up as much of the time of the Senate as possible, and then he can withdraw his motion without having a vote taken. The object simply seems to be to get an opportunity of speaking longer than our rules would otherwise permit.

Hon. Mr. LANDRY—There is no limitation of the right to speak.

Hon. Mr. WILSON—We have rules on that point. I therefore think that the proposed amendment is uncalled for and unnecessary, and that it will create a great deal of trouble and annoyance.

Hon. Mr. LANDRY—There is no need of a seconder when the adjournment of the House is moved—that has always been the rule. There is no rule either limiting the length of the speech which may be made.

Hon. Mr. ROBERTSON—A good committee was appointed last year to overhaul these rules. That committee sat for a great length of time and we concluded when they tabled these rules that they had them perfect, but what do we find ? The very members of that committee are the members who are moving amendments and resolutions and cavilling amongst each other after sitting all last winter.

Some hon. MEMBERS—Order, order.

Hon. Mr. ROBERTSON—The chairman has sought to present the results of the committee's work as clearly as possible, but he has been obstructed in every possible way. We are kept here discussing these rules until they are a jumble.

Hon. Mr. FERGUSON—I will amend my resolution so that it will contain the following words, which I propose should be inserted in rule 25 :

For the adjournment of the Senate, for the purpose of bringing up a question of urgent public importance, which the mover shall state before proceeding to speak, before the House proceeds to the orders of the day.

The amendment was agreed to.

Hon. Mr. ELLIS, from the committee, reported the rules with amendments.

Hon. Mr. POWER—I move that the report of the committee be taken into consideration to-morrow.

The motion was agreed to.

Hon. Mr. YOUNG—Would it be in order to move that the House be specially summoned to-morrow for the consideration of Standing Orders. We propose to adjourn to-morrow, and it would be necessary that we should deal finally with these rules in order that they may come into force before we meet again.

Hon. Mr. LOUGHEED—I desire to give notice that I will move to amend rule 148. Under rule 16 I should give one day's notice, unless the House will accept notice now. It is simply a formal amendment which the Divorce Committee wishes to make, providing that the petitioner shall file copies of all proceedings with the committee. No expense will be attached to this. It is proposed to amend rule 148 as follows :

A copy of petition for a bill of divorce or relating to any matter arising out of said petition and of every document and paper accompanying such petition, or produced in evidence before the committee shall be furnished to the committee by the person on whose behalf the petition, document or paper is presented or produced.

We adopt this as a rule of the committee, but so that the public may have notice of the requirements of the Senate, it is desirable that this should be embodied in the divorce rules as well as in the rules of the committee. I therefore give notice, with the leave of the Senate, that such amendment will be moved to-morrow.

Hon. Mr. LANDRY—With regard to the motion that the Senate be specially convened to-morrow afternoon for the consideration of the rules, I would object to that motion.

Hon. Mr. POWER—The rules have not been adopted by the House. That motion can only be made after the report of the committee has been received and adopted by the House.

Hon. Mr. YOUNG—In that case, if hon. gentlemen will not facilitate the perfection of our procedure in so far as the rules are concerned, they will be out of joint in coming into force on April 17, if we adjourn to-morrow. The rules would come into force at that time.

Hon. Mr. LANDRY—They will not come into force as soon as that.

Hon. Mr. YOUNG—If they were passed they would come into force then; but if not, they will not. If the rules are good they can easily be put through to-morrow, because we have had enough discussion already.

A SUPPLY BILL.

1ST, 2ND AND 3RD READINGS.

A Message was brought from the House of Commons by the Clerk, with a Bill (56) intituled : 'An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 30th June, 1906.'

Hon. Mr. SCOTT—Certain urgent payments have to be made, and most of you probably know that when parliament is sitting it is impossible to get a Governor General's warrant. We must apply to parliament for the money. The payments to be met under this Bill are some six items. The House of Commons has passed this to-day, and, as the money was urgently required, arrangements have been made to have the Bill assented to at our next sitting. I move that rule 41 be suspended so far as it relates to this Bill.

Hon. Mr. MACDONALD (P.E.I.)—I object to the suspension of the rule. We have been making a number of rules, and the very first motion that is presented to the House is that we should suspend one of our rules.

Hon. Mr. LANDRY—Because the Governor is coming here to-morrow.

Hon. Mr. MACDONALD (P.E.I.)—The Senate has certain privileges of its own, and I am disposed to stand up for them.

Hon. Mr. SCOTT—In my experience of thirty-four years in this House, I am not aware that any exception has been taken to suspending the rules for passing a Supply Bill. As a rule, the Supply Bill has come to this Chamber a few hours before prorogation, and no exception has been taken to the suspension of the rules. It has been accepted by both political parties. The House of Commons passed the Bill to-day and it has been pressed for the convenience of hon. gentlemen, many of whom wish to leave to-morrow. Of course, if it is the desire of any one that we should stay for another week to pass this Bill I have no objection.

Hon. Mr. SULLIVAN—The items are so good, I am sure my hon. friend will not insist upon his objection.

Hon. Mr. MACDONALD (P.E.I.)—I have no objection to the items in the Bill, but it should be the duty of the government, in the first place, to submit their Bills to the Senate before they summon the Governor General to give his assent to them.

Hon. Mr. FERGUSON—I hope my hon. friend will not press his objection.

Hon. Mr. MACDONALD (P.E.I.)—No, I shall not press it.

The motion was agreed to and the Bill passed through all its stages.

AN ADJOURNMENT.

MOTION.

Hon. Mr. CASGRAIN (de Lanaudière) moved that when the Senate adjourns to-morrow it stand adjourn until Wednesday, the 18th of April next, at eight o'clock in the evening.

Hon. Mr. MACDONALD (P.E.I.)—I object to the motion. These adjournments will lead to just the same difficulty we have had in former sessions, that, towards the end of the session, we shall have quite a number of important Bills submitted to us and not have time to consider them. Within the last three or four days of last session, upwards of twenty Bills were introduced. There was no time to consider or discuss them properly. If we have these adjournments when we have a large number of Bills coming up from the House of Commons within a few days, it will cause a repetition of the difficulty. The number of the Bills before us at present is fifty-six. That shows that there must be a number of Bills which have been advanced in the other House and it is not in the public interest that we should adjourn at the present time. Senators who come here from a long distance are under great disadvantage because of these adjournments. We come here at the opening, and engage our quarters for the whole session, and here within two or three weeks after the opening of parliament we are to have an adjournment of three weeks, though before we reassemble

there will certainly be a number of Bills ready for discussion. Those Bills will perhaps be hurried through, just as the Bill we passed a few minutes ago, under a suspension of the rules, and without proper consideration or discussion. That is certainly not to the credit of the House.

The motion was agreed to on a division.

THE GEOLOGICAL SURVEY.

Hon. Mr. SCOTT moved the adjournment of the House.

Hon. Mr. FERGUSON—Can the hon. gentleman tell us whether an appointment has been made of a director for the Geological Survey ?

Hon. Mr. SCOTT—I was not in council to-day, and cannot tell whether anything has been done, but I know it was in contemplation.

Hon. Mr. FERGUSON—It is rumoured on the street that Mr. A. P. Low has been appointed.

Hon. Mr. SCOTT—It is very likely, but I do not know. I went into council, and there happened to be only one or two there and having some business to do before coming to the Senate, I left, so that I was not present at the meeting and cannot give my hon. friend any information on the subject.

The motion was agreed to.

The Senate adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Wednesday, March 28, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL ASSENTED TO.

The SPEAKER informed the Senate that he had received a communication from the Governor General's Secretary announcing that the Honourable Mr. Justice Sedgewick, acting as deputy to His Excellency the Governor General, would proceed to the Senate Chamber this afternoon at 3 o'clock, for the purpose of giving assent to an interim Supply Bill, which has passed the Senate and House of Commons during the present session.

The Senate was adjourned during pleasure.

The Honourable Mr. Justice Sedgewick, acting as deputy to His Excellency the Governor General, being seated on the Throne, gave the Royal Assent to the following Bill :—

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending 30th June, 1906, to which Bill I humbly request Your Honour's assent.

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

The Senate resumed.

THE LIEUTENANT GOVERNORSHIP OF NOVA SCOTIA.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I should like to draw the attention of members of the government present to a short article which appears in the Ottawa 'Citizen' of this morning, in reference to the appointment of the Lieutenant Governor of Nova Scotia. I notice that the paper, after referring to a number of gentlemen to whom the office had been offered and declined, winds up the article with the following words :

Relief loomed in sight in the person of Judge Fraser, and as a compromise candidate Judge Fraser was finally accepted, but only with the stipulation that he should hold the lieutenant-governorship for a second term, in the event of the Liberal party retaining power. Judge Fraser's conditions were accepted and his appointment went through at yesterday afternoon's cabinet meeting.

I should like to ask whether the government are in the habit of making appointments of this kind with the promise and pledge that they shall be continued in office after the expiration of the first term of five years ? If so, the House and the country will be somewhat surprised. It is just possible that the hon. gentlemen may not be there five years hence, and, if they are, would the incoming government consider themselves bound to carry out such a pledge made by the present government? An hon. gentleman says 'no.' When Lord Salisbury came into power a pledge that had been

given by the outgoing premier of an appointment to the House of Lords was carried out, by Lord Salisbury's government. The pledge made by the preceding government was respected on the ground that the government was a continuity, and that the pledges of a government of that character, should be adhered to. I should like the hon. Secretary of State to inform the House as to whether any such pledge was necessary in order to secure an occupant of the gubernatorial chair, in Halifax ? The hon. gentleman told us the other night, in reply to a question which I put to him myself, that they could not find anybody to accept the position, and not being able to find any available timber for an office that in the past had been considered a very enviable one, it appears by this statement that it was stipulated with Judge Fraser that if he would accept it he could have it for ten years. Can the hon. gentleman tell us if that is the fact ?

Hon. Sir RICHARD CARTWRIGHT—After my hon. friend's long experience I think he ought to know that it is not the habit of the government to communicate their intentions to opposition newspapers, and I should say that he could hardly have a much worse authority for making any statement of the kind that he has inquired about, than the class of authority that he has supposed may represent the views of the government. Judge Fraser was appointed Lieutenant Governor of Nova Scotia, and that is all the information I have to give the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—I am quite aware, as is also the hon. gentleman, that ministers are not in the habit of communicating to opposition newspapers, whether respectable, reliable, or unreliable in character, the events which take place in council ; but my hon. friend knows, from his long experience, that there are very often leaky vessels through which the proceedings of the Cabinet filter, and opposition papers are very apt to pick them up, and in this case I am very much inclined to think the report is correct.

MR. CHARLTON'S SPEECHES.

INQUIRY.

Hon. Mr. PERLEY—Before the Orders of the Day are called, I wish to ask the government if the book which I have received and which, I presume, many other Senators have received through the post office, containing the speeches of the Hon. Mr. Charlton, was issued by the government, and, if not, by whom ? No memo accompanied the volume and I do not know whether I have to pay for it or whether it is a gift. Does the government know who has distributed these volumes ?

Hon. Mr. SCOTT—I had the pleasure of receiving a book of the same nature. I know nothing of its source, but I presume it came from the author from the way in which it was gotten up and the delicate way in which it was sent. The government know nothing about it.

RULES OF THE SENATE.

REPORTED FROM COMMITTEE.

The Order of the Day being called,—

Consideration of the amendments made in Committee of the Whole House to the third report of the special committee appointed during last session to consider and revise, and if deemed necessary, to add to the rules, orders and forms of proceeding of the Senate.

Hon. Mr. POWER—As to this motion which stands in my name, I wish to say a few words of explanation. The draft rules which were referred to the Committee of the Whole House some time ago have been discussed, as hon. gentlemen are aware, at very considerable length. The draft which was referred to the Committee of the Whole has been very considerably changed. If one may compare this body of rules to a ship, during the voyage through the committee the ship has been subjected to a good many casualties. I am afraid that perhaps these casualties were due to the fact that the acting captain was not the one who ought to have been in command of the ship. She has now got within what one may call the pilotage district, close to her home port, or her port of destination, and I have a dread that if the same master were to undertake to bring her into port some mishap might befall her. I think the better way then is that the ship should be left in the hands of the pilot who is supposed to take charge of her when she reaches the limits of the pilotage district and that the captain should be relieved from command and responsibility for the time being. Any hon. gentleman can take charge

of the measure. It occurred to me that perhaps the hon. gentleman from Beamsville (Hon. Mr. Gibson) who has shown recently promise of great future excellence as an expounder of parliamentary law and practice, might act as pilot and bring this craft safely to anchor.

Hon. Sir MACKENZIE BOWELL—I think the reflection which has just been cast upon the members of the committee is altogether unwarranted. It does not follow that because one member of a committee disagrees with the captain as he describes himself, who is commanding the ship, or the chairman, that therefore he is inimical to the opinions of the chairman. For myself, I repudiate in the strongest possible language the insinuation which the hon. gentleman has thrown out, and I appeal to every member of the committee whether anything has been said either by myself or by the hon. gentleman from de Salaberry or others—although we differed from him often—which would exhibit or manifest any disposition towards him as chairman such as he has indicated to the House. I do think it is going a little too far when a gentleman assumes the responsibility which he assumed that he should speak as he has spoken. Both in this House and in committee I have given the hon. gentleman every credit, in fact I have gone out of my way to give him credit, for the assiduity with which he has performed his duties as chairman; but it does not follow that because he spent a week or a month or a year in the framing of a rule that it must of necessity meet the approval of those with whom he is associated. I think it is about time that gentlemen who assume such a position should learn to respect the opinions of others. Members may get credit at least for expressing their opinions although his may be in opposition to them. I should not have made these remarks were it not for the intimation which has been given that those who differed from the hon. gentleman were actuated by other than proper and sincere motives. I allow other gentlemen of the committee to make their own statements; I am speaking now exclusively for myself. I never have in the past, and, I trust never will in future, however strong my own views may be, and however strong the language I may use to enforce them—be supposed or be accused of opposing a measure from a feeling of disrespect for or any personal animosity toward the hon. gentleman who opposes me. As I understand, the hon. gentleman has sat down without moving the adoption of the rules, thus throwing the responsibility upon the hon. gentleman from Beamsville. The hon. gentleman is quite capable of taking care of himself; but it is strange that because he thought proper to differ from the chairman upon the propriety of allowing certain of the proposed rules to go into effect, he should be treated in this manner. I think the Senate, upon reflection, will come to the same conclusion to which I have come. As far as I am concerned, if I am proposed on a committee of this kind in future, where the chairman is supposed to be paramount, an emperor, or an absolute ruler, and I am to have nothing to say other than to acquiesce in what he proposes, I shall decline the appointment.

Hon. Mr. GIBSON—I am very sorry that I should have been absent from the Chamber, at the request of the Postmaster General, even for a few moments, and to have missed the opportunity of listening to the character which I believe has been given to me by the senior member for Halifax. I believe he calls me a pirate. If I am a pirate I am a successful pirate.

An hon. GENTLEMAN—Pilot.

Hon. Mr. GIBSON—I accept the correction, I have nothing to take back from what I stated last night, that I thought the rule in question was a dangerous one. The majority of this House felt that it was so, and supported me in moving to have it erased from the draft.

Hon. Mr. POWER—I rise to a question of order; the hon. gentleman is referring to a past debate in this House to which I did not refer at all.

Hon. Mr. GIBSON—My hon. friend need not be so thin skinned.

Hon. Mr. POWER—I am not thin skinned. I insist on the point of order.

Hon. Mr. GIBSON—If he had not referred to a former debate, he could not have called me a pilot; and I think that people

who live in glass houses should be the last to throw stones. I have no feeling in the matter. I believe I was legislating in the interests of the Senate, and in the best interests of the country in the course that I took, because I honestly believe that if that rule had remained in force it would have been a dangerous one. A subject might have been passed upon to-day and on a following day a thin House might upset the whole of the proceedings. I have no desire to take the job out of the hon. gentleman's hands and I agree with every word which has been said by the hon. gentleman who has just sat down. I have no desire—no member of the committee has any desire—to detract one iota from the work done by the senior member from Halifax towards getting the revised rules in shape, but I do say that, notwithstanding all the good work, and all the hard work he has done, he certainly must allow other people to do a little thinking for themselves; that is all I claim. I stated my views yesterday as I do now, believing I am right, and I had the support of the Senate. I have no feeling against the hon. gentleman. I have admiration for everything he has done in connection with the rules of the House, and congratulate him on the work he has done as chairman, and I have no desire to become pilot or take the wheel from the hon. gentleman. He navigated the vessel through the stormy seas of the committee, and I have no desire to act as pilot, but rather wish to see him complete the work he has bestowed so much time upon.

Hon. Mr. FERGUSON—I am sorry that the senior member for Halifax has taken the view he has of what occurred with regard to these rules. I feel bound to say here what I stated in the committee, and what I have already partially stated in this House, that the hon. gentleman deserves a great deal of credit indeed for the work he has put upon these rules. He brought them before us in such a shape as to facilitate our work in a very great degree. But I thought I gleaned this impression very early in the work of the committee, that my hon. friend had his heart very much set upon carrying through the committee in its entirety everything he had prepared. He seemed to be extremely tenacious of any work he had done. I submit, however, that others although they may not have given the same time or skill to the work, are entitled to their opinion, and, although I have differed from the hon. gentleman on some of these rules, and failing in carrying my point in the committee, have brought it before the House and have succeeded here, that is no reason why there should be any feeling with regard to it. The hon. gentleman had infinitely more of his own way in regard to the rules than any member of the committee. Why should he then begrudge to the rest of us some little opinion of our own? Were it not that I know the hon. gentleman is under a little irritation at this moment, I would be inclined to resent the imputation that other hon. gentlemen, such as the leader of the opposition, only rank as pilots while he ranks as captain. I am reminded of the story of two of my fellow countrymen who were having a little argument over a glass of whiskey. As the argument advanced, one of them, named Alexander, said to the other, 'Angus, I am a philosopher and you are a fool.' My hon. friend almost went so far as to characterize the other members of the committee as of a lower rank of intelligence as compared with himself. He did not mean it, but nevertheless hon. gentlemen could not fail to glean that impression. No member of the committee ignores the important work which my hon. friend has done on these rules. His work will remain, and this House will get the benefit of it. We have said it before, and we say it now; but we felt like having a little of our own way—only a little as compared with what he has had—and he should not grumble.

Hon. Mr. POWER—I wish to say a few words in explanation. Perhaps I have not the gift of making a clear statement; it must be so, because the two hon. gentlemen who have spoken on the other side of the House have completely misrepresented what I said. I never found the slightest fault with any criticism, never referred to what took place in the committee at all except in this way. I said I had been in charge of the ship, in a way. I did not even claim that I was as intelligent as the other officers of the craft, but I said I had not been very successful in navigating the ship, and now that she had got within pilotage limits it was better that I should let the ship be brought in by

a pilot. I did not specially single out the hon. gentleman from Beamsville (Hon.Mr.Gibson) but I mentioned his name as being a gentleman who had shown promise of being an authority on parliamentary law, and practice. If there is anything wrong or offensive in that to the hon. gentleman from Beamsville, or if anything I said is calculated to offend any hon. gentleman in this House, I withdraw it; but it is only expounders such as the hon. gentlemen opposite who could distort my language to mean what they have made it mean.

Hon. Mr. LOUGHEED—The hon. gentleman is a little unfortunate in the simile he has used in comparing himself to a captain of a ship, because nothing will justify a captain in deserting his ship. I understand in nautical law that is most clearly laid down.

Hon. Mr. POWER—I am prepared to stand by the ship, but I am not taking charge.

Hon. Mr. LOUGHEED—The hon. gentleman misconceives the position of the committee and of himself with reference to this code of rules. It is not a fully equipped ship that my hon. friend is in charge of. We proceeded to build a ship, to lay it on the stocks, and because some of us thought fit to change the lines from those laid out by the hon. gentleman from Halifax, it has not in any way weakened the construction of the craft. I hope my hon. friend will reassume the charge he had of piloting this celebrated ship into port, and will, under even the most adverse circumstances, stay with the ship. The rules as we have them now are in a very desirable shape, and, when printed and acted upon in practice hereafter, I am sure whatever credit may be due to any one, will be awarded to him.

Hon. Mr. POWER—I am sick and tired of hearing that word 'credit'. I do not want credit; I simply did my duty.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman objects to what he terms the distorting of his language and misrepresenting it. It may be just possible that I do not understand what the English language means, but I took down the words when he uttered them, and in giving a reason why he deserted the ship, it was because he could not have his own way.

Hon. Mr. POWER—I never said a word about having my own way or deserting the ship.

Hon. Sir MACKENZIE BOWELL—He insinuated that he as captain was not the one who should have attempted to command the ship. That implied that those who differed from him on the subject of the rules were influenced by personal feeling against him.

Hon. Mr. POWER—Not at all.

Hon. Sir MACKENZIE BOWELL—It means that or nothing at all. His last language, attributing to me a distortion of his words, is unwarranted. I have no desire to assume the position of 'pilot' of the ship, but since the captain has deserted it, whether he desires to scuttle it or not, it should be brought safely into port. He not only deserts his post as captain, but pirate like would scuttle the ship, and drown us all. I have no objection therefore to move, seconded by the hon. gentleman from Beamsville, the adoption of this report.

Hon. Mr. LANDRY—I rise to a point of order.

Hon. Mr. WATSON—Under what rule?

Hon. Mr. LANDRY—The report of this committee has not been printed in French. I find in 'Bourinot,' 3rd edition, page 554, speaking of reports of committee, the following:

> When the Speaker has called for reports of committees during the progress of routine business, the chairman or, in his absence, a member of the committee, will rise in his place and having briefly stated the nature of the report, will send it to the table where it is read by one of the assistant clerks. If it is long, the House generally dispenses with the reading, as all reports are printed in the votes and proceedings for the information of members as soon as they are laid before the House.

There are two points of order, one that the report has not been printed in the votes and proceedings, and the second is covered by the following words:

> The reports should be in English and French like all other proceedings of the two Houses.

That question came up in the Senate on the 23rd April, 1868.

The committee appointed to examine and report upon the contingent accounts of the Senate for the present session, to whom their fifth report was referred back for further consideration, have in obedience to the order of reference of the 22nd instant, further considered the subject matter of the said report and now beg leave to report thereon as follows.

Then follows the report.

The Hon. Mr. Seymour moved, seconded by the Hon. Mr. McCully, that the said report be now adopted. After debate, on a question of order being raised, that the said report not being in the French language cannot now be taken into consideration, the Hon. the Speaker being appealed to ruled that a report received by the House is a record according to the meaning of the 133rd section of the British North America Act, 1867, and that the report before the House being in the English language only cannot be now taken into consideration.

The two points are first that this report has never been printed in the minutes of proceedings of this House, and second it is not in French.

The SPEAKER—I think the point is well taken.

Hon. Sir MACKENZIE BOWELL—Then I move that this order be discharged and placed on the orders of the day for the 18th of April next.

Hon. Mr. POIRIER—That will not give two intervening days.

Hon. Sir MACKENZIE BOWELL—Then I make it the 19th and that will give the two intervening days.

The order was discharged and placed on the Orders of the Day for the 19th April next.

Hon. Mr. YOUNG moved:

That the senators be summoned, under rule 16, on the 19th April next, for the purpose of making standing orders the rules, reported from the Committee of the Whole House yesterday.

If there should be a discussion on the 19th which would render this inconvenient to members, the order can be discharged and fixed for the 20th.

Hon. Mr. LANDRY—I object to that motion on this ground; the notice is premature. It cannot be given before the adoption of the report.

Hon. Mr. YOUNG—Oh yes it can.

Hon. Mr. LANDRY—At all events if it be given there must be one clear day intervening. under rule 17.

The SPEAKER.—I would suggest to the hon. gentleman to continue it as a notice of motion.

Hon. Mr. YOUNG—I wish to meet the convenience of the House.

Hon. Mr. LOUGHEED—The motion of which I have given notice would be in order.

Hon. Mr. LANDRY—I make no objection to that.

Hon. Mr. YOUNG—My hon. friend from Calgary is in exactly the same boat as I am.

Hon. Mr. LANDRY—Not the same, because the rules he wants to amend have been adopted by this House.

Hon. Mr. YOUNG—The hon. gentleman is moving the adoption of a new rule.

Hon. Mr. LANDRY—He wants to make a change in a rule which is already the rule of the House, and it is urgent that it should be done, but there is no urgency in the other case.

Hon. Mr. YOUNG—My hon. friend did not raise the point of order as to urgency, but on the point of time, that I had not given sufficient notice.

Hon. Mr. LANDRY—In this case what is asked for is urgent. I could raise a point of order, but I do not care to do so. I do not insist on all my rights.

Hon. Mr. YOUNG—Then it is understood that my motion stands over until the 18th.

The SPEAKER—Yes.

The Senate adjourned until Wednesday the 18th April at 8 p.m.

SENATE.

OTTAWA, Wednesday, April 18, 1906.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

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

SENATE.

OTTAWA, Thursday, April 19, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RULES OF THE SENATE.

ORDERS OF THE DAY DROPPED.

The Order of the day being called:

That the senators be summoned under rule 16 for the 19th April instant for the purpose of making the rules, reported from the Committee of the Whole House on the 27th March last, standing orders of the Senate.

Hon. Mr. YOUNG—I think I had better ask to have this motion discharged, because I have got out of line with the date, and put in a new notice of motion.

Hon. Mr. LANDRY—That is with the permission of the House, I suppose?

Hon. Mr. YOUNG—Not necessarily. It has not been moved from the Chair.

Hon. Mr. LANDRY—I would call the attention of the House to a circular dated the 18th of April, but which was mailed on the 15th, addressed to all the members of the Senate, which reads as follows:

Sir,—In compliance with rule 16, you are hereby notified that the proposed revised rules and orders of the Senate are on the Orders of the Day for consideration on the 19th instant.

That is to-day.

With a view of making them standing orders of the Senate.

I have the honour to be, Sir,
Your obedient servant,
(Sgd.) SAMUEL E. ST. ONGE CHAPLEAU,
Clerk of the Senate.

I do not see why we are summoned here to-day in this manner if the preliminary motion has not been adopted and if the hon. gentleman is now going to withdraw that motion.

The SPEAKER—I have to inform the Senate that the notice which has been read was sent out by error.

Hon. Mr. YOUNG—Perhaps my hon. friend will allow this to stand as a notice of motion for the next meeting of the Senate? In any case it will have to be dropped, because my notice is out of line with the date.

The SPEAKER—The Order of the Day is dropped.

BILLS INTRODUCED.

Bill (6) An Act in amendment of the Railway Act, 1903.

Bill (19) An Act respecting the South Ontario Pacific Railway Company.—(Hon. Mr. McMullen.)

Bill (22) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Young.)

Bill (23) An Act to incorporate the Quebec Midland Railway Company.—(Hon. Mr. Mitchell.)

Bill (24) An Act respecting the Campbellford, Lake Ontario and Western Railway Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (26) An Act respecting the West Ontario Pacific Railway Company.—(Hon. Mr. Coffey.)

Bill (28) An Act respecting the Esquimalt and Nanaimo Railway Company.—(Hon. Mr. Bostock.)

Bill (30) An Act respecting the Kootenay and Arrowhead Railway Company.—(Hon. Mr. Bostock.)

Bill (No. 31) An Act respecting the White Horse and Alsek Railway Company—(Hon. Mr. Bostock.)

Bill (32) An Act respecting the Nakusp and Slocan Railway Company.—(Hon. Mr. Bostock.)

Bill (41) An Act respecting the Vancouver, Westminister and Yukon Railway Company.—(Hon. Mr. Bostock.)

Bill (44) An Act respecting the Kingston and Pembroke Railway Company.—(Hon. Mr. Sullivan.)

Bill (46) An Act respecting the St. Clair and Erie Ship Canal Company.—(Hon. Mr. Lougheed.)

Bill (53) An Act respecting the Crawford Bay and St. Mary's Railway Company.—(Hon. Mr. Bostock.)

Bill (64) An Act respecting the Atlantic, Quebec and Western Railway Company.—(Hon. Mr. Young.)

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

SENATE.

OTTAWA, Friday, April 20, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DEBATES OF THE SENATE.

MOTION.

Hon. Mr. BEIQUE presented the first report of the Standing Committee on Debates and Reporting, and moved that it be taken into consideration on Monday next.

Hon. Mr. LOUGHEED—May I ask the Chairman of the committee who the gentleman is who has been recommended by the committee and what his experience is ?

Hon. Mr. BEIQUE—The gentleman who is mentioned in the report is the reporter of the Montreal 'Herald' in the press gallery of the House of Commons. I inquired personally of Mr. Kidd, the chief editor of the Montreal 'Gazette' and was told by him that no better man could be chosen. His services are subject to be dispensed with on a week's notice in case he does not give entire satisfaction.

The motion was agreed to.

RULES OF THE SENATE.

MOTION.

The Order of the day being called.

Consideration of the amendments made in Committee of the Whole House to the third report of the special committee appointed during last session to consider and revise, and if deemed necessary, to add to the rules, orders and forms of proceeding of the Senate.—Sir Mackenzie Bowell.

Hon. Sir MACKENZIE BOWELL moved that the amendments made in Committee of the Whole to the third report of the committee charged with the revision of the rules of the Senate be now taken into consideration.

Hon. Mr. FERGUSON—As hon. members will observe, I have given notice that when this stage of the proceedings is reached I would move that the amendments made to the report be not now concurred in, but that it be referred back to the Committee of the Whole for the purpose of considering some other amendments which I think are necessary to be made to the rules before they finally pass out of our hands. I therefore move the motion which stands in my name, as follows :

That when the Order of the Day is reached for the consideration of the amendments made in Committee of the Whole House to the third report of the special committee appointed during last session to consider and revise, and if deemed necessary, to add to the rules and forms of proceeding of the Senate, he will move that these amendments be not now agreed to, but that the said report be referred back to the Committee of the Whole House for the purpose of reconsideration forthwith.

I may explain that during the recess, having some time on my hands, the Clerk of the Senate called my attention to some incongruities which he had observed in the rules and I went into an examination of them partly with the clerk and partly on my own account. As might reasonably have been expected, I found that there were many incongruities and verbal slips in the rules. This is only what might have been looked for. When rules are largely made up as one might say of patch work—the old rules recast with some new ones added, and numerous changes made in Committee of the Whole, it would almost inevitably happen, that many amendments would not exactly fit into their place, and that a careful revision of the whole thing would be necessary in order to find how far, to use a common expression, they were out of joint. Nearly all the proposals which I have made relate to verbal changes or to cases where it is found that the same thing is provided for under more than one of the rules, and an effort has been made to remove the surplusage and make the rules as concise as possible.

Hon. Mr. ELLIS—There is a little confusion in my own mind now with regard to this whole matter. As I understand it, the House, in Committee of the Whole, has agreed to certain amendments, and they have been reported by the Committee of the Whole House. The hon. gentleman from Marshfield, as I understand, proposes to amend the rules as they are proposed to be amended by the committee, and he proposes to strike out some of the rules which we have amended. It does not appear to me that the matter is in very good shape and it would be better if the rules could be

printed with the proposed amendments indicated at the proper place. The Committee of the Whole of this House has agreed to certain amendments which they recommend the House to adopt and there is a motion before the House made by the hon. gentleman from Belleville to adopt them. The hon. gentleman from Marshfield proposes that they shall not be adopted but that further amendments shall be made. To what?

Hon. Mr. FERGUSON—If I may be permitted to explain, I do not think that in more than one case the changes which I have suggested relate to the amendments made in Committee of the Whole. They are changes in the rules themselves in order to make what has been done fit together properly.

Hon. Mr. ELLIS—Others may not be in the same confusion of mind as I am, because I sat in the Chair of the Committee of the Whole, but it seems to me now that we are in an awkward position. We are called upon to amend that which we have already amended, and which there is a motion before the House to adopt in the amended form.

Hon. Mr. FERGUSON—When we go back into Committee of the Whole the committee will have entire charge of the rules and will be able to deal with my suggestions as they see fit.

Hon. Mr. ELLIS—The hon. gentleman has stated to the House that during the recess he had some opportunity to go over these matters in a calmer way apparently than was done before. I might remind the House, that when the committee was appointed a year ago to deal with this matter it gave a considerable amount of attention to it; but a great deal of the work was, no doubt, left in the hands of the chairman of the committee himself, who was as capable as any man on the committee. After sitting for two or three hours, the committee was only too glad to avail itself of the opportunity of referring to the hon. gentleman from Halifax (Mr. Power) the task of amending and putting into proper shape all that had been agreed upon. There were only one or two serious differences of opinion in the committee. The hon. gentleman from Halifax (Mr. Power) devoted a great deal of time and brought his best talent to bear on the subject and it did seem to me when we were last discussing this matter, if the House will excuse me, that he was rather looked upon as an offender, and he was thrown upon his defence in regard to a matter in which he had actually acted in the best interest of the House. Now, whether the propositions which the hon. gentleman from Marshfield is submitting are better or not I do not know, but I think there is a difficulty in approaching them now in view of the fact that we have amended some of the rules. I think it would be better to have the whole document printed again with the amendments suggested by the hon. gentleman indicated at the proper points.

Hon. Mr. POWER—I have no particular objection to referring the report back to the Committee of the Whole, but it seems to me that that is not the whole case. The hon. gentleman from Marshfield does not move in a general way that the report be referred back for the purpose of reconsideration generally, but, as I gather, that the committee may adopt certain changes in the rules, as they now stand, which changes the hon. gentleman thinks will very considerably improve them. Now, while I am quite willing that the report should be referred back for reconsideration, I am not willing that it should be referred back with the understanding that it is for the purpose of inserting the amendments which the hon. gentleman proposes. The hon. gentleman told the House that he had some leisure during our recent adjournment and that he devoted it to the work of considering these rules. It strikes me that this has happened to the hon. gentleman: We know that in athletics when a man over-trains he becomes what is called 'stale'. I think the hon. gentleman has been devoting too much attention to these rules and that he has become, in the phraseology of athletics, stale. I propose, with the permission of the House, to demonstrate that from the nature of the amendments which he proposes. I do not propose to discuss all the suggested changes, but some of them only, in order to indicate to the House what their general character is. The hon. gentleman proposes the following:

2. That paragraph 7 of rule 4 be amended by striking out the word 'select' in the first line and inserting the word 'standing' in lieu thereof, and by adding the following words at the end of the said paragraph 'appointed for the session.'

3. That the 8th paragraph of the said rule be amended by striking out the word 'select' in the first line, and inserting after the word 'Committee' at the beginning of the second line, the words 'embracing less than the whole number of senators and.'

4. That rules 89, 90, 91 and 129 be amended by striking out the word 'select' wherever it appears in these rules, and inserting the words 'standing or special' in lieu thereof.

5. That rule 92 be amended by striking out the word 'select' in the second line of the second paragraph.

It strikes me that these suggestions are based upon a misconception by the hon. gentleman of the meaning of the word 'select', that is the meaning of the word as used in the books of practice. The hon. gentleman seems to be under the impression that there is no necessity for defining the word 'select' in our rule. The rule which he proposes to alter, says: 'Select committee'—a committee embracing less than the whole number of senators.

Now the report of the committee was intended to put the matter in logical shape. The rule, as we have it here, divides committees into two classes, committees of the whole and committees of a less number than the whole, and to those committees of a less number of the whole number of senators, the name 'select' is applied. The hon. gentleman from Marshfield appears to be under the impression that that is already the meaning of the word 'select'; but if he will refer to May he will find that is not the case. In England the word 'select' is used as we in this report propose to use the word 'special'. The 'select committee' is distinguished from a standing committee. It is not distinguished from a committee of the whole so much as from a standing committee, and consequently the amendment which the hon. gentleman proposes would simply introduce confusion. May, on page 378, (tenth edition) says:

A select committee is composed of certain members appointed by the House to consider or to take evidence upon any matters, and to report their opinion, for the information and assistance of the House.

That description of the select committee would cover a standing committee, or a special committee; but on page 382 at the bottom of the page you will find this language:

Sessional committees——

You see, our standing committees——

—also are appointed, such as the Committee of Public Accounts under standing order No. 77; The Committee on Standing Orders, the Committee of Selection, the General Committee, on Railway and Canal Bills, the Committee of Police and Sanitary Bills, and the Kitchen and Refreshment Rooms Committees.

Any one who reads this chapter carefully will see that May distinguishes between standing committees and select committees, and that select committees are looked on in England as corresponding with what we propose to call 'special committees.' I have given two authorities but there is another. At page 469 of May, we find:

Notwithstanding the facilities for discussion afforded by a Committee of the Whole House, the details of a Bill may often be considered more conveniently by a standing or by a select committee.

May distinguishes there between standing committees and select committees, and the report of our committee is, if we wish to have things in a logical form, the proper report. The select committee we define to be a committee less than the committee of the whole, a committee consisting of less than the whole number of senators, and a special committee is a select committee other than a standing committee. The hon. gentleman proposes also to define standing committee. Now there is no object in defining a thing which is perfectly clear already. I do not think that any hon. gentleman has ever had any doubt as to what a standing committee is. Everybody understands that a standing committee is one of the committees appointed at the beginning of the session and for the whole of the session. Consequently, these amendments with respect to the use of the words select committees are not amendments at all, but would be calculated to damage the report instead of improving it. It must be remembered that one of the objects of having these rules, and of having the practice codified is, that hon. gentlemen who do not habitually devote a great deal of attention to the subject of practice may be able to tell readily what the rule of the House is, and what the practice is on any given point. The hon. gentleman proposes

to strike out subsection 2 of rule 30 to strike out the words 'unanimous consent' in the third line and insert the word 'leave' in lieu thereof. I quite admit that that will not alter the meaning of the rules, but I wish to direct the attention of the hon. gentleman to this point, that members of this House other than those who give a deal of attention to the practice, do not carry all the words of the interpretation rule in their heads at all times, and when they find in rule 30 that a thing can be done only by the unanimous consent of the House, they know without referring to any other rule what it means. It is quite true that 'leave of the House' would mean the same thing but still it might involve a little difficulty on the part of some hon. gentleman to be quite sure of that, and I must say that I look upon suggestions of this kind as being of an exceedingly microscopical character. It is a serious and important step to refer this report back to the Committee of the Whole House for the purpose of making amendments, and unless the amendments are of very considerable moment, it is a step which I do not think the House should take.

Hon. Mr. FERGUSON—I understand the hon. gentleman to say that he did not object to the House going into committee, for the purpose of dealing with the matter generally.

Hon. Mr. POWER—I said that I objected to going into committee for the purpose of dealing with the rules as he suggests.

Hon. Mr. FERGUSON—When the House goes into committee it will be open to the committee to deal with the rules in any way that may then be thought proper. Some of the suggestions I am not very anxious about, and if any strong views were expressed against them I would not press the point; but I thought if we were going back into committee we ought to deal with them all. If the hon. gentleman will allow the House to go into committee, we can very quickly come to a conclusion with regard to many of them. For instance, with regard to this very matter of 'unanimous consent', there is a group of amendments in which this expression occurred, and by dealing with one of them separately, the hon. gentleman is not receiving the proper impression, the impression which I intended to convey. If we were in committee I would show what I mean by this group of amendments and my hon. friend would know better what was intended.

Hon. Mr. POWER—I have gone over the proposed amendments and I think I grasp their meaning fairly well. I have given them the best attention I have been able in the short time at my disposal, and I have come to the conclusion that there is not one of the proposed amendments which is at the same time in the right direction, and of sufficient consequence to justify the proposed action; but I am not going to oppose the motion to go into committee to deal with the whole question.

Hon. Sir MACKENZIE BOWELL—I think if the motion of my hon. friend from Marshfield is read carefully it will not be found to bear the construction which the hon. gentleman from Halifax has put upon it. If the House goes back into committee it is only for the purpose of reconsidering what has already been done, and we can reject any of the hon. gentleman's propositions for the amendment of the rules, or for the changing or omission of words. When he moves the amendments in committee they can be fully discussed, but we do not commit ourselves, if the Senate consents to go back into committee, to a single proposition which the hon. gentleman from Marshfield has made. If that were the case, then I could understand the force of the argument of the hon. gentleman from Halifax. I should take the same position myself. I have gone through these proposed amendments—very casually, I must frankly admit. Some of them, I think, would be of advantage and others I should not be inclined to adopt unless a good explanation were forthcoming; but in voting for the motion to go back into committee for the reconsideration of what has already been reported, the Senate does not commit itself in any way. If the House is under the impression that the rules are perfect as they come from the committee they should reject the motion. If, as the hon. member from Halifax says, he has no objection whatever to going back into committee, he should be prepared to oppose a good many of the pro-

positions made, which he has already done. He has very lucidly explained his views upon certain points. Every member of the Senate who has paid any attention at all to the rules knows that there is a difference between a select committee and a standing committee. Select committees are appointed very often for special and specific purposes, and they report. The standing committees are appointed at the beginning of the session to deal with certain subjects. I have noticed also in my hurried reading of the amendments that the hon. gentleman does not propose in many cases to strike out the word 'select.' He leaves the word 'select' in many of the rules as reported to the House so that I do not think it would do any harm or that any bad effect would result by going back into committee. Then we could discuss the different propositions made in these resolutions and the hon. gentleman from Marshfield, who has given a great deal of attention to the subject, could give his reasons to the House why he makes the various propositions. If the House approve they can adopt them; if not they can reject them.

A motion to postpone consideration of the report until Monday next was agreed to.

INQUIRY.

Hon. Mr. FERGUSON asked:

The government to furnish the Senate with the following particulars regarding the ice-breaking steamer now in course of construction in Great Britain for the Department of Marine and Fisheries:—

1. Dimensions.
2. Tonnage.
3. Horse-power.
4. The date of contracts.
5. The date fixed for completion.
6. Cost. Also, if an additional ice-breaking steamer is under contract.

Hon. Mr. SCOTT—I have received the following reply from the department:

1. Dimensions, length between perpendiculars, 172 feet; breath moulded, 32 feet; depth moulded, 18 feet; draft mean, 12 feet.

2. Tonnage, displacement in tons, 1,030 tons.

3. Horse-power, 2,250.

4. The date of the contracts, March 13, 1906.

5. The date fixed for completion, September, 1906.

6. (a) Cost, £44,260.

(b) Also, if an additional icebreaking steamer is under contract? No.

The Senate adjourned until three p.m. on Monday next.

SENATE.

OTTAWA, Monday, April 23, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DIVORCE COMMITTEE.

MOTION.

Hon. Mr. KIRCHHOFFER—With the leave of the House, I would ask that the Divorce Committee be allowed to sit this afternoon while the House is in session. We have a great deal of work on hand and a number of witnesses in attendance, as well as counsel for the parties interested, and the committee is perfectly willing to carry on its proceedings if allowed to sit while the House is in session.

Hon. Mr. FERGUSON—That would require the unanimous consent of the Senate, would it not? We have, I think, very much more important work to do in the House than that which is before the Divorce Committee. We are to determine finally the form of the rules which will govern this House for perhaps twenty years to come, and that is surely of more consequence than to finish up divorce proceedings.

Hon. Mr. KIRCHHOFFER—We feel that the rules will be safe in the hands of the hon. gentlemen, and we would like to have the leave of the House to sit. I hope the hon. gentleman will not object.

Hon. Mr. POWER—If there is any objection, that settles it.

The SPEAKER—Does the hon. gentleman from Marshfield object?

Hon. Mr. FERGUSON—I do.

The motion was dropped.

ALEXANDRIA POST OFFICE.

INQUIRY.

Hon. Mr. McMILLAN asked:

Has the government caused an inquiry to be made as to the origin of the fire that destroyed

the post office at Alexandria, and if not, do they intend doing so ?

Hon. Mr. SCOTT—Yes, the government have instituted an inquiry.

Hon. Mr. McMILLAN—Could the hon. gentleman state what has been the result ?

Hon. Mr. SCOTT—I do not think we have a statement yet, but I will find out from the department.

Hon. Mr. McMILLAN—The reason why I put the notice on the paper was that according to prevailing opinion in our town, the fire was caused by defective electric wiring. It is about time that this should be widely known, because I am satisfied that a great many fires originate through defective wiring. I think it would do a great deal of good throughout the country if the matter were made public.

Hon. Mr. SCOTT—I will have an inquiry made at the department.

RULES OF THE SENATE.

MOTION TO AMEND RULE 148.

The Order of the Day being called,

That the following be added to divorce rule 148 as paragraph 2—

2. A copy of every petition for a Bill of divorce, or relating to any matter arising out of and of every document and paper accompanying such petition or produced in evidence before the committee, shall be furnished to the committee by the person on whose behalf the petition, document or paper is presented or produced.—Hon. Mr. Lougheed.

Hon. Mr. LOUGHEED—I gave notice of the first motion on the paper and desire to move accordingly. With a view of making this a standing order, it is necessary that the House should first pass the motion making it an order of the House, the object being that there should be a copy of all documents filed with the committee, and thus with the Senate in all divorce applications. I think the desirability of this is obvious, and it does not entail any additional cost in the proceedings. I therefore move that the subclause of which I have given notice be made an order of the House. I would however, propose a slight amendment, namely on the second line, instead of the words 'such petition,' these words be inserted, 'an application for divorce' in lieu thereof.

The motion was agreed to.

Hon. Mr. McMILLAN.

THE RULES OF THE HOUSE.

AGAIN IN COMMITTEE.

The House resumed in Committee of the Whole consideration of the third report of the Special Committee appointed during last session to consider and revise, and, if deemed necessary, to add to their rules, orders and forms of the proceedings of the Senate.

(In Committee.)

Hon. Mr. FERGUSON—My first motion is that paragraph 4 and 5 of rule 4 be struck out. I am not particular about this amendment, but the point I take is this : as far as I have been able to investigate, I do not find that these words 'incidental questions' and 'subsidiary questions' occur in the rules. If they do not occur, there is no need of our putting an interpretation upon them. There is no need of loading the rules unnecessarily.

Hon. Mr. POWER—The hon. gentleman could not have made as careful a study of the following rules as he ought. If he will turn to rule 21, which is a very important rule, he will find that it reads as follows :

When a senator wishes to give notice of an inquiry or motion, he reduces the notice to writing, signs it, reads it from his place during a sitting of the Senate, and hands it in at the clerk's table.

This rule does not apply to motions with respect to Bills, nor to motions dealing with reports of committees, nor to formal, routine, subsidiary or incidental motions, notice of which, when necessary, may be given by word of mouth, or by any means which places such motions among the orders or on the notice paper for any day.

Now it is clearly desirable, as this is one of the rules which will be used very frequently, that the language used shall be defined, and that is why the special committee to which the rules were referred undertook here in this rule 4, to define 'subsidiary' and 'incidental' motions. The definition is necessary, and, even if it were not necessary, it cannot do any harm.

Hon. Mr. FERGUSON—It occurs only once.

Hon. Mr. POWER—But it is in a very important place. The hon. gentleman said it did not occur at all.

Hon. Mr. FERGUSON—I do not think it is necessary to define a word which occurs only once.

Hon. Mr. POWER—There are certain drawbacks to any hon. gentleman, no matter how astute he may be, constituting himself a sort of court of appeal to which the decisions of the committee are to be referred.

Hon. Mr. FERGUSON—My hon. friend, in the few observations he made the other day tried to be sarcastic and to sneer. It takes a much more clever gentleman than himself to sneer successfully, and I would advise him hereafter to practice something which will do him a little more credit. The hon. gentleman, in connection with these rules, reminds me of a male bird that is very well known in the barn yard about this time of the year. A process of incubation is going on, and this bird attacks every person or animal that comes near the place, supposing them to have sinister designs on that process of incubation. That is what my hon. friend is doing with regard to the rules, which, I assure him, no one has any sinister designs upon. We want to be reasonable about them, and, if they can be in any way bettered, to improve them, and though he is a wise man, he does not carry all the wisdom of this House, and some of us might blunder upon something which would be an improvement. If there is any reason in an amendment, proposed at this late stage, let us adopt it, and endeavour to make the rules, which we are likely to work under for a great many years, as perfect as we can. I am not going to press this point, but I think hon. gentlemen will agree with me that there is no necessity for an interpretation clause which is to define only one rule. It would be much better to revise the rule itself and make its language clear. However it is like a chip in porridge; it cannot do much harm, and it certainly will do no good.

Hon. Mr. POWER—These rules are not my rules. I am not specially responsible for them, and in undertaking to amend the rules the hon. gentleman is undertaking to revise the work of the committee. These rules are the work of the committee. The committee has reported these rules. I do not claim any credit about it. If the hon. gentleman's barn-yard comparison were accurate, one might suppose that he had been the incubator himself.

The motion was withdrawn.

Hon. Mr. FERGUSON moved:

That paragraph 7 of said rule be amended by striking out the word 'select' in the first line and inserting the word 'standing' in lieu thereof, and by adding the following words at the end of the said paragraph: 'appointed for the session.'

This deals with the names to be given to our committees. We have three committees —Committee of the Whole, Standing Committees and Special Committees. In our rules heretofore and in our practice we have used these three expressions as covering all the committees. In our old rules the use of the word 'select' occurred only once. In these four rules, 89, 90, 91 and 92, the word 'select' appears several times. These rules have been borrowed from the rules of the Australian commonwealth where the word 'select' is applied in precisely the same way that we use the word 'special' in our practice. I might say that this question did not originate with myself. The Clerk of the House called my attention to it, and it seems to me that it would be very much better to stick to our old designation of our committees. If amended in that way the first paragraph will read 'Standing Committee,' a committee embracing less than the whole number of senators and appointed for the session.' That is a definition which every one would understand, and if there is any necessity for a definition at all, I would amend the 8th paragraph to read 'Special Committee, a committee embracing less than the whole number of Senators, and other than a Standing Committee.' By making that amendment, we would just have the two committees, Special and Standing, and thus we would harmonize the rules from beginning to end.

Hon. Mr. POWER—Unnecessary definitions are very undersirable things. I doubt if there is a member of the Senate who does not understand thoroughly what a standing committee is, and, consequently, there is no necessity for defining it; but there are several hon. members, I have no doubt, who are not quite clear as to what a select committee is, and that is why the committee who had this matter in charge undertook to define a select committee. In England the select committee means substantially the same thing as the hon. gentleman from Marshfield has spoken of as a special committee. The plan adopted by the

special committee here was a logical one. Committees are divided into two classes; those which embrace the whole number of senators, that is the committee of the whole, and the Committee on Privileges, which is a Committee of the Whole, and committees consisting of less than the whole number of senators.

I think the reasonable and logical plan is to call the second kind of committee, which embraces fewer than the whole number of senators, a select committee. It is a committee selected out of the whole body. When we come to deal with select committees, that is committees embracing less than the whole number of senators, they are divided naturally into two classes. First the standing committees, which are appointed at the beginning of every session. These are provided for in the rules; we have a list of the standing committees, and the statement of the number of members of which each standing committee is composed. Every one knows what they are, and there is no necessity for defining the term. Then in addition to these standing committees, which are appointed every session as a matter of course, there are special committees appointed for special purposes, which may be called into existence at any time during the session, and these the committee on the revision of the rules decided to call special committees. I think the phraseology must appeal to every one's common sense. I pointed out the other day, and I think I made it clear to the House, that in England this term 'select committee' is really almost equivalent to our special committee, and it is not desirable that there should be any confusion. I may say that until I came to investigate the matter in connection with these rules I was very doubtful as to what a select committee was, and the object of having these definitions is to remove such doubts from the minds of hon. members of the House. The ordinary member—and I speak of myself in that connection—finds it much more convenient to have definitions set out in the rules than to search books of parliamentary practice to find out what the meaning of the word is.

Hon. Sir MACKENZIE BOWELL—What real difference is there between the two kinds of committee? What are the duties which are specially assigned to one and not to the other? Under the interpretation clause, it is declared that a select committee is a committee embracing less than the whole number of senators. I suppose every member of the House, no matter how little study he may have given to the subject, would understand that. Then you define a special committee and declare that a special committee is a select committee other than a standing committee. It seems to me that the words 'special committee' would cover all that is necessary. If a special committee is declared to be a select committee, what necessity is there for saying what a select committee is, unless it be simply to say that it is one other than a standing committee, for the fact of being called a special committee would imply at once that it is different from a standing committee. The simplest way would be to have one kind of committee either special or select particularly as the special committee is declared to be a select committee, and we know that a select committee is any committee other than a standing committee and that special committees are appointed for special purposes. I really do not see the object of retaining both terms.

Hon. Mr. FERGUSON—Bourinot, pp. 528 and 529 defines the committees of the Senate. He says:

> Standing and special committees now form a most important part of the legislative machinery. They possess the obvious advantage which a small number of persons, &c.

And then he speaks at length of these committees. After describing standing committees he goes on at pp. 532 to speak of a select committee as follows:

> Select or special committees. In addition to the standing committees there are certain select or special committees appointed by the two Houses in the course of the session.

And then he goes on and describes them, either standing or special. The hon. gentleman is trying to find a distinction between these two; the simple fact is that in the English house of parliament they use the select. In the Australian legislature they have adopted that phraseology, while we have always used the word 'special,' meaning precisely the same thing. We have just the two committees, standing and special, and I think we ought to prevent confusion, to stick to that classification. The word

'select' is not as good as 'special' because it would not be distinguishing it from a standing committtee, which is also a select committtee. I think I understood the hon. gentleman from Halifax to say a standing committee is not a select committee. If he will turn to May he will find it there stated that the nomination of standing committees is entrusted to a committee of selection.

The SPEAKER—I think the hon. gentleman from Marshfield is in error. What the hon. gentleman from Halifax stated was that there were two kinds of select committees, the standing committees and the special committtees.

Hon. Mr. FERGUSON—The word 'select' is not used frequently, but, because it appears once or twice, we require to make an interpretation clause drawing a distinction between select and special. It is the difference between tweedle-dee and tweedle-dum. Either word will do but we should adopt it all round, and not employ both expressions. I think it would be very much better to adopt the clerk's suggestion and adhere to the wording of the old rule, under which there has been no confusion.

Hon. Mr. POWER—Do I understand that this amendment is to define the word 'standing?' If so, that is quite unnecessary.

Hon. Mr. FERGUSON—It would be entirely unnecessary if my hon. friend had not, in drafting the new rules, adopted the word 'select committee,' defining it as one other than a standing committee. When he puts that in, it then became necessary to obtain a starting point. That is where the confusion arises.

The motion was declared lost.

Contents 13; non-contents, 15.

Hon. Mr. FERGUSON—The next amendment I propose is that the last paragraph of rule 25 be amended by striking out the words 'unanimous consent' in the second line and inserting the word 'leave' in lieu thereof. We have been using the words 'unanimous consent' in this House as meaning precisely what is meant by the interpretation clause when it describes that the leave of the House shall mean the consent of the House without a dissenting voice. We have a variety of phrases, 'consent of a majority' in one case, 'consent of the House' in another place, and 'unanimous consent' in another place. It seems to me that the right thing to do is to allow 'leave of the House' to stand as an interpretation, although it only occurs once; still it seemed to me to be a very neat way of describing what has been our practice. The interpretation clause which the hon. gentleman has been at so much pains to draft, would, I think, be improved by harmonizing these other expressions throughout the rules.

Hon. Mr. POWER—The hon. gentleman from Marshfield is quite right in saying that the amendment he proposes does not make any change in the meaning, and there is no special objection to it except this: The paragraph which is proposed to be amended reads as follows:

> Nor where notice is dispensed with by the unanimous consent of the Senate.

The hon. gentleman proposes to make that read 'with the leave of the Senate.' These two expressions mean the same thing. If some outside party interested in a bill looks at this rule and finds 'leave of the Senate,' he is liable—and any hon. gentleman coming in here for the first time is liable—to think that leave means what it would naturally mean— leave of the majority of the House; but when he finds the words 'unanimous consent' then he knows that one member can stop the action. Looking at it as a matter of business and convenience, the words 'unanimous consent' are really preferable. The words have been used in our Senate since the Senate was a Senate.

Hon. Mr. FERGUSON—Of what use is the interpretation clause then? My hon. friend seems to think there is some great virtue in an interpretation clause with a long string of interpretations which interpret nothing. We are not making a dictionary. We are merely defining the meaning of words as employed in our own rules. The words 'consent of the Senate' have been interpreted by many decisions of our Speakers as meaning the majority of senators, and I propose to put in a definition of that in order to harmonize all the different expressions. The words 'consent of the Senate' are used a good many places in the rules, and, in my opinion, they ought to be made clear, because in some places they will be regarded as meaning a ma-

jority of the House. In other places it may be taken to mean a majority of the Senate present. Unless under very special circumstances, it should, I think, mean a majority of the senators present, and I propose to make a new definition that will explain these words, but I do not wish to press the matter. I make the motion nevertheless.

The motion was declared lost.

Hon. Mr FERGUSON moved that :

Rule 20 be amended by inserting the words 'next after third readings' after the word 'day' in the fourth line of the second paragraph.

Hon. Mr. BEIQUE—I would suggest that in lieu of rules 20 and 73 the following be adopted :

20. Unless the Senate directs otherwise, orders of the day take precedence in order of priority as follows :
1. Orders of the day for the third reading of Bills.
2. The order of the day which at the time of the adjournment was under consideration.
3. Orders of the day which at the time of the adjournment had not been reached.

I think that would be neater and would cover both rules.

Hon. Mr. FERGUSON—I accept that. I think it is very much preferable, and I withdraw my own motion in favour of it.

Hon. Mr. POWER—I do not think there is any serious objection to the amendment which the hon. gentleman from De Salaberry has proposed, but it does not cover the whole ground ; because there are the orders of the day proper. These are not provided for.

Hon. Mr. BEIQUE—I would add the words :

4. Remaining orders of the day.

The SPEAKER—Does that do away with rule 73 ?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. FERGUSON—My amendment is to strike out the words 'notwithstanding anything in rule 20' from rule 73.

The CHAIRMAN—It is understood also that it strikes out the two paragraphs of rule 20.

The motion was agreed to.

Hon. Mr. FERGUSON.

Hon. Mr. FERGUSON—I move that rule 23 be amended by inserting the following words at the end of the 5th paragraph. 'Other than committees appointed under rules 71 and 100'. He said : This change makes that overrider unnecessary.

Hon Mr. BEIQUE—Do you propose to strike out the whole rule ?

Hon. Mr. POWER—I wish to direct attention to this fact that we should not lose sight of. We must consider the convenience of the gentlemen who use these rules.

The motion was agreed to.

Hon. Mr. FERGUSON moved that the following paragraph be added to rule 88.

This rule shall not apply to any committee appointed under rules 71 and 100.

Hon. Mr. POWER—I do not think it would be supposed to apply to a special committee of that kind.

The SPEAKER—There is a safeguard that it must be voluntary and asked for by two senators.

Hon. Mr. FERGUSON—It would be very inconvenient if two senators should rise and ask for the appointment of a committee in that way to prepare a message or conference. The question might be raised that the motion could not be made without notice.

Hon. Mr. POWER—I have no strong feeling about this matter, but the Senate as a general thing, is a fairly reasonable body and this rule 88 says simply that senators serving on a special committee may be nominated by the mover. If there is strong feeling about the question in the Senate; if three senators so demand, they shall be selected in the manner provided for in this rule. I am not clear that it is not desirable to retain that, even in drawing a committee to meet the House of Commons. If three senators wish to make the selection that way there is no special reason why we should not have the power to do so.

Hon. Mr. LOUGHEED—Why should not the committee which prepares the message be the same committee to hold the conference ?

Hon. Mr. POWER—There will be no conferences in future, as a matter of fact.

Hon. Sir MACKENZIE BOWELL—The real reason for adopting a rule of this kind is to protect the minority. A very important question might arise partaking of a party character, and the majority might exclude from that committee any member of the opposition ; but under this rule, which provides for a ballot, you insure representation of the minority in proportion to their strength. I would suggest to leave it as it is ; it protects the minority.

The motion was withdrawn.

Hon. Mr. FERGUSON—I would like to have the judgment of the House on this amendment :

21. That the following be added as an additional paragraph to rule 25 : For the reconsideration, while in the Committee of the Whole, of any clause of a Bill already agreed to.

Our practice has always been that when we are in Committee of the Whole we can pass to and fro among the various clauses, pass over a clause and return to it, although it may have been agreed to. But we are now establishing very rigid rules about notice of motion, and I am not very clear that unless we make this provision we shall have the power to reconsider when we are in Committee of the Whole. Rule 43 of our old rules gave us that power in dealing with Bills, but not without notice. In practice, as hon. gentlemen know, we have always had the liberty of reconsidering a clause that we have already passed, but if there is any danger of a strict interpretation taking away that privilege in Committee of the Whole, I think we should insert something which would prevent its being taken away.

Hon. Mr. POWER—I think we have a rule now which makes the provision the hon. gentleman speaks of.

Hon. Mr. FERGUSON—That would be our old rule 43.

Hon. Mr. YOUNG—I would direct attention to rule 70 of the present draft as to reconsideration of clauses.

Hon. Mr. FERGUSON—That is in regard to Bills. It does not say that a senator may move for the reconsideration of a clause already passed without notice. It is true he may do it at any time, but the rule does not provide that it may be done without notice.

The amendment was agreed to.

Hon. Mr. FERGUSON moved that rule 68 be struck out. He said: I am open to conviction with regard to this amendment, but if it is considered desirable to retain rule 68 it would require to be slightly changed. My view is that rules 23, 24 and 25 should cover all that will be in our procedure with regard to the question of notice. Under rule 23, two days' notice is required ; under rule 24 one day's notice is required, and under rule 25 there is no notice necessary. Rule 68 deals with precisely the same questions as is well dealt with, in rules 23 and 24, and I think rule 68 is calculated, unless it is amended, to weaken the effect of one of these rules. Under rule 23, where there is a motion for a second reading, there must be two days' notice. Under this rule no Bill shall be read twice the same day. That would, by implication, carry the impression that you could read a Bill the second time the following day. The rule is explicit on that point, while rule 68 is not; that rule, being unnecessary, I think it might be stricken out altogether. At all events, it should not be allowed to remain as it is, because it would create an uncertainty as to whether two days' notice was required in regard to the second reading of a Bill. That is provided for under rule 23. This would leave it open to argument. All that is here is provided for between rules 23 and 24.

Hon. Mr. POWER—Perhaps I am usurping the place of the hon. gentleman from Belleville to a certain extent in undertaking to defend the report of the committee ; but, as I remarked with regard to another rule, we are at that part of the rules which deals with Bills under the subheading 'Public Bills'. This is our existing rule, and it has been in operation for a great many years. There is hardly any rule which is referred to more frequently. I do not see what harm can be done by leaving it there ; I think it does good service. Anyone looking over the rules and reading No. 68 finds information which is of value to him. If you strike it out, he is liable not to look at any of those long rules about notice. It will not occur to him to do so and I think it is better left as it is.

Hon. Mr. FERGUSON—It surely would not be proper to leave it without making the meaning clear. It would raise a doubt

as to whether the second reading of a Bill could not be proceeded with on one day's notice. If the rule remains, I think something should be done to remove the haziness which exists. There is a great deal of force in the statement that it does no harm to have a thing stated twice, but we must be careful that the two statements do not conflict or leave room for argument. We fix, by rule 23, two days' notice as necessary for a second reading, this does not go that far at all.

Hon. Mr. POWER—This does not affect rule 23.

Hon. Mr. FERGUSON—Again, when you are suspending the rules, you will have to state both this and rule 23. You cannot be in order by merely suspending this rule as formerly ; we must also suspend rule 23.

The SPEAKER—The complaint of the hon. gentleman is that the repetition is not in the same terms.

Hon. Mr. YOUNG—How would it be supposing I were to give notice that I would move the second reading and the third reading of a Bill, giving the two days notice in the one case and one days notice in the other ? I really give two days notice in each case. Without rule 68, how would the Speaker decide whether I was in order or not ? The intention is, undoubtedly, that Bills shall not be advanced more than one stage without an intervening sitting or two sittings, but I am supposing a case—I give notice to-day that on Thursday next I will move the second and third reading of a Bill. I could give that notice.

Hon. Sir MACKENZIE BOWELL—Would not the latter portion of 68 prevent that ?

Hon. Mr. FERGUSON—If the hon. gentleman reads the whole of this rule, he will see that it will certainly prevent that ; but I think we need not entertain his supposition seriously.

The amendment was declared lost.

Hon. Mr. FERGUSON moved 'that rule 136 be struck out.'

Hon. Mr. POWER—I hope the hon. gentleman does not intend to press this. Rule 136 deals with private Bills after they come from a sub-committee. It is our present rule 70—a very important rule, and no fault has ever been found with its operation.

The amendment was declared lost.

Hon. Mr. FERGUSON moved 'that rule 137 be struck out.'

Hon. Mr. POWER—This is our present 71. Whatever rule has been made as to notices will apply to Bills under rules 135, 136 and 137, but it is important in dealing with the Bills after they come from the committee to have the procedure set out in a clear and succinct way so that professional men may be able to learn what it is without difficulty.

Hon. Mr. FERGUSON—I have no desire to press the point.

The amendment was lost.

Hon. Mr. WILSON—Before we pass on, I would like to call attention to rule 135, which says :

> Unless the Senate otherwise orders, a private Bill reported from a standing or special committee is not committed to a Committee of the Whole.

I would suggest that we have plenty of opportunity to consider private Bills in the Committee of the Whole, and that if you will amend rule 135 by striking out the little word 'not' it will come within the scope of the whole House to consider these Bills, and we shall have a better opportunity of discussing the various questions coming before the Private Bills Committee. Those who are not on these committees will then have an opportunity of hearing the discussion as it takes place in the House. We should consider this point, and give everyone an opportunity of becoming thoroughly acquainted with the question under consideration. I therefore would move to strike out the word 'not' in rule 135.

The CHAIRMAN—The special work committed to this committee was to consider the propositions of the hon. gentleman from Marshfield. We had better go through these and bring anything else up afterwards.

Hon. Mr. WILSON—I think we have the right to consider any amendment which may be proposed. It was so stated this afternoon, and, that being the case, we should have an opportunity of discussing rule 135.

In the House of Commons, every private Bill goes through the Committee of the Whole House in the same way as public Bills. Are our committees so good, so pure and upright, so careful and considerate—are they any better than the Committee of the House of Commons ? I think not. If the matter cannot be discussed now under the Chairman's ruling I shall leave the matter until we come to the question of concurrence and then will move my amendment.

Hon. Mr. DANDURAND—I would call the attention of the hon. gentleman to the fact that any senator has a right to discuss the report of the committee upon any private Bill so that there is no special need to refer a Bill that has already gone through a Private Bill Committee to the Committee of the Whole to discuss the work which the committee may have done on that Bill.

Hon. Mr. WILSON—That may be very true, but we do not have the opportunity of going over a private Bill clause by clause. We cannot take exception to the provisions of private Bills on the third reading. It is only on the second reading that we have the opportunity of fully discussing the nature of the Bill. It goes then to the standing committee, and, when it comes back, it is moved for third reading. Some of the amendments which may be important are explained briefly by the chairman of the committee, but we have very little opportunity of understanding the nature of the amendments which have been made. We find very frequently that these amendments convey a very different impression when compared with the original intent of the measure.

Hon. Mr. FERGUSON—I move that rule 47 be struck out. I cannot understand how this rule escaped my scrutiny when it was before the committee. I do not remember any discussion taking place upon it, but upon later examination I find it is altogether out of accord with the practice of the Canadian parliament. Hon. gentlemen will notice that in the very outset of the new rules we have a very proper provision in rule 2, as follows :

Except as far as is expressly provided, these rules shall in no way restrict the mode in which the Senate may exercise and uphold its powers, privileges and immunities.

All powers, privileges and immunities are conferred on us by the 18th section of the British North America Act and the new rule too provides that notwithstanding anything in these rules, unless some provision is expressly made to the contrary, we will have all the means given to us under the British North America Act of upholding our privileges, powers and immunities. Rule 47 is calculated to infringe most seriously on the privileges of the Senate as they have been enjoyed in the past. The most important respect in which the change made restricts the question of privilege is in the words ' has arisen since the last sitting of the House.' I have turned up May on this question, and have taken the trouble of looking over all the discussions to which he refers in English Hansard, and although I found many cases in which a question of privilege was refused to a member rising and stating it, yet I have found no case at all wherein the principle is laid down that what had happened was something which had not arisen since the last sitting of the House. This would tie it down so much as to render it almost impossible to raise a question of privilege. It is quite true that, when an hon. gentleman rises to a question of privilege, it is not sufficient that he shall say it is to make it a question of privilege ; he must state what the subject is, and the Chair, and, ultimately perhaps, the House must decide whether it is so or not. I have noticed, when such cases have arisen in the British House, that the Speaker has ruled one way or the other. In one case he ruled that a question which was in its nature a question of privilege could not be treated as such, because it had already been disposed of in the House. Various other reasons have been given, but in no case was it held that it was not a question of privilege because it had not arisen since the last sitting of the House. Urgency is the essence of a question of privilege, and that urgency may be in the subject itself or as a matter of time. Recently origin is a matter of importance. The subject of the question is the all important one, and its being a recent one is an important element in considering that, but we propose in this rule to tie it down absolutely to something which has arisen since the last sitting of the House.

Hon. Sir RICHARD CARTWRIGHT—Does my hon. friend simply wish to omit these words 'Arisen since the last sitting of the House.'

Hon. Mr. FERGUSON—My hon. friend who has had great experience in parliament will understand that the removal of these words would be an improvement. After all, the question of privilege should be, and is precisely the same in both Houses. I think there is another provision later on that has a tendency to materially weaken the right with regard to privilege that parliament has previously possessed, and it is this; after the words 'has arisen since the last sitting of the House' that a motion to take action thereon 'may be moved without notice and shall, until decided, unless the debate be adjourned, suspend the consideration of other motions as well as orders of the day.' Now, the practice of parliament is that once a question is admitted to be one of privilege it maintains its priority on that day and all subsequent days until it is disposed of. I have only to refer to one or two cases familiar in the minds of hon. gentlemen in the parliament of Canada; one where my hon. friend from Belleville moved for the expulsion of Louis Riel from the House of Commons. Riel had been elected a considerable time; the return had been received in Ottawa some time before the meeting of parliament, and yet it was not until twenty days after the meeting of parliament, Riel having in the meantime been summoned to appear before a committee to investigate the troubles in the, Red River country, and he refused to attend.

Hon. Sir MACKENZIE BOWELL—It was a committee of the whole House.

Hon. Mr. FERGUSON—Riel was a fugitive from justice and did not appear, and though my hon. friend's motion was made some two months after Riel's election and nearly twenty days after Riel had come to the House and taken the oath, nine days after he had failed to answer the summons to appear before the Committee of the Whole House appointed to investigate the Red River trouble, my hon. friend rose to a question of privilege. It is true he put a notice on the order paper, but he did not wait for the maturity of it. He rose in his place and made the motion, and it was admitted as a question of privilege and the debate went on and was given priority every day until disposed of. In Prince Edward Island a double return was made for King's county in 1882. My hon. friend from Montague was at that time one of the two gentlemen included in that double return. After parliament had been in session a considerable time—about two weeks— Mr. M. C. Cameron rose in his place, without notice, to a question of privilege. It was not a matter which has arisen since the last sitting of the House, for the election was on the 20th of June and the double return was made in the usual time, and the session had been opened some two weeks before that, yet Mr. Cameron, of Huron, rose and made a motion without previous notice. It was admitted as a matter of privilege and given priority until disposed of. These two cases are clear enough as to what has been the practice of our parliament on the subject. My objection to the 47th rule is two-fold: first, it says the question of privilege is limited to something which has occurred since the last sitting of the House, and, second, throwing doubt upon the priority of a question of privilege after the House adjourns that day. Both objections are fatal to the clause as it stands. Since I have been in the Senate I do not know that I remember one first class question of privilege being admitted. Many senators have risen to call attention to a question of privilege, but it did not turn out to be one. I do not remember one first-class question of privilege that has arisen here. It shows that there is no necessity for this rule, but I do say that when emergencies arise in which the privileges of this House or any of its members are affected we ought not to bind ourselves by a hard and fast rule which would prevent the assertion of our privileges. The British practice on the subject is so clear that I think we might well strike out rule 47 and fall back on British practice where we would have more elasticity and under which we would not be hampered when any genuine question of privilege arises. This rule has come from the Australian Commonwealth, but we have to remember this when dealing with the Australian rules, that they propose actually to cut loose from British practice and make for themselves some four hundred odd rules which will govern everything. I think the Australians will see that

they have made a great mistake. We have in the British practice the result of centuries of hard experience, and we may rely upon this, that if we only understand these rules they are logically correct in almost every single case. We should rely upon British practice in a matter which may affect the honour of this House or of some of its members. In the British North America Act we have all the powers and privileges of the British parliament conferred on us, and we should take care not to throw away these thoughtlessly, as we do under rule 47, and cut ourselves clear from the protection which parliament has under British practice. I move that rule 47 be struck out.

Hon. Mr. POWER—The hon. gentleman from Marshfield has said that he has never known a case of privilege to arise in this House, though one might imagine from the warmth he shows that such cases very frequently arise. The better way is to look at the thing in a calm and businesslike frame of mind. In the first place the hon. gentleman has on this, as on several other occasions, uttered denunciations of the Australian rules, and has spoken of them as being in no sense guides for us; and he has told us that our circumstances are not the same as those in Australia. As a matter of fact these Australian rules are based on the British practice. The attempt in Australia has been to adopt the English rules with certain modifications which were found necessary in applying them to the cases of the colonies. We know that in England, they are very conservative, and will suffer a great deal of inconvenience and even serious injury rather than alter an old rule; but they have altered their rules of late a good deal. On the question of privilege I find the English rule is this: Rule 46 provides that 'a motion on the question of privilege suddenly arising is entitled to immediate precedence over all other business' and then this manual goes on, 'a motion on a question of privilege may be made before the commencement of public business, although the question does not suddenly arise, but any such motion should be made on the earliest opportunity.' Then the rule giving precedence—and this is the point to which I desire to call the attention of the committee—to privilege motions is strictly construed. It has been the practice of the House 'to restrain privilege under great limitations and conditions.' I have known a great many cases in which questions of privilege were brought up in this House, or at least in which hon. gentlemen brought up questions which they said were questions of privilege, but which were not in any sense privileged questions, and I think that is an abuse. An hon. gentleman will get up and read something which has appeared in a British Columbia or a Nova Scotia newspaper, expressing, perhaps, the opinion of someone in the province about some action of the Senate or about some member of the House, and a long discussion may arise on the subject. Now look at this rule which has been adopted by the Senate of Australia under, I fancy, the recommendation of Mr. Blackmore, the clerk of the Senate, who is one of the highest authorities now living on parliamentary law and practice—'Whenever a matter or question directly concerning the privileges of the Senate or any committee, or member thereof has arisen since the last sitting of the Senate'—that is not unreasonable. If the question arose before the last meeting of the Senate then the member who wishes to bring the matter up has an opportunity to give notice and every member of the Senate will be in a reasonably fair position to discuss the question. An hon. gentleman is aware of some question which he thinks he can bring up as a question of privilege; he says nothing about it, gives no notice of his intention to bring it up, and then he springs it on the House without notice. Is that fair to the other members of the Senate? If an hon. member proposes to bring up a question of privilege, it strikes me that, if he has the opportunity to do so, it is his duty to give notice to the House so that his brother members will be in a position to discuss it as well as he. It is unfair to the other members of the House, who do not know of his intention to bring this question up, to spring it on the House. The gentleman who brings up a question of privilege deserves consideration, but the other members of the House deserve consideration also; and no very serious danger is going to arise to the constitution if this rule is adopted. It has gone through the special committee, and the committee of the House and it is rather late to undertake

to strike it out now. Any hon. gentleman has time to give notice if the question has arisen before the last sitting of the House, and if it has arisen since the last sitting, then he can bring it up without notice. That is all that need be asked. You see it gives a member an opportunity to obstruct all other business of the House no matter how important. The discussions of important questions of public policy may be pushed over for days by some comparatively frivolous question of privilege.

Hon. Sir MACKENZIE BOWELL—It might occur that a gentleman whose character had been attacked might be away and unable to bring it up since the last sitting of the House. One point we ought to consider is this; has any difficulty or ill effect ever arisen from the practice that has prevailed both in England and Canada in the past? If no wrong has arisen from the principle that has been laid down with reference to questions of privilege in the past, what necessity is there to deviate from the long established rules and practice of parliament both in England and in Canada? The point has been raised by the hon. gentleman from Marshfield in reference to the expulsion of Riel from the House of Commons. The events which led to his expulsion occurred between the two sessions of parliament, and after an investigation had taken place in the House of Commons with the Speaker in the Chair, lasting over a number of days, then the motion for expulsion was made without giving any notice. By referring to the record you will find that when I rose to make that motion, I raised a question of privilege, and stated what had been done in the House of Commons, and what had been proved before a committee of the House, and referred to precedents which had taken place in the imperial parliament, and then made the motion. Referring to the rules of Australia, all those who have given any attention to legislation in that country, and more particularly in the colonies of Victoria and New South Wales, know that the democratic element, the socialistic element, prevails to a very great extent in that portion of the empire—to a greater extent than in any of the other colonies or any other part of the British empire. And, I have no doubt, that in the drafting of the rules, many of which we have copied, that fact should not be lost sight of. Some of the rules are not only practical but good; others are not of the same character, and if senators will consider this question for a moment they will come to the conclusion there is no necessity whatever for changing the system which has prevailed here in the past. The practice of the British parliament is sufficient. We are governed by the rules of the House of Lords on all points for which no provision is made here, and this is a question which everyone who has studied the British constitution at all understands perfectly.

Hon. Mr. POWER—As I understand it, the hon. Minister of Trade and Commerce suggested that these words be stricken out of the rule 'since the last sitting of the Senate.' I have no objection to strike out these words, and I therefore move in amendment, that they be struck out.

Hon. Mr. FERGUSON—That amendment can hardly be received. My motion is to strike out the whole, and the hon. gentleman's amendment is to strike out a part. Would it not be better to take the sense of the House on my motion, and if that should fail, the hon. gentleman can move his amendment.

The CHAIRMAN—I consider the amendment to the amendment is in order.

The amendment was agreed to.

Hon. Sir MACKENZIE BOWELL—I would suggest that the words 'unless the debate be adjourned to suspend the consideration of other motions as well as the orders of the day' be struck out, and that the following be substituted therefor: 'Take precedence over all other business.' That will leave our rule in the same position as at present, and we will be adhering to the practice which prevails to-day.

Hon. Mr. POWER—It seems to me that this amendment does not alter the meaning of the rule. The rule is that this motion may be made without notice, and the discussion shall continue until the matter is decided, unless the debate be adjourned. Will the hon. gentleman undertake to say that the Senate has not a right to adjourn the debate on a question of privilege for

the purpose of taking up other urgent business ?

Hon. Sir MACKENZIE BOWELL—That is just what I propose to do if you say, 'The adjournment of the Senate.' It might be another thing, because we could take it up immediately on the re-assembling of the Senate, but any majority of the House desiring to frustrate the action of a senator who makes a motion, could do so by adjourning the debate, and that might put it off for the whole session. The object might be met by striking out the words, 'Unless the debate be adjourned.'- I move that these words be struck out.

Hon. Mr. DeBOUCHERVILLE—Supposing the question before the House is one which requires time to get some information and an opinion cannot be given until you have that information, shall the Senate be precluded from going on with other questions ?

Hon. Mr. FERGUSON—Under the British practice and our practice, as was shown in the case of the King's county election to which I have referred, the debate may be adjourned without any day being fixed for its resumption. Mr. Blake suggested that that was the better course, because it would not necessarily go on the order paper, but would remain as a matter of privilege, and Speaker Kirkpatrick, who was then in the Chair, ruled that that secured the question of privilege more safely, because it did not require to go on the order paper at all, but would come up at any time when the hon. gentleman in charge required it. The amendment of the hon. member from Belleville removes all the objection I have to the clause, although I think we would be just as well without the clause.

Hon. Mr. POWER—It just means that all the business of the House is blocked in every way. As the hon. member from Montarville said, if information is needed for the purpose of the debate on the question of privilege, you could not adjourn the debate under the amendment proposed by the hon. gentleman from Belleville. At any rate, you could not go on with other business ; but the question of privilege would always come up as a question of privilege and have precedence in that sense. If the debate is adjourned to-day it can be brought up to-morrow.

Hon. Mr. FERGUSON—Under our practice you do not kill the question of privilege unless you do it by a rule of this kind.

The committee divided on the amendment to the amendment, which was rejected, contents 9, non-contents 11.

The committee divided on the motion to strike out clause 47 which was rejected, contents 9, non-contents 12.

The clause as amended was adopted.

Hon. Mr. FERGUSON moved that rule 72 be amended by striking out the words 'At any subsequent stage of the proceedings' from the second and third lines.

He said :—Rule 71 provides for disposing of differences between the two Houses respecting Bills by message instead of by conference. Rule 72 declares that a conference shall not be necessary at any subsequent stage of the proceedings as to any such Bill. A message dealing with the amendments by the House of Commons must be the latest and last stage of a Bill, and to make a provision solemnly that there shall be no conference held after you have dealt with it in its last stage, appears to me superfluous. The conference, if it comes in at all, would have to come earlier than the stage dealt with by way of message.

Hon. Mr. POWER—I think there is a serious objection to making the change proposed. Rule 71 does not cover the whole ground with respect to Bills as to which the Senate and Commons differ. Under the old practice we had the system of sending the Bill to the Commons and sending our reasons for not agreeing to their amendment. It was only in case the Commons adhered to their amendments that a conference took place, and that is what is provided for by rule 72. After getting through with 71 then you had a conference, so that the conference was necessary at subsequent stages of the proceedings as to the Bill, not at the subsequent stages of the Bill itself, because the Bill is supposed to be at its third reading in this House, or after having been read a third time, to have come up from the other House ; but it is a subse-

quent stage of the proceedings. Under the old practice when you got through with rule 71, you would have a conference. The House of Commons have adopted a rule similar to this at our instance, and I think that the words not only do no harm, but are actually necessary.

Hon. Mr. BEIQUE—I thought the idea was to do away with the necessity of a conference; that an exchange of messages should be substituted.

Hon. Mr. POWER—Yes.

Hon. Mr. BEIQUE—Then these words if they are retained in clause 72 would imply that it would not be done away with except at certain stages of the proceedings.

Hon. Mr. POWER—There are two points about it. We are not precluded from having a conference now. The conferences, as I have already pointed out, would only begin after you had gone through the proceedings mentioned in rule 71. Then this rule goes on to say that the conference shall not be necessary at any subsequent stage of the proceedings. We can have a conference if we desire, but it is not to be necessary under the rule in force up to last year. Conference was necessary for the subsequent stages of the proceedings. I fail to see any reason why we should strike out these words.

Hon. Mr. BEIQUE—Does the hon. gentleman from Halifax understand that the conference will be necessary at any stage of the Bill?

Hon. Mr. POWER—No, it was not necessary before at any preceding stage, but it was necesary at the subsequent stages. You bring the procedure up to a certain point. Under the old rule a conference became necessary for the subsequent stages. Under this rule a conference will not be necessary; it may be held, but it is not necessary, because the communications may be conducted by means of messages. I fail to see that the words are in any way objectionable.

Hon. Mr. FERGUSON—I don't see how you could get a conference in after the final stage of the Bill had been disposed of by messages. How, after that you are to bring the Bill into any shape where you could resort to a conference I do not understand. The suggestion of the hon. gentleman from De Salaberry is a good one. My hon. friend has told us, and I quite agree with him, that it is much more convenient to deal with this class of difficulties by messages than by the old fashioned conference.

The SPEAKER—If the word 'subsequent' was withdrawn, would that meet the hon. gentleman's views?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. POWER—I have no objection to striking out the word 'subsequent'.

The word 'subsequent' was struck out of the rule.

Hon. Mr. ELLIS from the committee reported progress and asked leave to sit again at the next sitting of the House.

BILLS INTRODUCED.

Bill (71) An Act to incorporate the Calgary and Fernie Railway Company.—(Hon. Mr. Bostock.)

Bill (73 An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company—(Hon. Mr. Bostock.)

Bill (77) An Act respecting the Calgary and Edmonton Railway Company.—(Hon. Mr. Lougheed.)

Bill (78) An Act respecting the Great Northwestern Central Railway Company.—(Hon. Mr. Watson.)

Bill (83) An Act to amend the Act respecting the Judges of Provincial Courts.—(Hon. Sir Richard Cartwright.)

The Senate adjourned until to-morrow afternoon at 3 o'clock.

SENATE.

OTTAWA, Tuesday, April 24, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine roceedings

BILL INTRODUCED.

Bill (C) An Act further to amend the General Inspection Act.—(Sir Richard Cartwright.)

THE DIVORCE COMMITTEE.

Hon. Mr. KIRCHHOFFER moved

That in view of the pressure of business before the Divorce Committee this session,

and in order to expedite the despatch of that business, the Divorce Committee shall for the remainder of the session, have leave to sit during any sitting of the Senate.

He said : Those members who were in the House yesterday may recollect that I asked leave to move here without notice that the Divorce Committee be allowed to sit while the House was in session. I pointed out then that there was a great deal of business before the committee this year, and we have a number of witnesses in attendance from New York and elsewhere, at a great deal of expense, who were detained by reason of our not being able to go on with the business of the committee, and that it would facilitate the hearing of those cases if we were allowed to sit while the House was in session. I was very much surprised, and I very much regretted, when my hon. friend the member for Marshfield, raised an objection to that motion, I do not know exactly what his idea was, but he said it was because the House was about to go into committee on the new rules. If the subtraction of half a dozen members would have had the effect of reducing the attendance so there would not be a quorum, I could sympathize with his anxiety to see that such a thing did not occur——

Hon. Mr. FERGUSON —The hon. gentleman is out of order in refering to what took place in the House yesterday.

Hon. Mr. KIRCHHOFFER —I am only giving an explanation.

Hon. Mr. FERGUSON —The hon. gentleman is out of order.

Hon. Mr. KIRCHHOFFER—I say I would have sympathized with the hon. gentleman, if the House would have been left without a quorum, but there was no danger of anything of the kind. I did not wish to put myself in the power of any hon. gentleman making the objection again when I was very anxious indeed that we should go on with the business of the committee, and I therefore gave notice of the motion which I have moved to-day.

Hon. Mr. McMILLAN —Really the hon. gentleman is pressing the matter too far. Among the hon. gentlemen composing that committee are some of the ablest senators in this Chamber, and it is a question whether we should be deprived of their assistance in dealing with the legislation brought before us. It is a question whether the business of the Divorce Committee or the general legislation of the House is to take second place. The gentlemen who are on that committee, are required in this House, particularly the recently appointed leader of the Conservative party in the Senate. We do not want to be deprived of his services.

Hon. Mr. WATSON—The first official announcement.

Hon. Mr. McMILLAN—I am very glad to have the honour of making it. There may be a great many cases before the Divorce Committee, but this session is not likely to close very soon, and there will be plenty of time to hear the whole of them.

Hon. Mr. LANDRY—I rise to a point of order. Rule 13 says that one intermediate day's notice in writing must be given of all motions deemed special, and any motion is deemed special which originates a subject of discussion. This motion brings up a subject which might initiate discussion, and I claim therefore it should have another day to rest.

Hon. Mr. KIRCHHOFFER—Has not the rule been complied with ? There has been one day's notice ?

Hon. Mr. LANDRY—Not one intervening day as required by rule No. 13. There is quite a difference between the two expressions, a previous day and an intermediate day, and that difference is illustrated by rule No. 71 which deals with important amendments to pivate Bills. The rule provides in that case that notice should be given on a previous day, but rule 13 provides that an intermediate day must intervene between the giving of the notice and the moving of it?

Hon. Mr. KIRCHHOFFER—I should like to ask the hon. gentleman if he really wishes to press any such objection.

Hon. Mr. LANDRY—Certainly.

Hon. Mr. KIRCHHOFFER—We are not asking for a holiday, we are asking to be allowed to work.

Hon. Mr. LANDRY—If the hon. gentleman wants permission to work, he should ask for that permission in proper form.

Hon. Mr. KIRCHHOFFER—The case we have before us commenced on Friday morn-

ing at ten o'clock. We sat until one. The House rose early Friday afternoon, and we were able to sit from four to six, and that same evening we sat from eight until near midnight. Yesterday morning we met at ten and sat until one. If we had been allowed to go on without the objection raised by the hon. gentleman from Marshfield, we might have been able to dispose of that case yesterday. As it was, we sat from eight until after ten, and started this morning at ten and sat until one. We could get through with the witnesses to-day if we had been allowed to proceed. The objection is facetious.

Hon. Mr. LANDRY—The hon. gentleman is out of order. He should confine himself to the point of order.

Hon. Mr. KIRCHHOFFER—I know that. I am throwing myself on the mercy of the House.

Hon. Mr. LANDRY—The hon. gentleman has no right to do that.

Hon. Mr. KIRCHHOFFER—Does the hon. gentleman really persist in his objection ?

Hon. Mr. LANDRY—Certainly I do.

Hon. Mr. POWER—I submit that the point of order raised by the hon. member from Stadacona is not well taken. If the hon. gentleman will turn to rule seventeen he will find that it provides that no motion to suspend, modify or amend any rule or part thereof shall be in order, except on one day's notice in writing, specifying precisely the rule proposed to be suspended, modified or amended, and the purpose of such suspension. Now, the resolution states the purpose of the suspension and it lets the House know just what rule is proposed to be suspended, although it does not give the number of the rule. In my judgment the motion is in order.

Hon. Mr. LANDRY—The motion is not to suspend at all. Rule 17 applies to a motion to suspend a rule, but in this case there is no rule. How could a motion be made to suspend a rule which does not exist? This is not a motion to suspend, it is a motion in general. If it was a motion to suspend, it would be equally out of order, because it should then cite the number of the rule it purposes to suspend.

Hon. Mr. KIRCHHOFFER.

Hon. Mr. WATSON—I am not going to argue the point of order, but I take it for granted that the hon. gentleman from Halifax, who has been studying these matters lately, is probably correct ; but I would just say that as we have had an announcement from the hon. gentleman from Glengarry (Hon. Mr. McMillan) that a new leader of the opposition has been chosen, and as I presume this quarrel is among his followers, it affords a grand opportunity for him to exercise his authority. He should at least give us his opinion and settle the differences among his followers.

Hon. Mr. FERGUSON—The point of order I think is well taken. The hon. gentleman from Halifax points to rule 17, but this is not a motion to suspend a rule. It is simply that the House should pursue a certain policy in dealing with divorce proceedings.

Hon. Mr. McMULLEN—Surely there can be no objection to allowing the motion to stand until to-morow. We are not in such an extreme hurry for its adoption that it cannot wait 24 hours. I am not disposed to accept the objection raised, but whether it is in order or out of order, I think the better plan would be to let it stand as a notice of motion.

Hon. Mr. KIRCHHOFFER—I do not want to press it if it is going to be declared out of order. There are a great many witnesses and an array of counsel attending at the Divorce Committee, and if the hon. gentleman thinks he has carried a point by making them wait for another day, he is welcome to it.

Hon. Mr. LANDRY—That is not quite fair.

Hon. Mr. YOUNG—The hon. gentleman from Brandon says he will let his notice of motion stand until to-morrow, then it will be absolutely in order.

Hon. Mr. LANDRY—It will not. We see his little game. I want the ruling of the Chair. If not in order the hon. gentleman will be obliged to give notice of another motion which will require two days' notice.

The SPEAKER—Before the end of the sitting I shall give my decision.

TRANSLATION OF MILITIA ORDERS.

Hon. Mr. LANDRY inquired:

1. Does the government know that the 9th and the 20th brigades of infantry each five regiments strong, and the 10th, the 11th and the 18th brigades of infantry, which each number four regiments, making a total of 22 regiments, all in the province of Quebec, are composed in great part, not to say totally, of men of French origin, of whom many, especially among the rural regiments, do not understand a word of English ?

Hon. Mr. SCOTT—The answer to that question is, yes.

Hon. Mr. LANDRY—Impressed with the importance of affording readily military instruction to the volunteers who engage in the service of the country,

2. Does the government intend to procure in good time, for those who do not know English, facilities for at least finding, in books put at their disposal, the meaning of the words of command which are given them in a language of which they are ignorant ?

Hon. Mr. SCOTT—Yes, in as far as it is possible to do so.

Hon. Mr. LANDRY—Where there is a will there is always a way. I would inquire also :

3. Is it the intention of the government, for the benefit of those rural regiments, and in view of the next training of the militia in the annual camps, to order the immediate translation into the French language of the military drill books, known under the titles of 'Infantry Drill, 1905,' and 'Combined Training, 1905.' ?

4. Is it the intention of the government to take the necessary measures for having the distribution of the French version of the military drill books made before the date fixed for the holding of the next camps of training ?

Hon. Mr. SCOTT—I am instructed to answer questions Nos. 3 and 4 in the following words: This matter will receive the careful consideration of the department.

Hon. Mr. LANDRY—How long ?

COMMANDER SPAIN'S CERTIFICATES.

INQUIRY.

Hon. Mr. LANDRY inquired :

Whether it is a certificate of English origin or of Canadian origin which Commander G. O. V. Spain holds ?

And is this a certificate as to competency or as to service ?

Has Commander Spain ever undergone examination in Canada ?

What is the date of his certificate ?

Before the date of his certificate, what was the duration of his service and what documents or evidence are there testifying to it ?

What statements are there of the service of Commander Spain from the date of his cerificate up to this date?

Hon. Mr. SCOTT—In reply to my hon. friend's question, whether it is a certificate of English origin or of Canadian origin which Commander G. O. V. Spain holds, I am informed that he holds royal naval certificates, obtained at the Royal Naval Colleges at Portsmouth and Greenwich, in pilotage, seamanship, navigation, torpedo, gunnery and mathematics as a commissioned officer in His Majesty's Royal Navy ; and that he also holds a Canadian master's seagoing certificate.

The certificate as to competency or as to service which he holds, is a merchant service certificate as master, sea-going, granted for above named services in the Royal Navy.

Commander Spain has undergone examination in Canada.

The date of his certificate is February 1, 1893.

Before the date of his certificate, the duration of his service was 13 years in the Royal Navy ; testified to by Royal Naval documents. Fifteen years service in the Department of Marine and Fisheries.

The statements of the service of Commander Spain from the date of his certificate up to this date, are sailing master of the cruiser 'Acadia,' captain of the cruiser 'Acadia,' acting commander fisheries protection service, commander fisheries protection service, commander marine service of Canada, wreck commissioner for Canada, nautical member of the lighthouse board.

ROSS RIFLE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Under what statute was the Ross Rifle Company constituted a corporation ?

2. Who are its present directors ? Who were its first directors ?

3. What is the capital stock of the company ?

4. Is this capital composed only of ordinary shares, or does it also comprise preference shares, and, if so, in what proportion ?

5. How many ordinary shares have been subscribed for and also how many preference shares ?

6. What are the privileges attached to this last category of shares ?

7. Has the company at any time made a report to the government of its operations ?

8. Was it stipulated in the contract entered into between the government and Sir Charles Ross that the latter should furnish the government between the 1st of January, 1903, and the

1st January, 1904, the quantity of 12,000 rifles of 1,000 per month ?

9. Was the government held, on its side, after this delivery of 12,000 rifles, to accept afterwards during the following years, 10,000 new rifles a year ?

10. How many rifles have the government received from the 1st June, 1903, to 1st January, 1906 ?

11. Are all the rifles received of the same pattern, and if they are not of the same pattern, what is the number of different patterns adopted by Sir Charles Ross, and how many rifles of each pattern has he delivered to the government up to the 1st January last ?

12. What is the price given for each of these rifles, and how much has the government paid up to the 1st January last ?

13. What amount remained due on that date ?

14. Has this rifle as a complement a bayonet or a sword bayonet ?

15. How much has the contractor asked for this addition ?

16. Has Sir Charles Ross manufactured other things than rifles for the government, and, if so, what are these other things, their quantity and their price ?

17. How many regiments have been provided with the Ross rifle and how many regiments remain still to be provided ?

18. When will these latter regiments be provided with the rifle in question ?

Hon. Mr. SCOTT—The following is the reply furnished by the Department of Militia :

1. It is not incorporated under any statute. The name is a declaration of partnership by Sir Chas. Ross, Bart., as sole proprietor.

2. Answered in No. 1.

3. Ross Rifle Company not incorporated ; capital unknown.

4. Answered in No. 3.

5. Answered in Nos. 1 and 3.

6. Answered in Nos. 1 and 3.

7. No ; none was asked for.

8. Yes, but as modified by clause 11, of the contract wherein it is provided that the contractor shall not, in the case of strikes or in the event of unforeseen occurrences beyond his control preventing manufacture, be bound to make delivery at the time specified.

9. The government, considering that it was in the general interests of Canada that the rifles required for purposes of militia and defence should be manufactured in Canada, agreed that it (the government) should be bound and entitled to purchase from the contractor all the rifles which might be required for the government from year to year in lots of not less than 10,000 per year, subject to vote of parliament.

10. 10,500 rifles mark 1 were received.

11. No. The government has adopted two patterns—the first known as mark I and the second as mark II ; the latter differs from mark I in only a few details. All delivered up to January 1, 1906, were mark I pattern.

12. $25 each, $631,052.51.

13. Nothing remained due.

14. A bayonet and a scabbard will be provided for each rifle.

15. No price has been fixed pending the adoption of a pattern.

16. Yes ; two sets of inspection gauges have been nearly completed at a cost of $26,-237.63 and 405 rifle boxes have been supplied at $2 each.

17. The 3rd and 6th Regiments Canadian Artillery and the 67th Regiment.

18. Under consideration.

Hon. Mr. LANDRY—I understood the hon. minister to say the company was not incorporated by statute.

Hon. Mr. SCOTT—By a declaration of partnership. By Sir Charles Ross as sole proprietor.

Hon. Mr. LANDRY—Some years ago we passed a statute in this House incorporating that company.

Hon. Mr. SCOTT—Then the hon. gentleman has better information than the department.

Hon. Mr. LANDRY—Then we should take the place of the hon. minister in the department. I know there was an Act pased in 1902 or 1903 incorporating the Ross Rifle Company. I think the hon. members from Beamsville (Hon. Mr. Gibson) and De Salaberry (Hon. Mr. Beique) were directors.

Hon. Mr. SCOTT—If the hon. gentleman is correct, the answer which was prepared by an official in the Department of Militia is wrong. I will draw the attention of the Department to the matter.

Hon. Mr. BEIQUE—I think the answer given is quite correct. There was an Act passed, but it was not put into force, the company did not organize. I was one of the provisional directors, but, as far as I am aware, the company was never organized. Sir Charles Ross chose instead to carry on business under his own name.

Hon. Mr. LANDRY—The question I asked was under what statute was the company constituted a corporation ? The government says it is not incorporated under any statute. As a matter of fact it was incorporated.

Hon. Mr. GIBSON—The hon. gentleman is so impatient that he wants to ask the questions and answer them himself. Both the member for De Salaberry and I were named as provisional directors, but as far as I know there has never been a meeting of the company. While an Act of parliament was passed authorizing the incorporation of the company, Sir Charles Ross became the company himself without, as far as my knowledge goes, asking any one to put any capital in it. Consequently it was never incorporated as a corporate body. Sir Charles Ross, I suppose for reasons of his own, never thought it necessary to call the incorporators together and form a joint stock company under the Act. I never paid any money into it, and never took any money out of it.

Hon. Mr. MACDONALD (B.C.)—Where did the capital come from ?

Hon. Mr. GIBSON—I suppose the only gentleman who could answer that would be Sir Charles Ross himself. I know nothing about it.

Hon. Mr. LANDRY—The statute I refer to is chap. 96 of 2 Edward VII. The first section names Sir Thomas Shaughnessy, Sir Charles Ross, Hon. W. Gibson, Hon. F. L. Beique, D. D. Mann, Frederick Nichols and Wallace Netbitt, who—

—together with such persons as become shareholders in the company are incorporated under the name of the Ross Rifle Co., Ltd.

Is that an incorporation or not ?

Hon. Mr. SCOTT—No contract was made with the company, it was made with Sir Charles Ross.

Hon. Mr. LANDRY—I did not ask that. I asked under what statute the company was incorporated, and the answer was that it was not incorporated under any statute. I say that declaration does not reconcile itself with the law.

Hon. Sir MACKENZIE BOWELL—I did not catch the answer of the hon. Secretary of State as to the parties with whom the government entered into a contract for the supply of these rifles. Was it with the company or with Sir Chas. Ross himself ?

Hon. Mr. SCOTT—With Sir Chas. Ross himself, I understand, not with the company.

Hon. Sir MACKENZIE BOWELL—I did not so understand it. This seems to be a similar case to that of the North Atlantic Trading Corporation contract. The government entered into a contract with a company that had no existence, because it cannot have an existence, if the statement of the hon. member from Beamsville be correct. An Act was passed incorporating a company, in which certain provisional directors were named. The provisional directors were never called together or asked to subscribe to stock, and no directors were elected, and consequently there can be no company having a legal existence. If that be the case, the government have entered into a contract similar to that which they entered into with the North Atlantic Trading Company. If the government entered into a contract with Sir Chas. Ross individually, then we can understand it. We ought to have more information as to what this contract really is, and with whom it is made. If the hon. Secretary of State has not the information before him, will he ascertain whether the contract was made with the rifle company, or with Sir Chas. Ross himself ?

Hon. Mr. SCOTT—The contract could not have been entered into with the rifle company, because the company never came into existence. We have the evidence of two gentlemen who were named as provisional directors that they never heard of a meeting taking place and that no organization existed.

Hon. Sir MACKENZIE BOWELL—That is not answering the question. The government entered into a contract with a company that had no existence, and paid them $5 a head for every emigrant brought into the country for two years before they had an existence. Is this Ross rifle contract a repetition of the same thing ? I have asked the hon. gentleman to ascertain the names

of the parties with whom the contract was made.

Hon. Mr. SCOTT—I have answered that, but I will get further information. I shall bring down the contract with Sir Chas. Ross.

Hon. Mr. GIBSON—The only desire of hon. gentlemen opposite in opening up this question is to find that the hon. member from De Salaberry and myself, members of the Senate, were brought under this corporate body.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right and no reason to impute motives.

Hon. Mr. GIBSON—I have my own way of making my explanation, and the hon. gentleman should keep his seat. The object is to show that my hon. friend and myself have been infringing the rules of parliament. My hon. friend opposite says that this company has no corporate existence, because Sir Chas. Ross continued to carry on the business as the Ross Rifle Company. We know that our hon. friends on the other side of the House had a company which is in existence to-day to which millions of the country's money was paid, and the chief man of that company was a member of the House. I refer to the W. E. Sanford Manufacturing Company, of the city of Hamilton. Under the Joint Stock Companies Act, the independence of parliament Act could be got over. As I said before, I know nothing about this company, I was simply asked to join it in the usual way, expecting that a meeting would be called and stock subscribed in the usual way. To the best of my knowledge such a thing never occurred. The man who manages the Ross company is to be seen here very frequently and the product of his factory has been approved by the military authorities. Therefore it is not a company that is without a body corporate. It certainly is a company, and if one man chooses to make himself that company, I do not think it comes within the purview of this House to criticise Sir Chas. Ross. We have given our explanation and the matter rests with the House.

Hon. Sir MACKENZIE BOWELL.

FRENCH VERSION OF THE IMPERIAL ARMY REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY rose to direct the attention of the government to the following clause of the Militia Act:

74. The Army Act for the time being in force in the United Kingdom, the King's Regulations, and all other laws applicable to His Majesty's troops in Canada and not inconsistent with this Act or the regulations made thereunder, shall have force and effect as if they had been enacted by the parliament of Canada for the government of the militia, and every officer and man of the militia shall be subjected thereto from the time of being called out for active service, and also during the period of annual drill or training under the provisions of this Act, and also at any other time while upon military duty or in the uniform of his corps upon or within any rifle range or any armoury, or other place where arms, guns, ammunition or other military stores are kept, or any drill shed or other building or place used for militia purposes, or during any drill or parade of his corps at which he is present in the ranks, when going to or from the place of drill or parade, and also whether in uniform or not at any drill or parade of his corps at which he is present as a spectator.

2. Officers and men of the permanent force and members of the permanent staff of the militia shall at all times be subject to military law.

97. The regulations for the composition of courts of inquiry and courts martial, and the modes of procedure and powers thereof, shall be the same as the regulations which are at the time in force for the composition, modes of procedure and powers of courts of inquiry and courts martial for His Majesty's regular army, and which are not inconsistent with this Act, or the regulations made thereunder.

And inquired of the government:

As the Army Act and the King's Regulations of the United Kingdom become, by these legislative enactments, laws and regulations having force and effect in Canada, does the government intend, in the interest of the militia and for its better government, to provide each commanding officer of a division, of a brigade, of a regiment, of a squadron, of a battery, of a company, or of any corps whatsoever, with a copy, in the English version or in the French version, as the case may be, of these imperial laws and regulations?

If such is the intention of the government, can the distribution of these books, which are indispensible since they are made imperative, be made before the date of the next training of the volunteer forces?

Can the French translation of these books be begun at once so that the officers of French origin may have the benefit of these laws and of these regulations at the same time as their English comrades?

Hon. Mr. SCOTT—The matter is receiving the consideration of the department.

THE APPLE EXPORT TRADE.

MOTION,

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General ; praying that he will be pleased to lay on the table of the House, a statement showing :—

1st. The number of barrels and boxes of apples (stated separately) exported from Canada to foreign countries, including those shipped through United States ports.

2nd. The number of packages of Canadian apples (stated aforesaid) delivered at the following European ports : London, Liverpool, Glasgow, Manchester, Bristol, Belfast, Hamburg, Havre and Antwerp. The number of barrels and boxes (stated separately) and to be given separately, for each of the aforesaid ports.

3rd. The number of packages as aforesaid, bearing the marks required by the Fruit Marks Act, stating separately the number of packages bearing each of the different marks authorized by the said Act.

4th. The number of packages, as aforesaid, which were found by the inspectors appointed by the Department of Agriculture or the commercial agents of the Department of Trade and Commerce, to be dishonestly packed or falsely marked.

5th. The names of all the inspectors appointed by the government, or the Department of Agriculture operating either in Canada or elsewhere, under the provisions of the Fruit Marks Act, and the salary and other allowances paid to each, and the territory covered by each inspector.

6th. The names of all the commercial agents employed by the government or the Department of Trade and Commerce and operating in the United Kingdom, the British colonies and foreign countries and the salary and other allowances paid to each, and the territory covered by each agent.

The above information to cover the year ending June 30, 1905.

Hon. Sir RICHARD CARTWRIGHT—The government will bring down all the information they possess on the subject. If I quite followed the hon. gentleman's motion, there are two or three points on which I doubt whether the information in the hands of the departments concerned, that is my own, and the Department of Agriculture, is quite full enough to give him the details, but as far as our information goes we will be happy to give it. A good deal of it he would find I think in the report of the Department of Trade and Commerce, as affecting the commercial agents, and whatever there is he shall have it.

Hon. Mr. FERGUSON—I quite appreciate what the hon. gentleman has said. I was not quite sure myself that some of the information was available, but if it is available we want it.

Hon. Sir RICHARD CARTWRIGHT—Certainly.

Hon. Mr. FERGUSON—As to some of the other particulars being found in the reports, we do not want to wade through those. We want to get them in a form that will be valuable for reference.

Hon. Sir RICHARD CARTWRIGHT—A portion of them are placed in detail in the report in that fashion. However, we will give all the information we can.

The motion was agreed to.

CANADIAN PACIFIC RAILWAY COMPANY ACT AMENDMENT BILL.

SECOND READING POSTPONED.

Hon. Mr. YOUNG moved the second reading of Bill (No. 22) An Act respecting the Canadian Pacific Railway Company.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman explain what this is for ?

Hon. Mr. YOUNG—Speaking from memory, I think it is merely for an extension of time for the completion of some minor branch lines in the west. One is on the east shore of Lake Manitoba and the other in British Columbia.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is reading from the House of Commons Bill. It may have been amended, and consequently we do not know if that is the extent to which it goes.

Hon. Mr. YOUNG—I understand the Bill was not amended at all in the House of Commons, as it simply asked for an extension of time.

Hon. Mr. WILSON—We ought to have more information with reference to this Bill than has been given. There are extensions of time in this Bill, and very likely of land grants and everything. We have no opportunity of getting information with reference to these Bills excepting at the second reading. The hon. gentleman in charge of the Bill should explain fully the scope and object of this measure. It may be said that it will go to committee and there be threshed out, but how are members who are not on that committee to know what the object of the Bill is ?

Hon. Mr. YOUNG—I do not think the powers asked for in this Bill in any way

affect the land grant. It is only to extend the time for completion.

Hon. Sir MACKENZIE BOWELL—I do not object at all, except to the informal and loose manner in which we are conducting the business of the Senate. The sooner that is put a stop to the better.

Hon. Mr. WILSON—The hon. gentleman who has charge of the Bill says he does not know what the details are. Would it not be better to postpone the second reading until we have that information ?

Hon. Mr. YOUNG—I thought the explanation I made was very clear and plain, that the object of the Bill was merely to extend the time for the completion of certain branch lines of the Canadian Pacific Railway system in Manitoba and British Columbia. It does not deal with the land grant at all.

Hon. Mr. McKAY (Truro)—I have serious objection to passing a Bill until it is before us. We have only one senator's word for it, that the Bill is just as it passed the House of Commons. I object to proceeding further until we have the Bill before us.

Hon. Mr. YOUNG—I move that the order be discharged and the second reading of the Bill be postponed until to-morrow.

Hon. Mr. SCOTT—We have a lot of idle men in this Chamber and there ought to be no excuse or apology for not having the Bills promptly filed as distributed.

Hon. Mr. POWER—The hon. gentleman has not noticed that this Bill is marked printed in French only, and if any one is responsible probably it is the Printing Bureau. I do not undertake to find fault with or criticise them, but the probabilities are that no officer of this House is responsible for its not being on our files, the Bill not being printed in English.

The motion was agreed to.

QUEBEC MIDLAND RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. McHUGH (in the absence of Hon. Mr. Mitchell) moved the second reading of Bill (No. 23) An Act to incorporate the Quebec Midland Railway Company.

Hon. Mr. YOUNG.

Hon. Mr. MACDONALD (B.C.)—Explain.

Hon. Mr. McHUGH—This Bill is printed in both languages and every senator has a copy on his file.

Hon. Mr. WILSON—I do not want to raise an objection to each of these Bills, but we ought to have more information of this important measure than we are receiving. The hon. gentleman who has charge of it, in half a dozen words, asks us to pass the Bill. We have been going on in that manner, and it is time we called a halt. Let us have some explanation why the Senate is asked to pass the Bill. No reason whatever has been given. I therefore think it is unreasonable to ask the House to do anything of the kind.

Hon. Mr. McHUGH—The Bill has been printed and is on the file of each member of the House and I think it states clearly what its object is. The names of the incorporators are all given. I am not myself in possession of any information on the subject. The hon. gentleman who has charge of the Bill is out of the House, but I do not think it is customary to ask for information beyond what I have stated. If the hon. gentleman is so interested in these matters he has access to the Railway Committee, if he is not already on it, and he will there have an opportunity of hearing the measure discussed.

Hon. Mr. CASGRAIN (De Lanaudière)—It has been the custom in the Senate, I think, to refer private Bills such as this to a committee after the second reading, without discussion. In seven sessions I remember one instance only in which a Bill has been refused a second reading where it was to be afterwards referred to a standing committee of the House. The purpose of the committee is to look into the details of the measure, and the committee room is the place where a private Bill should be discussed on its merits. Afterwards, when the report of the committee has been made, if hon. members of this House wish to have a discussion they can refuse to adopt the report of the committee. If the Senate is going to debate the merits of each private Bill, the usefulness of the committees will practically come to an end. In my opinion it would be better to let these Bills go to committee now as they have in the past.

Both the promoters and those who oppose the measure have an opportunity of being heard, and the committee, I submit, is in a better position to inquire whether the Bill should become law or not.

Hon. Mr. De BOUCHERVILLE—The 8th clause of the Bill is as follows:

8. The company may lay out, construct and operate a line of railway of the gauge of four feet eight and one-half inches from a point on the interprovincial boundary between the provinces of Ontario and Quebec, at or near the northern extremity of Lake Abitibi, thence in an easterly and northerly direction to a point on the west shore of Lake Mattagami, in the province of Quebec.

It would appear that the whole of the railway will be in the province of Quebec. If that is so, I do not think we have the right to pass the Bill, and I think it should be referred to the local legislature. We have decided before this that when a railway is entirely within one province it should not be declared to be, as is done in this case, an undertaking for the general advantage of Canada. I think it has been decided that we should not deal with measures which are purely local in their nature.

Hon. Mr. GIBSON—Lake Abitibi is in the province of Ontario, so that the railway must necessarily pass through a portion at least of Ontario.

Hon. Mr. WILSON—I should like to ask how long is the road? We would like to know whether the company is likely to build it. What is the financial condition of the company organized to construct the road? I see the words ' at or near' are used. We have had difficulty in reference to that expression before this. We are asked to grant a charter to build a road commencing at a point on the boundary line between Quebec and Ontario and extending up north into the new territory. It is unreasonable that we should not have some statement as to the ability of those who are named as incorporators to construct the road. We should know whether they have the ability or whether this is simply an application for a charter which may be used for speculative purposes.

Hon. Mr. GIBSON—The fact that the line crosses the border between Ontario and Quebec makes it an interprovincial railway, and for that reason legislation is required on the part of this parliament. If my hon. friend from St. Thomas would look at clause 4 he would find that the capital stock of the company is $500,000; that the head office of the company is to be in the city of Ottawa, and that the annual meeting of the shareholders is to be held on the second Tuesday in September. If my hon. friend will take the trouble to come to the Railway Committee he will find there a map giving all the information which is in the possession of this House. The map cannot be brought into the House, but the committee will have the benefit of it, and they will have the opportunity of hearing the promoters. All the information which he seems to be bewildered for lack of, will be brought out in the very committee that he objects to sending the Bill to.

Hon. Mr. MACDONALD (B.C.)—The second reading of the Bill is the time to discuss the principle of it. It is quite true that we have departed from that rule in allowing Bills to go to committee without discussion, but the proper way is to discuss the merits and principle of the measure on the second reading, and I hope the House will not depart from that practice.

Hon. Mr. WILSON—Although I am in the minority and although the Bill is evidently going to be rushed through without the information that I desire, we ought to have a more detailed explanation than what has been given before the Bill goes to the Railway Committee, and therefore when the Bill comes back I shall claim the fullest privilege to thoroughly discuss it on its third reading, and, if necessary, move a resolution in reference to it. I think it is our duty to take this course with every Bill that comes up here for second reading. We ought to have the information, and if those members who are not upon the committee, are not furnished with the information they desire, some means of obtaining it will be used in the future.

The motion was agreed to.

SOUTH ONTARIO PACIFIC RAILWAY COMPANY.

SECOND READING POSTPONED.

Hon. Mr. McMULLEN moved second reading of Bill (No. 19) An Act respecting the South Ontario Pacific Railway Company.

Hon. Mr. FERGUSON—We have not the Bill before us. It is not printed.

Hon. Mr. McMULLEN—It is certainly printed, because I have it on my desk. I admit that this charter has had an extended existence, but I believe a good deal has been done. The object of the Bill is to keep alive the privilege to construct a branch of this line from Woodstock to the town of St. Mary's and I understand it is also the company's intention to build another branch to Stratford. These two points are large manufacturing towns and the people desire to have communication with the Canadian Pacific Railway as well as with the Grand Trunk in order to have shipping facilities over both lines.

The SPEAKER—It appears that the Bill has not been distributed, and from the minutes it has not been printed in both languages.

Hon. Mr. ELLIS—In the order paper of yesterday the Bill is set down as printed in English and French.

Hon. Mr. LANDRY—No one has the Bill, which is the best proof of the objection taken.

Hon. Mr. McMULLEN—I have no objection to moving that the order be discharged and set down for to-morrow.

The motion was agreed to.

CAMPBELLFORD, LAKE ONTARIO AND WESTERN RAILWAY COMPANY.

SECOND READING POSTPONED.

The Order of the Day being called.

Second reading Bill (No. 24) An Act respecting the Campbellford, Lake Ontario and Western Railway Company.—(Hon. Mr. Kerr, Cobourg).

Hon. Mr. FERGUSON—This Bill is in the same position as the previous one.

Hon. Mr. GIBSON—I would call the Speaker's attention to the fact that on the Orders of yesterday all the Orders from No. 1 to No. 14, page 164, are marked 'E.F.' I should like to know from you, Mr. Speaker, who is responsible for the printing of the Orders of the Day. When these measures come up for second reading, not a Bill is here either in French or English. This is very misleading, and it puts a member of this House, who has charge of a Bill by courtesy in nearly every case, in a very awkward position. Out of 14 Bills on our orders some three or four only have been printed. I think our Minutes at least ought to be correct. Whatever officer has these matters in charge should bear the blame, and those who have authority over him should see that he discharges his duty and not mislead the House, as has been done on this and previous occasions.

Hon. Mr. McMULLEN—It certainly is very annoying to have this blundering system of presenting on the desk of each member an inaccurate statement with regard to the business of the day. It occurred last session also. We had then virtually to go to our post office and try to get copies of Bills when the matter came up before the House. It is the duty of the officers of this House to see that this is not repeated. If the officer is so negligent he should be removed and some one put in his place who will attend to the matter, because the Bill is undoubtedly printed. There is no question about that. The hon. gentleman from Lincoln has called attention to the fact that it is on the minutes of yesterday and of the previous day as printed. Why is it not on the minutes to-day ?

Hon. Sir MACKENZIE BOWELL—The objection taken now is that we have not the Bill before us. It is not the question of whether it is mentioned properly in the Orders of the Day or not.

Hon. Mr. KERR (Cobourg)—In view of the fact that the Bill is not before the members of the House, I move that this order be discharged and the Bill be placed on the order paper for second reading to-morrow.

The motion was agreed to.

CRAWFORD BAY AND ST. MARY'S RAILWAY COMPANY.

SECOND READING.

Hon. Mr. BOSTOCK moved second reading of Bill (53) An Act respecting the Crawford Bay and St. Mary's Railway Company.

Hon. Mr. WILSON—I wish to raise objection to Bills going through without explanation. It seems that the custom has been to pass the second reading of measures of this class without any explanation being

afforded. Here we have a Bill, and I guarantee there are not ten members in the House who understand its nature, the locality through which the railway runs, or whether there will be any injustice done to any of the districts affected. I protest against this style of legislation, with regard to railway Bills. I shall not oppose the second reading of this measure now, but I hope in future we may have some definite information given us so that we may understand what we are doing.

The motion was agreed to.

VANCOUVER, WESTMINSTER AND YUKON RAILWAY COMPANY.

SECOND READING.

Hon. Mr. BOSTOCK moved the second reading of Bill (41) An Act respecting the Vancouver, Westminster and Yukon Railway Company. He said: This Bill is for the purpose of enabling the company to construct and operate certain branches as set forth in the measure. I do not know that I can give a very definite explanation without a map.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell us what portion of the Vancouver, Westminster and Yukon Railway has been built? These are branches to run from the main line. How much of the main line has been built?

Hon. Mr. BOSTOCK—I do not think any part of it has been built.

Hon. Sir MACKENZIE BOWELL—Has it been surveyed?

Hon. Mr. BOSTOCK—I think there has been a preliminary survey, locating the line.

The motion was agreed to.

WHITE HORSE AND ALSEK RAILWAY COMPANY.

SECOND READING.

Hon. Mr. BOSTOCK moved the second reading of Bill (31) An Act respecting the White Horse and Alsek Railway Company.

Hon. Mr. SCOTT—I avail myself of this opportunity to explain to the House why these Bills which we have been discussing have not been printed. On April 14, the blue print, as it is called, was struck off and sent to the House of Commons for approval. It has to wait there before the printing can be proceeded with, for the order of the law clerk of the House of Commons. All these Bills might just as well have been distributed last Thursday. They were ready to be distributed on the 19th. I understand the Law Clerk of the Commons has been ill and has not been in attendance at his office. The fault lies with his subordinates. There appears to have been carelessness in not returning it. There is a rule that Bills must receive the imprimatur of the law clerk before they are finally printed, which is the sole cause of the delay.

Hon. Mr. BOSTOCK—The White Horse and Alsek Railway is in the northern part of British Columbia. White Horse is a point on the route to the Yukon. As far as I am aware, nothing has been done under the charter for this road, which was originally granted in 1904.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman know in which direction this road is to run? Is Alsek in British Columbia or is it intended to carry the road down the Yukon river?

Hon. Mr. BOSTOCK—I am afraid I can not give the information at the present time, but I would like to point out to the hon. gentleman that this railway is not the same as the Whitehorse Pass Railway. This is located in a different part of the country.

The motion was agreed to.

ST. CLAIR AND ERIE SHIP CANAL COMPANY.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (46) An Act respecting the St. Clair and Erie Ship Canal Company. He said: This Bill simply provides for an extension of time; that is all the explanation I can make. The project is about to be financed. I am satisfied this House will receive that information with very great pleasure.

The motion was agreed to.

RULES OF THE SENATE.

IN COMMITTEE.

The House again resumed:

In Committee of the Whole, consideration of the third report of the Special Committee ap-

pointed during last session to consider and revise, and if deemed necessary, to add to the Rules, Orders and Forms of Proceeding of the Senate.—(Hon. Mr. Ferguson.)

(In The Committee.)

Hon. Mr. LANDRY—Before proceeding further, I should like to reconsider clause 4, that is the clause which defines 'select committee' and 'special committee.' The hon. member for Halifax, if I understand him right, defines select committee, as a committee that is not composed of all the members of the House. Then he subdivides select committees into special committees and standing committees. He defines a special committee as a committee other than a standing committee, but he does not define what a standing committee is. Now, what is a standing committee ?

Hon. Mr. POWER—The hon. gentleman knows very well.

Hon. Mr. LANDRY—The first day of every session a general committee of all the members of this House is appointed. Is that a standing committee ? Is it a select committee ?

Hon. Mr. POWER—It is not a select committee.

Hon. Mr. LANDRY—Is it a committee of the whole ?

Hon. Mr. POWER—Yes, in a way.

Hon. Mr. LANDRY—Will the hon. gentleman tell me the meaning of the term used in rule 89, which provides that 'no senator shall sit on a select committee who has a direct pecuniary interest in the inquiry before such committee, &c.' In the opinion of the hon. gentleman the word 'select' is divided into standing and special ?

Hon. Mr. POWER—Yes the definition says so.

Hon Mr. LANDRY—But a standing committee is not defined. In rule 90 it is provided that 'select committees may adjourn from time to time, &c.' Well, what is the meaning of that ?

Hon. Mr. POWER—Just what it says.

Hon. Mr. LANDRY—What does it mean ?

Hon. Mr. POWER—It is very plain English. The hon. gentleman is supposed to be a somewhat astute gentleman, and I am sure he understands quite well what it says.

Hon. Mr. LANDRY—I do not see the difference between a standing and a special committee.

Hon. Mr. POWER—If the hon. gentleman had been attending to his duty and had been present yesterday he would have understood it, because we discussed this very question for an hour in the committee. Other hon. gentlemen understood the question after a considerable discussion.

Hon. Mr. LANDRY—I was absent yesterday because of the death of one of my brothers.

Hon. Mr. POWER—I beg the hon. gentleman's pardon.

Hon. Mr. FERGUSON—My hon. friend from Halifax reminds me of a man in Prince Edward Island who did not know how to write, who took a sheet of paper and scrawled all over it. He said he was sending it to a friend in Pictou. Somebody asked him what was the use of sending that to his friend ? He replied 'Plenty good scholars in Pictou.' My hon. friend says that the hon. member from Stadacona is astute and could understand the subject if he had been in the House yesterday. No one could understand the explanation of the new member from Halifax. In the first place, you start with a definition of a special committee, which is 'a select committee other than a standing committee,' while you gave no definition of a standing committee. In fact this matter was left in such a way that if we want to have ourselves laughed at we will let it remain so. The English practice is they have just the two committees, select and standing. In Australia they have adopted the system of calling every committee other than standing ones, as they do in England, select committees. We have always called the committees other than standing committees special committees, and it has answered our purpose. Why not adhere to that ?

Hon. Mr. POWER—We are adhering to it.

Hon. Mr. FERGUSON—Why introduce confusion by using this form ? Why not adhere to the word 'special ?' The hon. member from Halifax has great faith in an interpretation clause. He has something

like the faith Sam. Weller's father had in the word 'alibi.' He thought that was the best remedy in every lawsuit. He had himself escaped by an alibi and he would put up that plea whenever any one got into trouble. My hon. friend thinks if an interpretation clause can be rounded off, there is exceeding virtue in it, although it never touches the matter of the rules. We have four or five of these ornamental appendages, something like the curl in a pig's tail that are perfectly useless, but the hon. gentleman insists on retaining them there, and the House is aparently willing to let the hon. gentleman have his way, even though it makes us ridiculous in years to come.

Hon. Mr. LANDRY—What the hon. gentleman says in his definition is that a special committee is a select committee other than a standing committee. Well, what is the d fference between the two ? That is what I want to know. It is not because both are less than a committee comprising the whole number of senators. Both have the same qualification as fas as their component parts are concerned and yet a special committee is a select committee other than a standing committee. That is not a definition at all. If you define what a standing committee is, then we will understand what a select committee may be, but if a standing committee and a special committee are both the same thing as to members composing it, what is the difference between the two? The word special committee should be further defined, or we should add another definition and say what standing committee is.

Hon. Mr. POWER—Owing to the unhappy circumstance to which the hon. gentleman has referred he was not present yesterday when this matter was discussed at some length. I am not, as the hon. member from Marshfield seems to suppose, so very much in love with definitions that I should go in for inserting a definition for which there was no occasion whatever. You define things about the meaning of which there might be some doubt. Now, neither the hon. gentleman from Stadacona nor any other hon. gentleman in the House has ever had the slightest doubt since he became a member of the senate as to what a standing committee meant.

Hon. Mr. FERGUSON—No, nor a special committee either.

Hon. Mr. POWER—The hon. gentleman says the same thing with respect to special committee. A standing committee has the same meaning in England, Australia and everywhere that we have given it in the House, but a special committee is a different thing. The special committee is a term, as I understand it, which is substantially unknown in the English practice. The English practice uses the word select where we use the word special. We have for a considerable time used this word 'special.' The hon. member speaks of this report as if it were the report of the hon. member from Halifax. This is a committee report that we are dealing with. In the opinion of the committee the term special was more suitable than the term select, and because this term special was not used in the English practice it was thought well and necessary to define it. Then because we were using the term 'select' in a different sense from that in which it is used in England, it was thought better to define that, but there was no object in defining the word 'standing' because there was no question about its meaning. It means the same everywhere, and every hon. gentleman is familiar with its meaning. I suppose it is not just the right thing to refer to what has taken place before a committee, but it is an unusual course to discuss the details of a matter in this chamber which have been discussed and agreed to without any difference of opinion on the committee.

Hon. Sir MACKENZIE BOWELL—It seems to me all this difficulty might be got over by simply defining what a standing committee is. The hon. gentleman argues that because every member of the Senate knows what a standing committee is therefore there is no necessity for defining it. I question whether there is a member of the Senate who does not know what a select committee means. A select committee, as every one knows, means a committee other than a standing committee. If it be unnecessary to define what a standing committee is, then logical reasoning would lead to the conclusion that it is not necessary to define what a special committee is. A special committee must be something outside of a

standing committee, and a select committee is similar, with this difference, it is not a standing committee. There is nothing in the rules to define what a standing committee is. It will lead to confusion with new members who have no experience in the matter and who have not given the subject much attention. I cannot see what objection there should be to defining the word 'standing' as well as defining the words 'select' and 'special,' then the difficulty would be obviated to a very great extent. It is my misfortune to differ on many occasions from the hon. member from Halifax. The doctrine that he has laid down here, that when a report comes from a committee it is not to be discussed or considered by the whole House is neither parliamentary nor in accordance with usage. A committee may come unanimously to a conclusion and report to the House, and the House can take exception to that and reverse the decision of the committee, or amend it as they please.

Hon. Mr. POWER—I never said anything to the contrary.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman is right, the moment a matter is referred to a committee, and the committee report to the House, you must take their report without any question at all. I know the hon. gentleman's parliamentary experience is such that he never could be serious in advocating a doctrine of that kind. In all parliamentary proceedings the rules provide for a number of stages through which a Bill, motion or report of a committee shall pass. The object of that is to enable the House, at every stage, to consider and discuss, amend or reject. There can be no question of that, we have been told a number of times in this House that it is tantamount to an insult to a committee to object to its report, or to any portions of it. I dissent from that, and I am quite sure the hon. member from Halifax will, on reflection, come to the conclusion that, in laying down a doctrine of that kind, he is not acting in accordance with our parliamentary practice. There must be confusion. If you turn to the 89th clause you will find that it says 'No senator shall sit on a select committee who has a direct pecuniary interest, &c.' Then the 90th says 'A select committee may adjourn from time to time, &c.' Now a select committee is interpreted by the interpretation clause to be a committee other than the whole number of senators, and then you have confusion again by saying special committee immediately afterwards. Surely there can be no objection to adopting one or the other word, 'select' or 'special', and make it uniform, or which would obviate the difficulty to a great extent, simply by defining what a standing committee is. A standing committee could easily be defined by stating that it is the first committee formed on the opening of every parliament, declaring the privileges and usages of parliament. That is a committee of the whole House. Then you go on to define what the other standing committees shall be, Contingencies, Railways, Banking and Commerce, and so on. To old members that may not be necessary; but there are others who are not as well acquainted with the rules and practice of parliament, and a simple amendment of that kind would obviate the difficulties pointed out by the hon. senator from Stadacona.

Hon. Mr. POWER—I do not think there is any such substantial difficulty, but if hon. gentlemen think it desirable that a standing committee should be defined, we can arrange to have a definition prepared and submitted. I doubt if we will get through with this matter to-day, and it can be submitted at the next meeting of the committee. I am afraid I did not make myself understood. I judge so by the remarks just made by the hon. senator from Belleville. I did not mean, whatever I may have said, to question the right of any member of the House to make any objection to a report of a committee, or to move any amendment to anything contained in a report. What I said was this: that it was unusual for a member of a committee, which committee had presented a report to the Senate, to attack that report in the House or in Committee of the Whole on points as to which he had not objected in the committee. He has a perfect right to do it, you may say a legal right, but it is not the practice, and the hon. gentleman from Belleville, who is a very old parliamentarian, will agree with me on that, that where a committee, either a select standing committee or a select special committee, deals with a matter and presents a report, any member who has not on the special committee, or the standing committee expressed his dissent from the report, is not

expected, at any rate when the matter comes up before the whole body, to attack that report. I appeal to the experience and good sense of the hon. senator from Belleville to say whether he does not think that is a sound parliamentary principle.

Hon. Sir MACKENZIE BOWELL—Upon general principles I agree with the hon. gentleman, but he must have forgotten that while we are not permitted in the House to discuss questions of difference in the committee, he knows very well that there are several clauses of this report to which I took very serious objection.

Hon. Mr. POWER—There are some.

Hon. Sir MACKENZIE BOWELL—If the doctrine laid down by the hon. gentleman be correct, I am not out of order, nor am I transgressing the practice of parliament by objecting to certain clauses.

Hon. Mr. POWER—Certainly not, but this is not one of the clauses objected to in committee.

Hon. Sir MACKENZIE BOWELL—I know I took very strong objection to the mixing of standing, special and other committees.

Hon. Mr. FERGUSON—The trouble arose from the peculiar view that the hon. member from Halifax has, that if you express an opinion different from his, or suggest—

Hon. Mr. POWER—I rise to a question of order. The hon. gentleman nearly every time he has spoken in connection with this matter, has made remarks personal to myself.

Hon. Mr. FERGUSON—The hon. gentleman has been personal all the time himself.

Hon. Mr. POWER—The hon. gentleman has no right to make personal remarks.

Hon. Mr. FERGUSON—I say the hon. gentleman in his course in connection with this measure, has invariably assumed that any one who takes objection to any word or part of this report is at once attacking the report. Now my position is this: It is quite consistent for me, and proper, although I might myself have drafted a provision in the committee, after the report comes to the House, to change my view on a matter of such great importance as this. I would be candid and frank enough to say I had seen a mistake in what I had done. I did that yesterday in regard to what I had previously done myself. There is no attack in this. The trouble comes in all the time by the hon. member from Halifax whenever a suggestion comes from myself, immediately saying I am attacking something, apparently attacking him or attacking this report. I confess I did not see some of the difficulties that I see now when we were in committee. In adopting rules for the governing of this House for years to come, however late we may be in seeing errors in any particular clause, we should be ready at once to acknowledge that we were mistaken and endeavour to make the clauses as perfect as possible. I know the hon. member from Halifax is not in any mood to take a suggestion, from myself, anyway—he showed that disposition long ago, but I nevertheless, suggest to other hon. gentlemen that I think we could get over this difficulty very easily by taking clauses 89, 90, 91 and 92 and changing the word 'select,' in them into the word 'standing' or into the word 'special,' the terms we have always been accustomed to, and when we have done that and they can be easily converted; because that is what it meant in every case, and when the word 'select' in five or six clauses is converted into the terms we have been using and familiar with, we could strike out the interpretation clauses altogether and never have any trouble.

Hon. Mr. BEIQUE—The hon. gentleman from Marshfield should be satisfied with the suggestion which has been made by the hon. gentleman from Halifax. He has suggested that the matter be left over for the present, with a view of adopting a wording which would be more satisfactory. Without making any motion, I would call attention to the fact that rule 89 will require to be modified, because it only covers select committees. It would be premature to deal with the matter now, because we must wait until after the definition is finally settled. Rule 89 as it is, would apply only to a select committee, not to a special committee.

Hon. Sir MACKENZIE BOWELL—I suggest that the hon. gentleman from DeSalaberry prepare that definition.

Hon. Mr. LOUGHEED—The difficulty which I have seen throughout this discussion has been this: there are two kinds of committees, special and standing committees, and yet we are making provision for the interpretation of three terms, select, special and standing committee. Inasmuch as there are only two committees,—I am not now including committees of the whole House—why should we deal with three terms, and introduce what appears to me to be an entirely unnecessary factor, namely select committee? It seems to me we are simply confusing the matter by adopting a multiplicity of terms.

The CHAIRMAN—There is no motion of any kind before the Chair. We are really on No. 30, the suggestion that rule 99 be amended.

Hon. Mr. FERGUSON—This was suggested to me by the clerk of the House in consequence of an order originating in the House of Commons, calling upon the Senate as one of the departments of the public service, to give a detailed account of its expenditures. The hon. Secretary of State transmitted the order to the clerk of the House, who pointed out to me that rule 99 does not meet a case of this kind, and that, in his judgment, it would be desirable to insert the amendment which I have proposed. It provides for what does not appear to have been provided for in rule 99.

Hon. Sir RICHARD CARTWRIGHT—Has my hon. friend compared the rule with that of the Commons? He will see that it is desirable that in a matter of this kind which requires an exchange of courtesies, that the two Houses should act in unison, and that the rules of both should be in conformity with each other as far as possible. I suggest that it would be well that we should endeavour to make the two conform. The House of Commons have a committee sitting now on the subject of their rules, but I am not advised whether they have taken up this particular point.

Hon. Mr. FERGUSON—I do not know what the rule of the Commons is. It is no doubt very desirable that we should have the means of complying with such a request as we now have on hand.

Hon. Mr. LANDRY—Our rule regulates our own action. The Commons asks us to do a certain thing, and we are merely providing the way we should do it. I do not think any possible action on the part of the Commons could be governed by our rules.

Hon. Sir RICHARD CARTWRIGHT—Perhaps the hon. gentleman did not quite catch what I desire to say. Occasionally the Senate, as he knows, has sent for members of the House of Commons to appear before one of its committees. That has occurred occasionally, not frequently. Now he will see that it is desirable that the two Houses should have similar forms of procedure and that there should be no possibility of clashing. It would be awkward if we laid down a rule which was not in harmony with the similar rule laid down in the Commons. If my hon. friend from Halifax has looked into the matter, I have no more to say, if not, I suggest that that point might be considered.

Hon. Mr. POWER—I do not think the Commons have any special rule on that point, but this might stand over to be looked into.

The amendment was allowed to stand.

31. That rule 106 be amended by striking out all the words after 'Senate' in the sixth line, and inserting the words 'minister or' before the word 'senator' in the third line.

Hon. Mr. FERGUSON—This is a rule which is taken from the Australian practice. It does not conform with our practice as it now stands. When an order of the House is issued for papers, the minister produces these papers and lays them on the table. But at the conclusion of rule 106, after the order of the House is issued, and the papers are produced, when they are returned, it is provided they shall be laid on the table by the clerk. Further, the rule provides for a situation which we never have apparently, should there be no minister in the House. It might happen that no minister would be present, but some other senator would represent the minister, and therefore my amendment proposes to provide for that case. During the illness or absence from any other cause of a minister, the public business has to go on.

Hon. Mr. POWER—I do not see that the rule is open to criticism. The hon. gentleman from Marshfield proposes to insert the words 'minister or'. Is not the minister a senator. Can you have a minister in this House who is not a senator? To put in these words would involve a surplusage of the very worst kind. The hon. gentleman has moved several amendments to get rid of much less objectionable redundancies than this. Again, the table of the Senate is the place where all papers are supposed to be found, and I think that it is only proper that the papers should be laid on the table, and be in the custody of the clerk. The minister should not give them to any one else.

Hon. Mr. FERGUSON—Undoubtedly, any minister in this House would also be a senator, but a time might come when there would not be any minister in the Senate. By using the words 'minister or senator having charge', it would provide for such a case. As regards the production of documents, this rule seems to be based on some practice they have in Australia which is not like ours. Our usage is that the documents are produced by a minister, and they are then laid on the table by him, not by the clerk.

Hon. Mr. POWER—The name Australia seems to operate like the traditional red rag in the case of the hon. gentleman. When the minister brings the papers down he says 'I have the honour to lay on the table the papers asked for', and then the rule goes on to say that 'such papers, when returned, shall be laid on the table by the clerk.'

Hon. Sir MACKENZIE BOWELL—I would ask what papers could be ordered by the House that would be laid on the table by the clerk? If a minister produces papers and says 'I have the honour to lay them on the table', what has the clerk to do with that? What papers are there to be brought down that would necessitate the clerk of the House laying them on the table, except returns which the law requires to be made every year? What other papers are there?

Hon. Mr. LOUGHEED—From the language of the clause, I would infer that in Australia the return is made to the clerk, who lays the papers on the table. That is evidently not our practice.

Hon. Mr. LANDRY—If we strike out the words 'by the clerk' that will get over the difficulty.

Hon. Mr. POWER—I move that these words be struck out.

The motion was agreed to.

On paragraph 33: That rule 51 be amended by inserting the following words at the end thereof, 'which shall be determined without debate.'

Hon. Mr. FERGUSON—This is so apparent that it is scarcely necessary to say anything on the point. It is assumed that where a senator is called to order and sits down, some member might move, while the question of order was pending, that the senator should be allowed to proceed. If such a motion, which is plainly implied there, could be made, it ought to be settled without debate.

The SPEAKER—Does the hon. gentleman mean that, the point of order being raised, the senator making the point of order will not be able to explain what it is, and that the party who is called to order will not be able to answer?

Hon. Mr. FERGUSON—The rule as it stands is our old rule; it did not seem to provide against a debate springing up on some motion of the kind I have described. My intention is simply to provide, as is done under rule 38, that the matter should be determined without debate. I took the suggestion from rule 38, where I found a similar provision was made. It would seem that rule 51 contemplates the possibility of a motion intervening, such as I have referred to, which might lead to a long debate. It is not on the point of order, but, whether pending the decision of the point of order, the member could be allowed to proceed with his speech.

Hon. Mr. BEIQUE—I would move that the parentheses in the rule be struck out, and that the words 'without the consent of the Senate' be struck out. The House is always master of the whole situation.

The motion was agreed to.

On paragraph 34:

That rule 62 be amended by inserting after the word 'Senate' in the fourth line the following words: 'which shall be determined without debate.'

Hon. Mr. FERGUSON—The effect of this paragraph is to permit a member to withdraw his protest without debate.

Hon. Mr. LANDRY—That is a written protest.

Hon. Mr. POWER—I do not think this matter is of sufficient consequence to move an amendment about, or to have much difficulty over. I do not think we have had a protest in this House for twenty years now. I remember that when Sir Alexander Campbell led the House, there were on two or three occasions protests to which that hon. gentleman was a party, but I really do not see why a member who wishes to withdraw his protest should not be allowed to explain why he does so. A member has made a protest or signed a protest, and, after further consideration, concludes that he would like to have his name withdrawn; I do not see why he should be precluded from giving his reasons to the House.

Hon. Mr. FERGUSON—It is not worth wasting time over.

Hon. Mr. POWER—Such matters are very rarely brought before us. But I do not see any reason for closing the mouth of the member on these occasions.

The paragraph was dropped.

On paragraph 35 :

35. That the amendments made in the fifth and ninth lines of rule 35 in Committee of the Whole be struck out, and also that the words 'seven days notice be given and' be struck out of the sixth and seventh lines of the said rule and also that all the words after 'provided' in the ninth line of the said rule be struck out and the following substituted 'that irregularities and mistakes may be corrected and formal amendments made by way of reconsideration.'

Hon. Mr. FERGUSON—I think many hon. gentlemen will admit that rule 35 was not left in a very satisfactory way. Several clauses which provide for separate consideration apart from this were struck out, and then the hon. gentleman from DeSalaberry proposed some amendments which appeared at the moment to cover the ground fairly well, but I do not now think that they do. However, I think there ought to be some further change made, in order to harmonize matters ; but I am not responsible for any difficulty that exists just there, and having given the notice and placed the matter before the House I will leave it in that way in more skilful hands than mine, and the hon. gentleman from DeSalaberry who dealt with the matter before, will be able to suggest some way which will be more practicable than the present arrangement.

Hon. Mr. BEIQUE—I do not think the suggestion of the hon. gentleman which appears in the minutes should be adopted ; but I think we should shorten the number of days required for the notice. I think two or three days' notice is sufficient. It seems to me that is the only change which is called for.

Hon. Mr. FERGUSON—Shorten it to two days.

Hon. Mr. BEIQUE—Yes.

Hon. Mr. FERGUSON—Part of my suggestion was that we should strike out the seven days.

Hon. Mr. BEIQUE—I understand the suggestion of the hon. gentleman was to make a difference between remedying and cancelling and rescinding. I would not agree with him as to the advisability of making a distinction, because reconsidering any question has the effect of re-opening it for the purpose of either amending or rescinding it, and therefore the same necessity for rescinding it applies in one case as in the other, whether it is to amend a provision or cancel it. I move that the word 'two' be substituted for the word 'seven.'

The CHAIRMAN—In the amendment made the words 'Reconsidered or' were inserted, but I understand the hon. gentleman from Marshfield proposes to strike those words out.

Hon. Mr. FERGUSON—Yes. It was rather more drastic than the hon. gentleman's suggestion. Reconsidering a matter would open the door, and the rescinding was the more serious matter of reversing what has been done before, and if he wanted to rescind he should give a longer notice, but I have no doubt that if the hon. member will substitute two days for seven it will make it fairly workable. I think it will. I do not see why that would not be a fair remedy. The other provisions requiring a majority of the entire number of senators to rescind a matter is a pretty stiff provision. With a senate of about ninety members it would be necessary to have 46 senators

agree to a motion to rescind, and if you can get that number out of the ordinary attendance of the House you have a pretty fair safeguard. I think you might reduce the number of days' notice to two.

The CHAIRMAN—There is a paragraph in 24 which provides for a motion to reconsider and that is the reason why you propose to strike it out of this.

Hon. Mr. FERGUSON—Rule 24 provides that you can reconsider on one day's notice, and my suggestion was that we should insert a paragraph for rescinding in rule 23 that calls for two days' notice, and then, when we take up rule 23, you find among the subjects calling for two days' notice a motion to rescind, and if you are merely reconsidering you could do it with one day; but there is no question if you couple the two together to reconsider and rescind, that would call for a longer notice, but if they were put in separately I imagine that a reconsideration could go this far; to change the form and substance to some extent, but not to reverse. Would it not be better to strike out the seven days and then insert in 23 a paragraph to rescind the motion, and a person inquiring what notice had to be given would find in rule 23 the proper notice to be given for rescinding and he would find in rule 24 the notice for reconsidering.

Hon. Mr. BEIQUE—But we are losing sight of the fact that a motion to reconsider is necessary before a rescission or an amendment can be made. It is a necessary preliminary step, and, therefore, the motion to reconsider implies the possibility of a rescission or amendment—either one or the other, and rule 24 of course should be made to harmonize with rule 25.

Hon. Mr. LANDRY—I think we should strike out altogether 'for a motion to reconsider' from rule 25.

Hon. Mr. Ellis, from the committee, reported that they had made some progress with the Bill and asked leave to sit again to-morrow.

SECOND READINGS.

Bill (No. 64) An Act respecting the Atlantic, Quebec and Western Railway Company.—(Hon. Mr. Young).

Bill (No. 44) An Act respecting the Kingston and Pembroke Railway Company.—(Hon. Mr. Sullivan).

Bill (No. 32) An Act respecting the Nakusp and Slocan Railway Company.—(Hon. Mr. Bostock).

The Senate adjourned until three o'clock to-morrow.

SENATE.

OTTAWA, Wednesday, April 25, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE DIVORCE COMMITTEE.

The SPEAKER—I was ready last evening to decide the point of order raised by the hon. gentleman from Stadacona, but I neglected to do so before the adjournment. My decision is that the point of order is well taken, under clause 13 of our rules which requires a two day's notice and the motion of the Hon. Mr. Kirchhoffer is in consequence out of order.

Hon. Mr. LOUGHEED—May I ask if that means that a committee has to obtain leave during a session of the House? I know that unquestionably has been the practice, but I have not found it laid down in the books. As I understand, there is no rule on the subject; it is simply a question of practice.

The SPEAKER—It is the British practice as well as our own.

Hon. Mr. LANDRY—I should like to call the attention of the Speaker to the entry in the minutes of yesterday's proceedings. It is as follows:

> The Honourable Mr. Kirchhoffer moved, seconded by the Honourable Mr. Perley,
>
> That in view of the pressure of business before the Divorce Committee this Session, and in order to expedite the despatch of that business, the Divorce Committee shall for the remainder of the session, have leave to sit during any sitting of the Senate.
>
> A point of order was raised as to time of publication of notice being too short.
>
> The point of order was held 'en delibéré?'

To-day we have the decision of the Speaker that the point of order was well taken. I claim that the moment the motion

was put to the Senate it becomes a question, it disappears as a notice of motion from the Orders of the Day and the clerk had no right to put it back in our minutes and proceedings as a notice of motion to be proposed to-day. The point of order raised by me having been decided to be well taken, the motion falls to the ground ; it exists no more, having been declared out of order. It was put on the orders for Tuesday, brought up in the regular manner, and to-day has been decided out of order. It appears to-day after having undergone a change. I claim that it should no more appear in the proceedings as a notice of motion to be proposed to-day.

Hon. Mr. McMULLEN—When the question was before the House yesterday, I suggested myself that, under the circumstances, the hon. senator from Brandon should allow the motion to stand so as to give the two day's notice as required and it could be taken up to-day. That suggestion was virtually agreed to, and I presume the clerk came to that conclusion and that is why it appears on the Orders to-day.

Hon. Mr. LANDRY—It was so little understood that way that the motion was put from the Chair yesterday, and now we have the Speaker's decision on my point of order.

Hon. Mr. McMULLEN—The motion was withdrawn on the understanding that the notice should stand for the following day.

Hon. Mr. LANDRY—The motion was not withdrawn, because it was in the hands of the Speaker, and the Speaker has decided to-day that the point of order was well taken. When somebody suggested to let it stand until to-day, I objected, and, as it could only stand by the unanimous consent of the House, the suggestion was not acted upon. I saw the game and did not want it to stand, and I claim that it cannot to-day appear as a notice of motion.

Hon. Mr. McMULLEN—The hon. gentleman did not object to the proposition that was made. He said he objected on the ground that it would be irregular, not to the resolution standing over till to-day. The motion was not acted on ; there was nothing done, and it stood over till to-day.

Hon. Mr. LANDRY—The Speaker has given his decision.

The SPEAKER—I do not see anything irregular in the reappearance of the notice to-day, because the matter had not been disposed of. The question is, since the decision has been rendered, can and will the hon. member from Brandon try and avail himself of the appearance of the notice again ? That is another question.

Hon. Mr. LANDRY—That is another question altogether. I am not objecting to the hon. member putting in a notice of motion to-day, but I am stating, as a matter of procedure, that the motion which appeared yesterday on the order paper was taken out of the notices of motion. It was put to the House by the Chair, I raised the point of order, and the Speaker took it en delibéré. If it was en delibéré, it was in the hands of the Speaker. The notice of motion is repeated to-day in another form. The word Wednesday appears instead of Tuesday. Supposing the decision had been given yesterday, would the motion have been repeated in the Orders to-day ? I would have the right, in that case, to repeat my objection.

The SPEAKER—I do not see anything irregular in the reappearance of the notice to-day, because the matter had not been disposed of, and could only be disposed of when the decision of the Chair was arrived at. The question is, since the decision has been rendered, can and will the Senator from Brandon (Hon. Mr. Kirchhoffer) try to avail himself of the appearance of the notice again ?

Hon. Mr. LANDRY—That is another question altogether. I am not objecting to the Senator putting in a motion to-day to do as he likes, but I am stating as a matter of procedure that that motion was taken out of the notices of motion since it was put by the Chair. It was put to this House yesterday.

Hon. Mr. FERGUSON—While the hon. gentleman from Wellington (Hon. Mr. McMullen) is quite correct that he suggested that it should be allowed to stand as a notice for to-day, it is also true that the member from Stadacona decidedly and emphatically objected. At that stage of the proceeding this was either a notice or it was a question—it could not be both—at the same time. It was a question because it had been pro-

posed from the Chair, and therefore had ceased to be a notice, and it could not therefore stand afterwards.

Hon. Mr. McMULLEN—In my humble opinion no committee of the Senate has been worked as hard as the committee on divorce. During the past week they have been meeting at ten o'clock every day and trying to get through the work by sitting in the afternoons and evenings. The object of the chairman of the committee was to enable them to get through the work if possible, because there are several witnesses who have been waiting here for three or four days and the committee cannot get time to hear them unless the House will consent to give this opportunity of disposing of the business. Has my hon. friend any particular point to gain by taking objection to the resolution ? It is a mere technicality.

Hon. Mr. BEIQUE—I think what has given rise to the objection is the fact that the motion was made too wide. It is hardly proper it seems to me, when we have hardly commenced the session's work that a motion should be made that the Divorce Committee be allowed to sit during the sittings of the Senate for the remainder of the session. I would suggest that motions be made from day to day as the requirements of the business may warrant, and I am sure that no members of the Senate will object. They should appreciate the necessity under which the members of the committee are placed, and they ought to facilitate the disposing of the business ; but for my part I would be against a motion which would be as wide as the one proposed yesterday.

Hon. Mr. KIRCHHOFFER—We are very anxious to sit to-day, and I would ask leave of the House to do so.

Hon. Mr. BEIQUE—I suggest we wait until the Senator from Stadacona is here.

Hon. Mr. KIRCHHOFFER—I do not think he is anxious to come back to oppose this at all. I would move the Divorce Committee be allowed to sit during the sittings of this day.

The motion was agreed to.

RULES OF THE SENATE.

AGAIN IN COMMITTEE.

Pursuant to the Order of the Day, the House resumed in Committee of the Whole consideration of the third report of the special committee appointed during last session to consider and revise, and if deemed necessary to add to the Rules, Orders and Forms of proceedings of the Senate.

(In The Committee.)

The CHAIRMAN—We were at suggestion No. 35 relating to rule 35.

Hon. Mr. BEIQUE—I would move that rule 35 be amended by adding after the word 'rescission' in the ninth line the following :

If a division was taken on what formed the subject matter of the reconsideration or rescission, such reconsideration or rescission must moreover be carried by a larger vote than the one given originally. No discussion of the subject matter of the reconsideration or rescission shall be allowed unless reconsidered. No question shall be twice reconsidered.

I have put in two days instead of seven days, as that has already been agreed upon. I may explain that rule 35 as it stands, provides that the reconsideration shall be voted by a majority of all the senators. I do not suggest any change in this at all, but I do suggest that an additional guarantee be provided. The vote which was taken originally might be a vote larger than the majority of the whole number of senators, and it would be illogical to allow the motion to be reconsidered by a lesser vote than the one which was given originally. That is the reason I suggest that the reconsideration or recission must be carried by a larger vote than the one given originally. This will prevent the motion being rescinded by a smaller vote than was recorded at first. I suggest also that it be not open to discuss the subject matter of the reconsideration on the motion to reconsider. If that motion is carried then the question will be open for discussion. I also provide that the question should not be reconsidered twice. I find this is the rule wherever this practice of reconsidering or rescinding is sanctioned by rules, as in the case of the city of Ottawa, the cities of Montreal, London, Hamilton and other places.

Hon. Mr. LOUGHEED—My hon. friend who has moved this amendment is apparently under the impression that two resolutions would have to be submitted to the House, one for the reconsideration of the question, and after that is carried, the subject would be open, I presume, to

debate. Do I understand that is the interpretation placed by my hon. friend on the rule?

Hon. Mr. BEIQUE—I understand the practice is this, that there must be two motions. The first is to reconsider, and, if that motion is carried, then the subject is open to discussion and the resolution may be rescinded or it may be amended, but the first motion is always a motion to reconsider.

Hon. Mr. LOUGHEED—I would point out that the rule as it is at present, and as it will continue to be provided the amendments are made, makes provision for the rescission of what has been done by the Senate on a previous occasion. Therefore, if rescission can practically wipe out the action of the Senate on the previous vote, there would practically be nothing to reconsider. If my hon. friend will look at the rule he will find that that will be the effect of a vote. Therefore, if the rescission is to operate in extinguishing what has been done by the Senate, it seems to be a contradiction to say after that we shall reconsider.

Hon. Mr. BEIQUE—The words are used to 'reconsider' or 'rescind,' but I understand it to be always in virtue of this rule that the first motion should be a motion to reconsider, and I think that is what is implied by the wording from the fact that the motion for reconsideration shall not involve the discussion of the merits and that the main question may be discussed only if the reconsideration is carried.

Hon. Mr. LOUGHEED—It is scarcely necessary to say that it should not be left to implication. As we are now framing those rules we should draft them in such a way as to make them perfectly clear, so that there may be no discussion hereafter as to what they mean. Most difficulties in interpreting rules arise form their ambiguity; consequently we have to imply what they mean. I submit that this rule is so plain that rescission at once operates when the vote is taken and thus extinguishes the act which we seek to rescind.

Hon. Mr. GIBSON—The difficulty which presents itself to me is this, that according to the explanations of the hon. gentleman who makes this motion, there is to be no discussion upon the question of reconsideration, that the discussion is to take place after the vote has been taken and reconsideration is granted by a majority. Let us be reasonable, and if there is a reason for reconsideration it certainly should be given before the vote is taken, or there may be no reason for reconsideration at all. How are we to know the reasons are good until we hear them? If there is no discussion on the matter there can be no reason why a vote should be taken at all. Some reason should be given to the House why the decision of the majority should be reconsidered.

Hon. Mr. De BOUCHERVILLE—I agree with my hon. friend, and the difficulty might be remedied by incorporating in the notice of motion the reason why reconsideration is sought. Then with the notice on the paper we will have two days to think over it. Otherwise we will be called upon to vote without knowing what the question is. Does the hon. gentleman from De Salaberry object to that?

Hon. Mr. BEIQUE—Bourinot, in his practice of public meetings, discusses that question and gives the rules in the city councils of Ottawa, London, Hamilton and other cities. He refers also to the work of Cushing where the matter is treated. The Imperial practice is not to allow the discussion to be reopened on the mere question for reconsideration. In fact the motion for reconsideration is as to whether the subject shall be allowed to be opened again. It is only in extreme cases that it is done, where it is clear that there is a strong ground for reopening the question. It seems to me it is hardly logical to allow the question to be debated on the mere motion as to whether the subject shall be opened up again or not, because what would be the use then of the motion? The motion is for the purpose of deciding whether the subject is to be opened up again or not. We may depend, I think, on the good will of the members of the Senate to allow the member who moved the motion to explain in a few words why he does so; but it would be by sufferance and not as a matter of right, because if it were a matter of right it would lead to abuse. As for the point taken by the hon. senator

from Calgary, I see that the draft might be improved and if it were allowed to stand for a few minutes I would try to cover the point he has raised.

Hon. Mr. GIBSON—I should like the hon. gentleman to explain if there is to be a finality? If the decision of the House is against reconsideration, is that decision to be final, or is there to be another chance given to somebody else a day or two later to move again for reconsideration?

Hon. Mr. BEIQUE—No, it will be a finality. I have before me Bourinot on public meetings and I find the rule in the Ottawa City Council, which is given as the best rule, reads as follows:

62. After any question, except one of indefinite postponement has been denied, any member may, at the same or at the first meeting held hereafter, move for a reconsideration thereof, but no discussion of the main question shall be allowed unless reconsidered and there shall be no reconsideration given at the meeting at which the main motion is carried, and after such notice is given no return shall be taken by the council on the main motion until such reconsideration is disposed of.

63. If the motion for reconsideration be not made until the next meeting the question shall not be reconsidered unless a majority of the whole council vote therefor. No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

In London it is practically the same.

Hon. Mr. FERGUSON—I do not altogether agree with the hon. member from De Salaberry that you cannot proceed to rescind without a previous motion for reconsideration. If the hon. gentleman will turn to the tenth edition of May, pages 286 and 287, he will find that by the British practice they may proceed to rescind without any preliminary motion of reconsideration, and there is no doubt we can do the same thing. It is not very safe to draw from the practice of corporations, because they are not likely to found their practice on true parliamentary principles. It is much safer to draw from English practice. I have no doubt if my hon. friend will turn to the pages in 'May' to which I have referred, he will find that it is possible to move to rescind without previous notice of reconsideration. With regard to the double remedy which he suggests it may be all necessary and right, but it might be a little dangerous to put that through without having time to reflect on it, because it might involve some serious complications. I do not say that I am not in agreement with it, but I have not had an opportunity to think it over. My hon. friend from Beamsville appears not to draw the distinction that this House has drawn between the treatment of Bills in all their different stages and resolutions, or substantive motions. This rule only deals with motions and resolutions and orders of the House. It does not deal with the clauses of a Bill, as to which we have given full power of reconsideration. But I do not see why we should not have pretty nearly the same freedom of dealing with a substantial motion as with the clauses of a Bill.

Hon. Mr. BEIQUE—As far as I am concerned, I have no objection to limit it, if it is the desire of the House, to the rescission itself. It will leave out reconsideration altogether. It would simplify the wording of the resolution.

Hon. Mr. POIRIER—I would not take that as an improvement on the amendment of the hon. gentleman. On the contrary it would make matters worse. While there is no doubt whatever that we can move directly for a rescission of any motion, still the other way is the one more generally adopted. A motion for reconsideration is equivalent to a motion establishing the principle of a Bill—That is before introducing a Bill or some very important question, as a rule, a motion is made introducing the principle of the Bill so as to feel whether the majority of the Senate is in favour of it. A motion of reconsideration would be something equivalent to that. This would be proposed without discussion, except that the mover might be allowed to offer some explanation, and then the House can, without reopening the whole question, vote yea or no. If the principle is rejected, or if the motion for reconsideration is negatived, then it is done with. If the motion or if the principle is admitted, then the whole question is reopened. Therefore I would not favour the last suggestion of the hon. member that his amendment apply only to the rescission.

Hon. Mr. GIBSON—The hon. member from Marshfield said the House had come to a conclusion that so far as this rule applied there would be no reconsideration in regard to a Bill, because that is already

laid down by me. The proposition that struck me was the reference made by the hon. member for De Salaberry to the rules of city councils. Any one of us who takes an interest in civic affairs will agree that liberty given to city councils is dangerous to the public interest. A resolution to do a certain thing, apart from a Bill altogether—to purchase a certain article or do a certain thing in the interest of the city is carried to-night. Before the next meeting of the council new light and new influences are brought to bear on the members of the council and they rescind the vote adopted at the previous meeting. If this rule is good for Bills, why should it not be good for motions also ? Surely if this House learned that a mistake had been made, or that an improvement could be affected in anything adopted by the House, I am sure that nobody would object to any effort made to correct an error ; but to have a rule of this kind in the House would unsettle the public business. We have discussed this question before, and we are discussing it this afternoon, and the more it is discussed the more apparent it is that if the principle be adopted, it will render the work of the Senate insecure. No one will be satisfied that a resolution which has received the assent of the House cannot be rescinded at a later sitting, if a few members can be talked over and induced to see the subject in a different light.

Hon. Sir MACKENZIE BOWELL—Do I understand the amendment of the hon. member from De Salaberry to give two means of reconsideration ? If I read it correctly, if a greater number of senators vote for a reconsideration than were recorded in favour of the original motion, that would be sufficient for a reconsideration.

Hon. Mr. BEIQUE—It must also comprise a majority of the whole Senate.

Hon. Sir MACKENZIE BOWELL—I do not so read it. Then provision is made for a majority of the whole Senate, which would be over 40. Does that majority apply under this proposed amendment in both cases ?

Hon. Mr. BEIQUE—Yes.

Hon. Sir MACKENZIE BOWELL—Then if a larger number than a majority will vote for the original proposition, there must not only be a majority of the whole Senate but a majority of those who voted for it, in order to affect the reconsideration. Would that be the effect of this motion ?

Hon. Mr. BEIQUE—Yes it would.

Hon. Mr. CHOQUETTE—I have no objection to adopting the rule with two little amendments. I have no hesitation in saying that if I am shown to-day that I gave a bad vote yesterday, I am willing to reconsider it ; but we ought to act in this House as we do before the courts, where a party who moves to rescind, must give the reason for doing so. In that way your adversary knows what is coming up. So when I see a motion to reconsider I want to know why it is offered. I like to have in the notice the reason for asking for reconsideration. As the hon. gentleman from De Salaberry has consented to put in two days' notice only, with these two amendments I shall support the motion which has been made.

Hon. Mr. DAVID—I think the hon. gentleman from Marshfield cited 'May'. I have not the book beside me, but I think I remember the British rule. If my memory is correct, in England both means are used, the motion to reconsider and the motion to rescind. There is a difference between the two, and that is the reason why both are employed, according to circumstance. Sometimes it may be necessary or expedient to move for reconsideration, the effect of which is only to put the question where it was before, to reopen the question so it may be amended as desired. It is not necessary to rescind the original motion. But in certain circumstances it may be preferable to rescind the original motion and then a motion to rescind is moved. The effect of that is to annul completely the previous vote. This shows that it is important and expedient to preserve both means as is done in England.

Hon. Mr. ROBERTSON—I think the whole trouble arises from trying to include the two words reconsideration and rescission in one paragraph. On a former occasion, by motion of the hon. gentleman from Beamsville, we struck out rules 32, 33 and 34 which dealt, I think, very explicitly with the subject of reconsideration. These rules are complete in themselves. Then in rule 35 comes 'rescinding'. The two things are separate, I am a young member of the

House and do not wish to put forward my opinion very much, but I think if the rules which have been struck out were retained the matter would be in much better shape.

Hon. Mr. DAVID—I have now the volume of 'May' and would cite what is stated there at page 287 in support of my opinion.

> Sometimes the House may not be prepared to rescind a resolution, but may be willing to modify its judgment, by considering and agreeing to another resolution relating to the same subject.

In this case a motion to reconsider would be necessary because the object of the mover would not be to rescind but merely to change or modify; but if the intention is to abrogate and annul he makes a motion to rescind.

Hon. Mr. POWER—I agree with the hon. gentleman from Prince Edward Island who spoke just now. Under the British practice there is no such thing as reconsideration, and I think the special committee appointed to revise the rules had that in mind, and they thought it was desirable that there should be such a thing as reconsideration. They accordingly inserted rules 32, 33, 34, which provided for reasonable restrictions to the right of reconsidering; restrictions which have been found useful in other legislatures. The hon. gentleman from Beamsville moved that these three rules should be stricken out, and that was the decision of the House at the time; but I submit that the discussion which we are having now goes to prove that in striking out these rules the Committee of the Whole made a mistake. These two things, reconsidering, and rescinding, are totally separate and distinct. In England they have rescission without any special safeguard, and in the United States, as has been pointed out, and in various municipal bodies they have reconsideration. I do not think there would be any great risk in adopting these three rules. I quite agree with the hon. gentleman from Beamsville that it would not be desirable that there should be any prolonged uncertainty as to the decision of this House upon any matter. But under rule 32 the notice to reconsider must be given on the same day when the resolution which is to be reconsidered is passed. That reconsideration must be disposed of at the next meeting of the House; so that there is at most a delay of one day. It is unnecessary to go into a discussion on the general principle—every hon. gentleman must realize that sometimes resolutions are passed here in a thin House, or without due consideration, and it is only fair and reasonable that there should be an opportunity to reconsider these decisions. The hon. gentleman from Beamsville is opposed to reconsideration, but I notice that he himself moved to reconsider the action of the committee. These three rules were adopted by the committee on Wednesday, I think, and on the next day the hon. gentleman moved practically that they be reconsidered and his motion was adopted. I think he could not ask for a better illustration of the value of reconsideration than his own experience in this matter. I do not raise any question as to the value of the amendments proposed by the hon. gentleman from De Salaberry to rule 35; but I think it would be less liable to lead to confusion if rule 35 were allowed to remain as it was with draft, and rules 32, 33 and 34, were reinserted; and I have the honour to move in amendment that rule 35 remain as it was in the draft, and that rules 32, 33 and 34 be reinserted.

Hon. Mr. BEIQUE—If the House will allow me, I should like to amend my motion in order to avoid the difficulty pointed out by the hon. gentleman from Calgary, by leaving out this paragraph:

> No discussion of the subject matter of the reconsideration of rescission shall be allowed unless reconsidered.

Hon. Mr. ROBERTSON—I think we had better first decide what we will do about rules 32, 33, and 34.

The CHAIRMAN—There is a motion to adopt rule 35 with amendments, suggested by the hon. gentleman from de Salaberry. The hon. gentleman from Halifax has moved a resolution, in amendment, to retain rule 35 as in the original draft and to restore rules 32, 33 and 34.

Hon. Sir MACKENZIE BOWELL—It cannot be an amendment to move that a resolution stand as it is. That would be simply a negative vote. All you have to do is to vote against this amendment. If the hon. gentleman desires to reinstate the

other rules to which he has referred, that should be the subject of a separate motion. The amendment which he has proposed is no amendment at all.

Hon. Mr. FERGUSON—I would suggest that we strike out rule 35 altogether and fall back upon British practice. The more we go into this matter the more difficulty we find in adopting any rule which would really be efficient.

Hon. Mr. POWER—As to the question of order, I do not think that the point is well taken. The position we are in now is this: rules 32, 33 and 34, which relate to reconsideration, have been stricken out. Rule 35, which originally dealt with rescission alone, remains. I think an amendment has been adopted by which the words 'to reconsider' were introduced into rule 35. Now the main motion is the motion of the hon. gentleman from De Salaberry to make certain additions to rule 35 in order to make that rule deal with both rescission and reconsideration. My appeal to the House is that that will lead to confusion and that the better way to settle the question is to pass these four rules as they were in the draft. I contend that my amendment is quite germane to the motion, and that the motion and the amendment could not stand together; and these facts constitute an amendment.

Hon. Mr. BEIQUE—In answer to the suggestion made by the senator from Marshfield, I may say that the other day I moved an amendment to rule 35 for the purpose of trying to conciliate the two opinions which have been manifested in the House, but I have no special desire to insist on either of these rules.

Hon. Mr. FERGUSON—I would move as an amendment to the amendment that rule 35 be struck out.

Hon. Mr. LANDRY—I rise to a question of order. The main motion is not the motion of the hon. gentleman from De Salaberry, but the motion for the adoption of the rules. The hon. gentleman from De Salaberry comes in with an amendment, and the hon. gentleman from Halifax with a sub-amendment. We should dispose of that first and if it is lost the hon. gentleman from Marshfield may come in with another sub-amendment.

The CHAIRMAN—As I understand, rule 35 was an amendment by the committee, and therefore has been adopted. It appears to me that the main motion before the committee is the resolution offered by the hon. gentleman from De Salaberry.

Hon. Sir MACKENZIE BOWELL—If rule 35 was passed as amendment, certainly a motion to amend the rule as amendment cannot be a substantive motion.

Hon. Mr. LOUGHEED—Rule 35, it appears to me, has been adopted; and the main motion is not to adopt that rule; it is to amend it.

Hon. Mr. LANDRY—The main motion is for the adoption of the rule.

The CHAIRMAN—Rule 35 was agreed to with an amendment in the original meeting of the committee, and was so reported to the House.

Hon. Mr. LANDRY—I will cite a similar case. When a Bill is referred back to the committee to be amended is the amendment a main motion? In my opinion it is an amendment.

Hon. Sir MACKENZIE BOWELL—There can be no question that a motion to leave the rule as it is is not an amendment. I am speaking of the motion made by the hon. gentleman from Halifax. He moves to leave rule 35 as it is, and then he adds some other provisions to reinstate other rules which have nothing whatever to do with the matter.

The SPEAKER—I think that the motion of the hon. gentleman from Halifax may properly be regarded as a sub-amendment to the main motion. He moves in effect in amendment that the original clause, without the changes which were made in it, be reinserted. Then he adds two previous clauses. If he were to put his motion in writing it would be seen to be really an amendment. His desire is to revert to the original rule 35 and to have two previous rules, which are not now in the draft, reinserted.

Hon. Mr. YOUNG—As the case stands now, the chairman has ruled that the main motion is that of the hon. gentleman from De Salaberry. I would call attention to the fact that we are in Committee of the Whole,

and we are considering the rule clause by clause. I submit the amendment offered by the hon. gentleman from Halifax is not in order inasmuch as he deals with two or three rules at once. The procedure is that we must deal in committee with one question at a time. We are dealing with one subject now. Let us finish that and afterwards take up the question of reinserting rule 32. In the meantime I think the proper course is to deal with rule 35, and any amendments made thereto.

Hon. Mr. POWER—If rule 35 were before the committee in its original form, in which it dealt solely with the question of rescission, then the point of order of the hon. gentleman from Killarney would perhaps be well taken. But that is not the case. We have before us now a rule which deals with both rescission and reconsideration; so that it is perfectly in order to move in lieu of that rule, which deals with both these subjects, three paragraphs—they need not be called rules—which deal with both and, as I contend, deal with them in a better manner than does the amendment of the hon. gentleman from De Salaberry.

Hon. Sir MACKENZIE BOWELL—Rule 35 stands to-day in precisely the same position that the original draft of 35 stood before it was amended, when it came before the Committee of Revision. It came to us including certain provisions: It was amended; the original draft then was of no effect whatever, and the rule, as it stands before us now, is in precisely the same position as was the original clause when it was before the committee, and consequently should be treated in the same way. In looking at the amendment proposed by the hon. gentleman from Halifax, I see he uses the words 'in the draft.' If the hon. gentleman had said in the original draft as presented to the Senate, it would have been plainer to my mind. What we have before us in that amendment is simply a proposition to revert to the original draft of rules 32, 33, 34 and 35 as they were before the Committee of Revision, before being struck out on the motion of the hon. gentleman from Beamsville. If we carry the amendment of the hon. member from Halifax—it is declared to be an amendment—we are reinstating the rules that we, by a large majority have struck out. That is really what the hon. senator from Halifax proposes. It is much better to leave rule 35 as it is than to do that.

Hon. Mr. FERGUSON—I think the point of order has been accurately stated from the Chair. The whole question came up on a notice of motion. When it was reached, I declined to make that motion and the hon. member from De Salaberry moved it and that is the main motion. The hon. member from Halifax could then move that the clause stand as it originally came from the committee, but he could not include two or three other clauses that had been struck out, because the point raised by the hon. senator from Killarney was well taken. After carrying his point it would be quite open for him to move in detail that the three clauses be restored. If the motion of the hon. member from Halifax is to restore clause 35 exactly as it was passed by the committee, I think his motion would be in order, and it would be an amendment, but not to embrace two or three other clauses which we could not do as we must discuss the question clause by clause.

Hon. Sir MACKENZIE BOWELL—On the question of order, I must differ from the hon. senator from Marshfield. The rules were adopted by this House. My hon. friend from Marshfield gave notice of an amendment to this rule to which we are now referring. Instead of moving his amendment he relegated the duty to the hon. senator from De Salaberry who moved it or, in other words, that which was proposed by the hon. senator from Marshfield, and consequently it cannot be an original motion.

The CHAIRMAN—Still I hold it is. If I had to put a question to the committee, if there had been another amendment, it would be, shall the resolution proposed by the hon. senator from De Salaberry be adopted? Therefore it is a main motion.

Hon. Mr. BEIQUE—I think the hon. senator from Halifax is correct. Rules 32, 33, and 34 have been wiped out. This motion in effect, instead of amending rule 35 as I moved that it be amended, proposes to adopt the whole four rules 32, 33, 34 and 35 and restore the report as it stood before. I think his motion is in order. It can be the subject of an amendment. It

is true he asked that rules 32, 33 and 34 be reinstated. That may be irregular, but if he makes his motion that rule 35 be made to read as 32, 33, 34 and 35 were originally printed, his motion is in order.

Hon. Mr. LANDRY—I share the opinion of the hon. member. I think the motion made by the hon. member from Halifax is quite in order. The chairman of a committee, when he deals with a Bill, takes it clause by clause, and the main motion for each clause is this—'shall this clause stand part of the Bill'? Each clause of the Bill is proposed in that way, and if anybody does not want any clause to stand part of the Bill he moves an amendment. Notices of amendments have been given by the hon. senator from Marshfield to the report of the committee. He has abandoned his right to move one of the amendments and given that right to the hon. senator from De Salaberry. Does that change the nature of the amendment? Not at all. It is as much an amendment as if the hon. gentleman had moved it himself. The hon. member from De Salaberry moved in amendment that the original clauses be changed, and the word 'reconsider' inserted. That amendment was carried, and the clauses as amended was adopted, but notice of new amendments was given. The motion made by the hon. gentleman from De Salaberry is really an amendment—it amends. The motion brought in afterwards by the hon. senator from Halifax is an amendment to the amendment, so I think the hon. gentleman from Marshfield has no right to bring in another sub-amendment until the House has decided upon the amendment to the amendment.

Hon. Mr. LOUGHEED—If the hon. gentleman from Marshfield or the hon. gentleman from De Salaberry had not moved this motion what would have been the result as to clause 35? There would have been no motion before the Chair.

Hon. Mr. LANDRY—No, because it had already been adopted.

Hon. Mr. LOUGHEED—Then it is a main motion.

Hon. Mr. BEIQUE—The hon. member from Stadacona loses sight of the fact that that clause was adopted by the committee before. His reasoning would be all right if we were in committee for the first time on the Bill. The motion would be that rule 35 be adopted, and then his reasoning would apply; but when this came before the Committee of the Whole, in the first instance, this motion was disposed of, and now when we go again into committee for the second time, there is no such motion as he suggests. We have before us clause 35, which was reported to the House as having been adopted, and the only motion before the Chair which is a substantive motion is mine, that rule 35 be amended.

Hon. Mr. LANDRY—I answer to that, it is really a reconsideration. That was referred back to the committee to be considered, and, more than that, the hon. member from Marshfield gave his motion in these words:

> That when the third report of the Special Committee appointed during last session to consider and revise and if deemed necessary, to add to the Rules, Orders and Forms of Proceeding of the Senate is under consideration of the Committee of the Whole House, he will move the following amendments, viz.:

Then he cites them all. My hon. friend steps in, takes one of his amendments and moves it.

Hon. Mr. FERGUSON—I would hesitate about shivering a lance with the hon. senator from Stadacona on a point of order. We all know he is expert and accurate, but I think he has missed the point in this case. When a Bill goes to committee in the first instance, the motion that any clause stand is the main motion, but the amendment when it is sent back for reconsideration has precisely the same status that the clause itself had in the first instance, and the motion to amend it is the main motion. I agree with the hon. gentleman that the motion of the hon. senator from De Salaberry has no different status from what mine would have had if I moved it. It became the main motion, because it was for the purpose of making that change that we came back to Committee of the Whole.

Hon. Mr. GIBSON—The House ought to accept the decision of the chairman which agreed entirely with the view of the hon. gentleman from Marshfield that the amendment was a motion, and that the amendment moved by the hon. senator from Halifax was an amendment to that motion, and

then the amendment to the amendment of the hon. member from Marshfield was properly in order. The question is whether the House is prepared to uphold the Chair.

Hon. Mr. POWER—I do not propose to appeal from the decision of the Chairman; but as to this question of order, after some hesitation, I have come to the conclusion that the hon. member from Stadacona is right. The position was this: the hon. gentleman very properly compared these rules to the clause of a Bill. This rule 35 is before us in its amended form, just as though it was the original clause of a Bill, and the hon. gentleman from Marshfield gave notice that he would move an amendment to that. Consequently his motion, if he had made it, would have been an amendment to that rule standing part of the body of rules, and the resolution which the honourable senator from De Salaberry moved in place of that, which the hon. gentleman gave notice of, is just in the same position. It is an amendment to a motion that the rule adopted the other day be passed. Consequently my amendment was a sub-amendment.

The CHAIRMAN—According to my view there are three propositions before the committee—the propositions of the hon. member from De Salaberry, of the hon. member from Halifax and the hon. member from Marshfield. I accept the three.

Hon. Mr. YOUNG—The motion we are to vote on is to wipe out the rule altogether.

Hon. Mr. ROBERTSON—Before we proceed to strike out rule 35, if we strike out that rule with rules 32, 33 and 34, we have then in the rules no provision for reconsideration or rescinding. We shall then have to fall back on British practice.

Hon. Mr. GIBSON—That is all right.

Hon. Mr. ROBERTSON—Is there any reason why we should have no rule providing for these important subjects? We have rules for every other purpose for the working of this House, but under these circumstances we will have no rule for reconsideration or rescinding. The extra printing will cost very little, and I think we ought to have rules on these two subjects as well as on all others.

The committee divided on the amendment to the amendment which was adopted, contents, 20; non-contents, 8.

20½

Hon. Mr. DAVID—In my remarks, I said that the hon. member from Marshfield had cited 'May' to show there were two ways of proceeding. I think the hon. gentleman did not go as far as that. I confused 'May' with 'Cushing,' and, as the hon. gentleman from Halifax has said, in the British House they admit reconsideration in different ways, but not directly.

The SPEAKER—Did we strike out of clause 24, which speaks of motions which need one day's notice, the provision for reconsideration?

Hon. Mr. LANDRY—No it remains.

Hon. Mr. POWER—How can you have a notice for something which we have not in our procedure.

Hon. Mr. LOUGHEED—It simply qualifies the English practice to that extent.

Hon. Mr. POWER—There is no reconsideration recognized by English practice. It is improper to retain a provision to reconsider.

Hon. Mr. FERGUSON—Our rules provide for a reconsideration of Bills at every stage.

Hon. Mr. POWER—But you do not require any notice to reconsider Bills. It would cause the greatest inconvience if clauses of Bills could not be reconsidered in Committee of the Whole without notice. I move that these words in rule 24 be struck out—'For a motion to reconsider'.

The SPEAKER—What have we in these rules similar to rule 43 of our present rules? 'A senator may, at any time before a Bill has passed move for the reconsideration of any clause thereof already passed.'

Hon. Mr. YOUNG—Did not the hon. member from Marshfield move an amendment to clause 25 the other day that without notice a clause of a Bill may be reconsidered in committee?

Hon. Mr. FERGUSON—Yes, but if you turn to rule 70 in this report you find the following:

A senator may, at any time before a Bill is passed, move for the reconsideration of any clause thereof already passed.

That is, with the Speaker in the Chair. There is only one thing remaining, that is the assurance that there would be some addition to the interpretation clause.

Hon. Mr. YOUNG—I think these words 'for a motion to reconsider' should be struck out of clause 24, because we have in rules 70 and 25 provision for the reconsideration of Bills without any notice whatever, and this would be confusing. It would indicate that notice would be required. Clauses 32, 33, 34, 35, being struck out, we no longer require that paragraph in rule 24.

Hon. Mr. FERGUSON—Yes, because in rule 70 we have power to reconsider clause of the Bill at any time, but we must give 24 hours notice of it.

Hon. Mr. YOUNG—It says a senator may at any time move to reconsider.

Hon. Mr. FERGUSON—But it does not say he may do it without notice.

Hon. Mr. YOUNG—If it is intended by rule 70 that the present practice shall be varied, it should be stated that one day's notice is required.

Hon. Mr. LANDRY—I think clause 24 should be struck out.

Hon. Mr. YOUNG—If it is the sense of the House that these words in rule 24 should stand and refer to rule 70, we would have something clear.

Hon. Mr. FERGUSON—That is their only use. They are no use except to operate rule 70.

Hon. Mr. BEIQUE—Then it would be better to amend rule 70 and drop 24.

The committee divided on the amendment to strike out the words 'for a motion to reconsider' in rule 24, which was adopted. Contents 21, non-centents, not counted.

Hon. Mr. POWER—I have drafted an amendment to be inserted immediately before the definition of 'special committee' in rule 4. It is as follows:—

> Standing committee, a select committee appointed each session for the consideration during that session, of a certain class of matters relating to the business of the session.

That wording is taken from the English book of practice of the House of Commons, and it is substantially the same as the language used in 'Bourinot' and 'Cushing'. The hon. gentleman from De Salaberry has suggested that the definition may be shortened. I do not remember exactly the language of the amendment which he suggested, but I have no objection to accepting his amendment if it is acceptable to the committee, instead of the one I have drafted.

Hon. Mr. BEIQUE—I suggest this instead of the hon. gentleman's amendment—'Standing committee.' 'A select committee appointed for the session.' My reason for it is, according to our practice we have standing committees such as the debates and restaurant. Such committees are not for a class of subjects, but are limited each to one subject; therefore it would not come within the definition of a certain class of matters relating to the business of the session. That is why I recommend this shorter form.

Hon. Mr. YOUNG—That means a committee whose existence will be for the whole session.

Hon. Mr. DeBOUCHERVILLE—Would it not be much more simple and convenient to say exactly what committees we have. We have only two sorts of committee, the permanent and the special. Why not confine ourselves to those two words. What is the use of saying 'select'? They are either permanent or not permanent.

Hon. Mr. BEIQUE—I had in mind suggesting that we have as a definition simply 'standing committee', embracing less than the whole number of senators appointed for the session, and 'special committee,' a committee to consider a special subject, but it would necessitate changing several of the rules where the words select committee have been used, and I think it is better to follow the suggestion of the hon. senator from Halifax, merely defining what is a standing committee.

The amendment of Senator Beique was agreed to.

Hon. Mr. BEIQUE—I wish to call attention to the phraseology of rule 89, I think it should read:

> No senator, who has any pecuniary interest whatsoever not held in common with the rest of the Canadian subjects of the Crown in the inquiry to be entrusted to any committee, shall sit on such committee.

and so on. It is merely a matter of grammar. The 'who' might be taken to refer to the committee as it stands at present.

Hon. Mr. DeBOUCHERVILLE — This shows the importance of having our rules correctly rendered in both languages. It is somewhat difficult for one like myself, who is not very familiar with the English language, to catch the exact meaning. If the hon. gentleman from De Salaberry is correct, it shows how important it is that we should have an exact translation of the rules in French and before completing this work I think we should name another committee, to compare the two versions, French and English, and see that they convey exactly the same meaning.

The motion to amend rule 89 was agreed to.

Hon. Sir MACKENZIE BOWELL—I wish to call attention to rule 58 and rule 89. In these rules there is no provision to prevent a senator who has a direct pecuniary interest from taking part in a discussion of a question arising in connection with a Bill which comes up from the House of Commons amended, it may be, at the instance of the senator who is directly and pecuniarily interested in the amendments which are made.

While the rules prevent him from sitting on the committee of inquiry in the Senate, and prevent him from voting on such questions, if a Bill in which a senator is directly and pecuniarily interested is sent from the Senate to the House of Commons and comes back to us in a manner which would affect that senator, there is nothing to prevent him from taking part in the discussion on that amendment in Committee of the Whole. Under rule 138, a private Bill returned to the Senate with important amendments made in the Commons, presumably at the instance of the senator interested in the same, can be referred to a committee of the whole here, and there is no provision in the rules to prevent such a senator from sitting in the inquiry before such committee. Rule 89 only provides that such a senator shall not sit on a select committee in such case, and rule 58 prevents him from voting upon a question in which he is directly interested. I think it would be well to make a provision that would prevent the possibility of a senator interested from taking part either in Committee of the Whole on an amended Bill such as I have indicated, or in any other way. I would suggest that rules 58 and 89 be both struck out and that a clause somewhat of the following nature be substituted:

> No senator shall take part in a proceeding nor vote upon an inquiry into any question, Bill, or matter before the Senate, or any committee thereof, in which he has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown. Upon such a question of interest arising it shall be determined forthwith, and the vote of any senator so interested shall be disallowed.

That embraces the principle involved in both rules 58 and 89, and also provides for the omission which, I am sure, was unintentional, in the case of an amended Bill coming from the Commons.

Hon. Mr. POWER—Rule 89, I think, goes quite far enough as far as the committee is concerned. Rule 58 deals with the Senate at large, under all circumstances. Now the hon. gentleman proposes that senators shall not be allowed to take any part in the House or in the Committee of the Whole in the discussion of a measure of that kind. I do not suppose that hon. gentlemen would want to do so, as a rule. If they were directly interested they ought not; but it would be an awkward thing if we were sitting here as a House and a matter were to come up in which some member was interested, say as the director of a bank, or president of an insurance company. He would really be obliged to leave the Chamber, and I think that would be rather an extreme measure. Since we do not allow him to vote on the question I consider that should be sufficient. After all, the capitalists throughout the country who are interested in these great undertakings should, I think, have a right in the House to defend their interests, even though they are not allowed to vote. They should have a right to make as good a case as they can for the interests they represent. I think the proposed amendment would be a very sweeping provision, and that it would lead to unpleasant consequences.

Hon. Sir MACKENZIE BOWELL—I do not propose to delay the committee by pressing the idea which is embodied in this resolution. The objection taken by the hon. gentleman from Halifax is not pertinent, if he will permit me to say so. The rules distinctly provide that any senator or member of the House of Commons can vote upon or discuss any question in which, with other subjects of His Majesty, he is inte-

rested. That provision was made in the Independance of Parliament Act to cover the very cases to which he refers. A gentleman holding stock in a bank, or a director, has a right to discuss and to vote upon any question coming up affecting that monetary institution for the reason that his interest is held in common with other subjects of His Majesty. There is no doubt about that. If the restriction proposed by myself in that motion went as far as the hon. gentleman from Halifax indicates, it would cut out nine-tenths of the members of the Senate, and, perhaps, more. There are very few of us who do not hold stock in some incorporated institution. It never was intended, nor do these rules contemplate, that a shareholder in a bank or insurance company or in any incorporated company which seeks powers from parliament, should be prevented from voting, provided the interest which he holds is held in common with other subjects of His Majesty. The intention is to meet cases where a senator or member of parliament has an individual pecuniary interest in a measure before parliament not held in common with His Majesty's subjects.

Hon. Mr. YOUNG—I notice that under rule 58, which deals with a senator voting in the House, he is not debarred from participating in any discussion or debate, but simply from voting. Now, when you come to rule 89 and deal with it, he cannot even sit upon the committtee. Why have we not a uniform practice ? If it is wrong for him to sit on the committee it must be wrong for him to sit in the House. If it is right for him to sit in the House and discuss the matter, he should have the right to sit in the committee.

Hon. Mr. BEIQUE—I think the proper thing would be to debar members of this House from either taking part in the debate or voting under such circumstances. The wording which should be adopted ought not to debar them from remaining in the House, but they should not take part in the discussion because they have a pecuniary interest. Other people who are interested are not allowed to come in here, and it would be giving the senators in question an advantage, and opening the door for influencing some of their colleagues by their taking part in the discussion. I think the more dignified procedure would be to debar them both in the House and in the committee from either taking part or voting. Rule 89, which we have adopted, debars them from sitting in the committee, therefore it debars a senator from taking part in the discussion and voting, because he has no right to a seat in the committee. As far as rule 58 is concerned, all that would be required would be simply to add the words—' No senator is entitled to take part in the debate or vote upon any question ', etc.

Hon. Mr. DeBOUCHERVILLE—I had occasion a few minutes ago to speak on the subject of the translation of these rules. It may be that I am not sufficiently familiar with the English language; my impression is that sitting in the committee does not mean to be able to sit in the room. It means that the senator is not a member of the committee, but he may sit in the committee room. A member can sit in the House without having the right to vote. For the time he will be simply availing himself of the privilege of sitting in the Chamber, but he is not sitting as a member of the House, and therefore, I do not see why we should change that rule.

Hon. Mr. POWER—Rule 58 is our present rule 31, which we have had for a great many years, with certain modifications to which I think the attention of the committee should be directed. Our present rule 31 is as follows :

> No senator is entitled to vote upon any question in which he has a direct pecuniary interest ; and the vote of any senator so interested will be disallowed.

The committee thought that that provision was not sufficiently stringent, and they changed it to apply to any senator having any pecuniary interest whatsoever. Reading the rule that way, it is clear that any director of a bank or director of an insurance company or of any other commercial company, or even a shareholder has a pecuniary interest not held in common with the other Canadian subjects of the Crown. I think it would be going a very long distance to say that that senator if a question comes up in which his company is interested, shall not be allowed to express an opinion about it. That would be going too far altogether, and I think it

would be an exceedingly unreasonable restriction. Every Canadian citizen who happens to be a member of either House should have the right, if an attack is made upon an organization of which he is a member, to defend that organization.

Hon. Mr. LOUGHEED—I venture to submit this question of constitutional law, can we prevent a senator, who is appointed under the British North America Act, from speaking in this deliberative assembly upon any question before us? We certainly could not exclude him by rule. In my judgment we could not prevent him from speaking on any question, whether he is interested or not. This is a deliberative assembly and there are certain rights of speech which, under the constitution every member of parliament is entitled to; and to say that because he may possess a scintilla of interest in the form of stock or shares or bonds he shall not take part in the deliberations of parliament, is something which I do not think can be determined by the rules of this House.

Hon. Mr. GIBSON—The hon. gentleman covered the ground which I intended to take. I think it would be enacting legislation which would deprive a member of this assembly of something that the ordinary citizen has the right to do in the committee. There is not a joint stock company of any kind or a private individual who is not a member of this House, who cannot appear before a committee, and with the consent of the committee defend his rights as to the application he is making and the legislation he is seeking. I thoroughly believe in the principle that any one interested in any business matter that requires legislation, should not be allowed to vote upon it, but to deprive him of the right to discuss it, you may perhaps deprive the only man who can give a reasonable explanation of the reasons he has for seeking legislation, or meeting an attack, of an opportunity of expressing his views or giving an explanation. You deprive the man most directly interested above all others in the legislation of this right simply because he happens to be a member of this House. There is no doubt as to the position of a member of a joint stock company, but the aim of the hon. member from Belleville is directed against the individual rather than against the company, and I say in that case it is doubly severe.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. GIBSON—Then I misunderstood the hon. gentleman. No member of this House should be deprived of the right to advocate or defend any measure coming before this House, whether he is interested in it or not. Where he has a monetary interest in anything he has no right to vote in this House or in the committee.

Hon. Mr. FERGUSON—The hon. gentleman's argument is not a good one, and for this reason; the power to speak and argue is much more dangerous than the power of voting. The fact that a member of parliament, who is interested in a Bill, is deprived of the right of speaking in defence of it, does not put him in any worse position than any other person in Canada, who is not a member of parliament, who happens to be interested in the same way in a Bill. There is no reason why a member of parliament should be given an advantage over a citizen who is not a member regarding a Bill in which he has pecuniary interest. Any one who contends that a member, who is interested in a measure should not have the right to vote upon it, ought to go further and say that he has no right to urge his personal interest in parliament. Supposing some gentleman outside of parliament is interested in the same measure on the opposite side, is it reasonable that he should be put at a disadvantage which does not apply to a member of parliament? He has no right to speak, but his opponent in the House would have a right to speak and influence his brother members. This subject was up twice before, and was very thoroughly discussed. The desire there was to go further than is now suggested in order to reach members who had any interest whatever, but it was found you could not go that far without disqualifying nearly every member of parliament, because nearly all are interested as stockholders in companies of one kind or another. After full consideration, and the exercise of the greatest care —and the hon. member from Toronto (Hon. Mr. Kerr), the hon. member from De Salaberry (Hon. Mr. Béique) and other members gave it a great deal of consideration—the principle was adopted which is now found

in rules 58 and 89. I am thoroughly in accord with the resolution which has been moved by the hon. senator from Belleville, because I think it has this advantage: It is clearer than the others, and it comprises all the law in one rule, which is shorter I think than one of them, and not very much longer than the other. There is no necessity for having the two rules, and I do not think a rule could be made which covers the ground better than that which has been moved by the hon. senator from Belleville.

Hon. Mr. GIBSON—I am astonished at my hon. friend's argument. He is usually clear and logical, but he is illogical now when he asks why should a member of this House have a privilege which is not granted to any one outside of it. The humblest subject of His Majesty can come before any committee, and, with the consent of the House, has a right to speak on a subject in which he is interested. It is true he cannot speak in this House, but in the committee of this House he has a right, which my hon. friend wants to deny to members of the Senate. It is a most illogical position to take, that you will allow anybody outside to advocate a measure in committee but because a member of this House happens to be interested in a measure he cannot advocate it in the House of which he is a member or in any of its committees. It is a most unfair rule to lay down. We are led to believe by my hon. friend from Marshfield that all the wisdom of the Senate is in the select committee who had these rules under consideration; that nobody else has any right now to make any suggestions whatever; that everything was so carefully considered that the report of the committee does not require any revision whatever, and yet only the other day he said that he was permitted during the recess, having so much time on his hands, to go over the whole work he had himself done, and to which he had been a party, and prepare a long list of changes which he wishes to make to improve the slip shod work done by the committee. He asks the House to say that because a member may have some monetary interest in the legislation before this House that he should be deprived of the privilege of advocating it either in this Chamber or before any of our committees.

Hon. Mr. FERGUSON.

Hon. Sir MACKENZIE BOWELL—It seems to me the hon. gentleman is fighting a shadow. There is no such proposition in the motion I have made.

Hon. Mr. GIBSON—I did not say the hon. gentleman made that proposition; I spoke of the proposition laid down by the hon. Senator from Marshfield.

Hon. Sir MACKENZIE BOWELL—In the first place, replying to the hon. gentleman from Halifax, I may say the motion has no reference whatever to shareholders in banks or companies. The right of members has been recognized for years, arising out of difficulties in the House of Commons a number of years ago. The only proposition in this resolution of mine is that you recognize a certain principle set forth in rules 58 and 89. That principle is to prevent interested senators from taking action under certain circumstances; but there is no clause to carry out the provisions of rules 58 and 89 in the cases to which I have referred, that is when a Bill has been amended in the House of Commons and sent back to the Senate and the Senate refers that to a Committee of the Whole. What I propose is this, that when a circumstance of that kind arises, the principles which are involved in clauses 58 and 89 shall apply to the Committee of the Whole of this House.

Hon. Mr. POWER—The rule does apply.

Hon. Sir MACKENZIE BOWELL—There is no provision at all except to prevent a man, on general principles, from voting, and that is all I propose to do. The point raised by the hon. senator from Killarney was this: If a member has no right to sit in a committee and take part in the consideration of a subject in which he is interested, if this motion was carried he would have no right to sit in the Senate. My proposition is to repeal both 58 and 89 and embody the principles contained in these clauses in this resolution, only I make them apply to a Committee of the Whole in this House. If the Senate wish to simplify the rules in that way, I desire to go no further, or to take any further right from any member of the Senate to discuss any matter than that of which he is deprived of by the two clauses to which I refer.

There is no intention whatever to carry the idea to the extent that my hon. friend from Beamsville (Hon. Mr. Gibson) supposes, because, as I have already said, that would shut out from this Chamber about nine-tenths of its members.

Hon. Mr. LOUGHEED—The exception which I take to the amendment just moved is the language which implies that no member shall take part in proceedings relating to any question or Bill in which he has a monetary interest. Now that clearly precludes any member who may have either a direct or an indirect interest from participating in the discussion either in the Committee of the Whole, or to the limited extent indicated. It certainly is the constitutional privilege of every member to discuss any matter which may come before parliament. That right cannot be taken away from him. This chamber can certainly regulate debate. It may say to what extent one may participate in a discussion, but to say that a particular member shall have no right to take part in the proceedings by use of speech, is certainly an invasion of those rights given to every member under the constitution.

Hon. Sir MACKENZIE BOWELL—You do that in rule 89.

Hon. Mr. LOUGHEED—I have not had time to look into it, but I would refer hon. gentleman to 'May' in which this matter is very fully discussed, 'privilege of freedom of speech', in which it is laid down that even the King could not suppress the right of a member of parliament to express himself on any subject coming before parliament. The subject is certainly worth looking into, lest it be an invasion of the privileges and usages of parliament, which have been the right of a member of parliament from time immemorial. I would say that the language employed in the rules is susceptible of very mischievous construction —'not held in common with the rest of the Canadian subjects of the Crown'. They may be susceptible of this construction, that a member having, say, an interest in bank or railway stock, not held by every other Canadian subject, would be precluded from participating in a discussion or in a vote on measures coming before the Senate relating to such companies. Now if it had been said 'which may be held' that would be better. That was the object we had in view; that is to say, any gentlemen holding bank stock would have a right to take part in the discussion of a subject relating to banking, although that bank stock is not held by the rest of the Canadian subjects of the Crown. That rule should certainly be amended. The same term is employed in rule 89 and it should be made to read 'which may be held in common with the rest of the Canadian subjects of the Crown'.

Hon. Sir MACKENZIE BOWELL—This has been the rule for years.

Hon. Mr. POWER—Rule 89 deals with proceedings before select committees. It is better to have all the rules dealing with those matters put together under the heading of committees. The question is chiefly with respect to rule 58, because, as to rule 89, the matter is settled I think in accordance with the views of the hon. member from Belleville. But as to rule 58; as it now stands no senator is allowed to vote upon any question in which he has any pecuniary interest whatsoever. This amendment will say that no senator shall take part in the proceedings of, nor vote upon any inquiry, &c. That precludes members having any pecuniary interest whatsoever from discussing before this House or its committees a matter in which they are interested. I certainly think this is an exceedingly tyrannical and, as I take it, unconstitutional proceeding. I agree with the hon. senator from Calgary there. I doubt if any such enactment will be found with respect to any legislature in the world. I may say that these remarks of mine are entirely disinterested, as I do not hold any stock in any company incorporated by this parliament.

Hon. Sir MACKENZIE BOWELL—I do not desire to press this motion. The only question that I brought before the Senate is whether you should apply the same rules to a committee of the whole that you apply to a select committee of this House. I am not particularly wedded to it. The words to which the hon. member from Calgary has taken exception he will find in the Independence of Parliament Act and the interpretation which has been given to those

words is not that which has been put upon them by my hon. friend. They have been interpreted as not applying to stockholders in any company whatever, the stock of which can be held by any other citizens.

Hon. Mr. LANDRY—It is easy to meet the view of my hon. friend by striking out the word 'select' in rule 89.

The CHAIRMAN—That clause now, as amended by the hon. gentleman from De Salaberry, refers to all committees.

Hon. Sir MACKENZIE BOWELL—With the consent of the committee, I withdraw my amendment.

The amendment was withdrawn.

On clause 99,

Hon. Mr. POWER—I may state that I attended at the other House to-day to see the clerk with respect to this question as to altering rule 99, and I happened to go into his office when the committee which is engaged in revising the rules of the House of Commons was sitting. The clerk told me that he had no reason to suppose that any change would be made with respect to the communications between the two Houses, and he recognized the fact that a mistake had been made when the letter was sent to some officer of this House asking him to give some information. He recognized the fact that communications between the two Houses should always be in the shape of messages, so that there is no necessity for altering our rules. The Commons do not propose to alter theirs.

Hon. Sir RICHARD CARTWRIGHT—And you found them identical ?

Hon. Mr. POWER—The message, the clerk told me, had been prepared, and he thought it had been received here already. I therefore move that clause 99 stand unchanged. We adopted last year a standing order with resepct to communications between the two Houses as regards Bills which the House of Commons also agreed to, and it is better, I presume, to preserve in our rules the wording of the standing order which is identical with that of the House of Commons. This would take the place of rule 72 ; the substance is the same. It will be found at page 309 of the Journals of last year. I therefore move that rule 72 appear in that form :—

In cases in which the Commons disagree to any amendment made by the Senate, or insist upon any amendments to which the Senate has disagreed, the Senate is willing to receive the reasons of the Commons for disagreeing or insisting, as the case may be, by message without a conference.

Any conference between the House may be a free conference.

I move that the rule adopted last year, and which appears at page 309 of the Journals of last year, be substituted for rule 72 in the report.

The motion was agreed to.

Hon. Mr. YOUNG—When shall these rules go into effect.

Hon. Mr. LANDRY—I move that they go into effect on the last day of the present session.

The motion was agreed to.

Hon. Mr. ELLIS from the committee reported that they had considered and adopted the rules with certain amendments.

SECOND READINGS.

Bill (71) An Act to incorporate the Calgary and Fernie Railway Company.—(Hon. Mr. Bostock.)

Bill (73) An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company.—(Hon. Mr. Bostock.)

Bill (78) An Act respecting the Great North West Central Railway Company.—(Hon. Mr. Watson.)

Bill (22) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Young.)

Bill (19) An Act respecting the South Ontario Pacific Railway Company.—(Hon. Mr. McMullen.)

Bill (24) An Act respecting the Campbellford, Lake Ontario and Western Railway Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (30) An Act respecting the Kootenay and Arrowhead Railway Company.—(Hon. Mr. Bostock.)

Bill (26) An Act respecting the West Ontario Pacific Railway Company.—(Hon. Mr. Coffey.)

Bill (28) An Act respecting the Esquimalt and Nanaimo Railway Company.—(Hon. Mr. Bostock.)

THE BOUND NEWSPAPER FILES.

Hon. Mr. FERGUSON—Before the adjournment, can the hon. Secretary of State explain why the newspapers usually bound and kept in the library for reference are not there as usual ? I find there have been no newspapers bound since the last day of August, and many of them not since the first of July.

Hon. Mr. SCOTT—It does not, of course, rest with me in any sense: I presume it is under the control of some committee of the two Houses, the Printing Committee probably.

Hon. Mr. FERGUSON—The state of things I found from the Parliamentary Librarian, is this, that at the end of the year the semi-annual files of papers were sent to the King's Printer, and that he has been unable from that time forward to get them back, and it is now nearly six months.

Hon. Mr. SCOTT—Changes have been going on at the Bureau. Additional room is required there, and it has been in the hands of the contractor unduly long. We tried to get the contractor out and avail ourselves of the extra space, but have not succeeded so far.

Hon. Mr. FERGUSON—It is very inconvenient when parliament is sitting, and if the work cannot be done at the Printing Bureau it should be done somewhere else.

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

SENATE.

OTTAWA, Thursday, April 26, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (D) An Act respecting the Grand Valley Railway Company.—(Hon. Mr. Coffey.)

Bill (E) An Act to incorporate the Canadian Handicrafts Guild.—(Hon. Mr. Frost.)

THE RULES OF THE HOUSE.

Hon. Mr. YOUNG—Has any one given notice to call the members of the House together to adopt the rules ? If not I shall take the responsibility of doing so, and I shall give notice for Tuesday next.

Hon. Mr. LANDRY—Would it not be well to have the rules reprinted as amended and properly numbered before we undertake to consider them ?

Hon. Mr. YOUNG—One of the reasons which appealed to the House why these rules should not come into force this session was that suggested by the hon. gentleman, that there should be time to print them in the two languages, and number them properly. I fancy that will assuredly take place before the rules will become the law of this House ; but as to reprinting them for Tuesday I am not aware that any provision is made for that. The alterations have not been very material. One or two sections have been struck out, but there has been no radical change made in the procedure by the amendments suggested by the hon. gentleman from Marshfield, and adopted by the House. If the rules must be reprinted, I do not know whether they could be ready for Tuesday next. If we do not deal with the report on Tuesday, another notice will have to be given to summon the House for a later date.

Hon. Mr. LANDRY—We could overcome that difficulty very easily. Certainly the report should be in proper form before we undertake to consider it. The type is standing and the reprinting should not be a matter of more than a few hours. The amendments could be put in proper form and the rules properly numbered, and the references in some of the rules to certain numbers changed where necessary. That should be done before we undertake to consider the report of the Committee of the Whole. If the notice of motion given by my hon. friend to convene the House for the first of May, should be too short, with general consent it could be changed to two or three days later.

Hon. Mr. POWER—If I understand it, on Tuesday the House is to be asked to take into consideration the amendments made in Committee of the Whole, and it may be that serious changes may yet be made by the House. The reprinting of all these rules for Tuesday would be an unnecessary expense. Hon. gentlemen should

be familiar with the amendments made in Committee of the Whole, and if these amendments are concurred in by the House, the reprinting and renumbering can be ordered. Inasmuch as the rules are not to go into operation until the last day of this session, the hon. gentleman from Killarney will have ample time to give notice that they be made standing orders.

Hon. Mr. MACDONALD (B.C.)—It is impossible for members to follow the amendments unless the report is reprinted.

Hon. Mr. POWER—If the amendments are printed on a slip hon. members can follow them.

Hon. Mr. MACDONALD (B.C.)—This should be left to a special committee and that committee should see that the rules are properly reprinted. For two days we have been discussing the rules, and I do not suppose there are half a dozen members of the Senate who know what the amendments mean. If they come before us next week we will be no further advanced.

Hon. Mr. LANDRY—The suggestion made by the hon. member from Halifax might be accepted and I would ask the hon. senator from Killarney to postpone until a future day the giving of his notice, because those amendments have not been adopted yet by the House, and there is no use in convening the House for the adoption of rules to which amendments may yet be offered.

Hon. Mr. YOUNG—The suggestion made by my hon. friend appears to me as being a good one, and as there is no rush in the matter I accept his suggestion and withdraw my motion. The report can be considered on Tuesday, and we can adopt the rules later on.

CONTRACT WITH SIR CHARLES ROSS.

Hon. Mr. SCOTT—When the discussion with reference to the Ross Rifle factory was before the House, I promised to obtain for the Senate more definite information of the subject. I have now a copy of the agreement made with Sir Charles Ross which I will lay on the table for to-day.

Hon. Mr. LANDRY—Only for to-day?

Hon. Mr. SCOTT—Yes; I promised to return it.

The report was laid on the table.

AN ERROR IN THE MINUTES.

Hon. Mr. LANDRY—I ask to have a correction made in the Minutes of yesterday. A point of order was raised last Tuesday on a motion of the hon. gentleman from Brandon, and the Minutes of the Senate say that the point of order was held en delibéré. Yesterday that point of order was settled and the decision arrived at was announced to the House by the hon. the Speaker. In the Minutes of yesterday's proceedings there is no allusion to the fact that the point of order had been decided, so it will appear en delibéré until the judgment day. I think it should be mentioned that the point of order was decided and in what way.

Hon. Mr. POWER—I am quite in accord with the hon. member from Stadacona. I think the entry should be made after the reading of petitions as a part of the record.

Hon. Mr. SCOTT—It can be entered to-morrow.

INVITATION TO THE KING AND QUEEN TO VISIT CANADA.

MOTION.

The Order of the Day being called:

Consideration of a message from the House of Commons communicating an address to His Most Excellent Majesty the King, most humbly praying that His Majesty and Her Most Gracious Majesty the Queen will honour the Dominion of Canada with their presence at such time as may be selected by His Majesty.—(Hon. Mr. Scott.)

Hon. Mr. SCOTT said: I have much pleasure in submitting for the approval of the Senate the address adopted by the House of Commons to the King's most excellent Majesty, inviting His Majesty and his much loved Queen to visit this part of his wide dominions, assuring them that they would receive a cordial and affectionate welcome. An address, couched in language somewhat similar, was adopted by the Legislative Council and the Legislative Assembly of Upper and Lower Canada in the year 1859. On that occasion the address originated in the upper chamber. In the lower chamber it was moved there as now, by a French Canadian. Sir George Cartier was the mover of the address in the Legislative Assembly. It was forwarded to her Majesty the Queen, inviting herself and Prince Albert to pay a visit to this country.

accompanied by such members of the government as could be induced to come. For reasons of state, that I need not now discuss, Her Majesty was obliged to decline the invitation, but delegated her son, the Prince of Wales, then a youth of nineteen years, to represent her in Canada, or those parts of Canada from which the invitation was extended. In order to give eclat to the reception, a special meeting of parliament was convened and met His Royal Highness in Quebec in the month of August, 1860. He arrived in the country in a battle ship, I think the 'Hero,' accompanied by two frigates of the line. I need not refer to the circumstance of his reception in Canada. It was of the most enthusiastic kind. He was welcomed in all parts of Upper and Lower Canada, and the portion of the lower provinces to which he extended his travels, and left a very favourable impression on the people of this country. He had a very large number of appointments made for him, which he graciously kept. He was asked to leave behind him souvenirs of his presence in the way of laying corner stones, planting trees and acts of that kind. His gentleness of character and extreme graciousness and courtesy won for him the esteem of all with whom he came in contact. As I said, the House was convened at Quebec and the members of the Legislative Council and the Legislative Assembly met him there on his arrival. Of the one hundred and fifty gentlemen who then received the prince, I am sorry to say that the only two that are now in public life are my hon. friend from London (Hon. Sir John Carling) and myself. The fact of his having been in Canada at that time would give additional zest to a visit on this occasion, the conditions in this country are so entirely different to what they were then. At that time, although he left England on the 11th July, it was the 1st of September before he laid the corner stone of the building in which we are now sitting. The stone, as hon. gentlemen are aware, has often been seen in the basement of this end of the building. The time he occupied in that visit, going over a very small portion of what is now the Dominion of Canada, was more than the time occupied by Prince Arthur of Connaught in his recent trip around the world, including a stay of some weeks in Japan. At that time the prince did not extend his visit beyond the more important towns of the province of Ontario. He did not go beyond the great lakes. The Great Lone Land was then in the possession of the red man and the buffalo. The few settlements in the Northwest were those scattered along the Red river at Fort Garry and at the posts occupied by the Hudson Bay Company in their trading with the Indians. To-day His Majesty would find that the villages he then passed through have since become towns, the towns have become cities, and the prosperity that he would witness on every side is far beyond even the highest anticipation that could have been formed at that time. The progress he made was necessarily slow. Less than a thousand miles of railway existed in Canada at the time; to-day we have twenty thousand miles of railway in the Dominion. The Great Lone Land has since been divided into three prosperous provinces, occupied by a happy and contented population, receiving the overflow of the British isles and also being a haven of refuge for the persecuted and the down-trodden of other lands. He would find there men from many countries in Europe and Asia who were glad to become his subjects. He would find them all pleased and prospering under the constitution of which he is the head. I may also add that he would find a very large body of men coming from the republic to the south of us. The fear has been expressed, as hon. gentlemen will have noted, by many papers published in the United Kingdom that Canada might be lost to the British Crown by the preponderance of people from the United States who were, as they assumed naturally, predisposed to favour republican institutions, and that they would be favourable to the annexation of this country to the United States. Those who have watched the various colonies that have come to Canada from the United States have no such apprehension. They soon find that the conditions in Canada are very much superior to those that they left behind; that the rights and privileges that men hope to enjoy under any system of government are greater and more extended here than in the republic that they left. They find the laws are better observed, and I have yet to learn the names of any citizens

of the republic who have come to Canada, and who have invested in this country and made it for a time their home, who have abandoned their places and gone back to the United States. On the contrary, we find that many Canadians who, in former years, had gone to the United States, have declined to become naturalized there, and are coming back to Canada. It would be a gratifying thing to the King to learn that the accession of foreigners to the number of his subjects is rapidly increasing. By actual count, there were filed in the Department of State alone—and they do not all come there I presume—between nine and ten thousand naturalization papers during the past year. That is a very considerable compliment to any country. That ten thousand persons should, in a single year, renounce the allegiance they owe to the country they were born in, and accept the conditions in the country to which they have emigrated, is a compliment, I think, to Canada, and one that would give great satisfaction to His Majesty.

The late Queen, of loving memory, had raised the standard of the duties devolving on a sovereign to so high a plane, and had set such a noble example for the crowned heads of the world, that some of His Majesty's subjects feared he would not rise to the high level attained by his mother. All fears on that subject were, however, soon dispelled by the devotion to duty, tact and diplomatic skill exhibited by His Majesty in discharge of his many important duties.

Loved by his own subjects, and highly esteemed and respected outside his realm, he has attained an influence that has been exercised for the betterment of the world. The alliance with France means much for the peace of Europe, and is gratifying to the King's subjects in Canada, and especially so to those in the province of Quebec.

The growing friendship between the United Kingdom and the republic to the south, that His Majesty has on all occasions favoured, augers well for the development of a peaceful rivalry on this continent, and the alliance with our neighbours would, no doubt, be materially strengthened by a visit of His Majesty to the Great Republic.

I am safe in saying that the entire population of Canada cordially unite with their representatives in parliament in expressing the hope that His Majesty and the Queen may accept this invitation—assuring them at the same time of a warm and hearty welcome.

With these few observations I move, seconded by the Honourable Mr. Lougheed, that the Senate concur in the said address and that it be signed by the Speaker.

Hon. Mr. LOUGHEED—In seconding the resolution which has been proposed by my hon. friend the Secretary of State, I need not say that I concur most heartily in everything which has been so aptly said by him. It is scarcely necessary for the Dominion of Canada to give any assurances of its loyalty and devotion to the members of the Royal family, particularly in view of the many occasions on which this Dominion has had the opportunity of expressing its affection for the British throne during the periodic visits of the members of that family to Canada from time to time. The King, when Prince of Wales, did us the honour of visiting our shores. A few years after that we were favoured by the visit of the present Duke of Connaught, the brother of the King. But four or five years ago, the present Prince of Wales visited the Dominion of Canada, and this visit was followed by that of the present Prince of Connaught, who within the boundaries of our Dominion at the present time, is receiving an ovation which must leave a deep impression not only upon his own mind but upon the mind of the King and other members of the Royal family, as to the loyalty and devotion with which they are regarded by our people. Not only in the expression of loyal sentiments has this devotion been shown to the Throne of Great Britain, but the Dominion of Canada, in a very much more practical and material way, has manifested its love for the empire and its service to the Throne. Only a few short years ago, this Dominion sent its men and poured out its treasures to help fight the battles of the empire on distant battlefields, and to-day we cannot but recall with mixed feelings of patriotism and regret that the bones of some of the most stalwart sons of Canada lie as a monument on South African battle fields to the devotion of this Dominion in the service of that empire of which we are proud to belong. One cannot fail to contrast the

interest which has been manifested from time to time in Canada by the members of the Royal family with the indifference shown for the last fifty years by British statesmen as to the colonial possessions. I hesitate to strike a minor note at this particular time, but possibly it may not be out of place to direct attention to the fact that there has been a lamentable indifference on the part of British statesmen with reference to the growth and development of this vast Dominion. I cannot recall that a British Prime Minister has ever visited our shores. I cannot recall at this moment whether a Cabinet Minister of the Imperial Government during his term of office has ever honoured this Dominion with a visit, except possibly Mr. Chamberlain—I cannot at this moment recall whether he was a member of the British government at the time of his visit. There has never been, I might say, any effort on the part of the imperial government to direct the attention of the people of the empire to the magnificent heritage of the sons of the empire which lies upon this side of the Atlantic. They have never shown, I regret to say, that interest even in the development of their dominions beyond the sea which they have shown in the upbuilding of the United States. One cannot fail to be impressed with the fact that the growth and the national greatness of the United States of America have been largely contributed to by English emigration, and by the enlistment of English capital which have gone to develop the national resources and the industrial life of that nation; and one cannot fail to observe the fact that if British statesmanship had by directed effort devoted the same attention to diverting the immigration of its sons to Canada, which for the last 50 years has been flowing at so rapid a rate to the shores of the United States; and thus contributing to the upbuilding of a powerful foreign nation; this Canada of ours to-day would not be so sparsely settled as it is, but would I venture to say, closely approximate in population England herself. It is therefore a very pleasant thought that notwithstanding this indifference on the part of British statesmanship we have had during the last fifty years a deep interest shown by the royal family in the growth of this country. I mention the matter at this particular time in the hope that a visit by His Majesty the King will create a new interest in the affairs of Canada on the other side of the water, where the central government of the British empire at present belongs. I have noticed within the past few days, that the London press in dealing with this subject has pointed out a difficulty in His Majesty's visit to Canada, namely that he would be compelled for reasons of state to likewise visit the United States. This I am bound to say I would not regard as an insuperable difficulty, but one that might be productive of very desirable results. We cannot overlook the fact that the continent of America is to-day the theatre of the activities of the Anglo-Saxon race. Although the race was cradled on the confined shores of Albion, yet we are glad to boast that it required a continent for the expansion of its energy and enterprise; and to-day the continent of America presents to the world at large a civilization higher and better than ever has been. In the natural order of things, our relations with the United States must of necessity be closer physically than with those of any other nation. Living side by side, along an international boundary extending four thousand miles, sprung as we are from the same British stock, speaking the same language, having the same business interests, with social ties that know no geographical boundaries, possessing the same historic traditions, the two peoples must necessarily be very closely identified with each other. Yet I am satisfied notwithstanding these facts that we shall have distinct and separate futures; and thus I say no higher mission could fall to the lot of any monarch than to be charged with the high duty of further strengthening the ties which to-day bind the great Anglo-Saxon peoples on this continent, thus giving to the world hostages which no other monarch could give of the continuance of the amity which at present exists. This is a critical time in the history of the Dominion. It has been intimated by my hon. friend the Secretary of State that owing to the numbers of the foreign population coming to our shores possibly the destiny of this Dominion might be diverted from British channels. He ventures to express himself with confidence

that such will not be the case. I hope that confidence will be justified in the future, but we are closely approaching the cross-roads of our destiny. It must not be overlooked that Canada has been peopled by a people sprung from the British race. They have been cradled and nurtured in British institutions, but owing to the indifference which I pointed out a few moments ago, on the part of British statesmen, the large immigration of England's sons which might have been diverted to our shores during the past two generations, has gone to the United States, thus contributing to the building up of a foreign nation; and to-day we are of necessity engaged in the anomalous proceeding of peopling this country with foreign settlers. I think I may venture to say with confidence that within the next decade the majority of the people of this Dominion will be of foreign birth, destitute of British sentiment, of British sympathies, and possibly opposed to British connection. I therefore assert that the very highest possible importance attaches to the duty which falls upon the Canadians of to-day, upon the statesmen of the empire and upon none more so than His Majesty the King of further maintaining in Canada British sentiment. Imperial sympathies and above all British connection. At no more opportune time could this high mission fall upon His Majesty the King; and I am satisfied that no one within the almost boundless limits of his empire could better fulfil that mission than His Majesty. In reference to what my hon. friend the Secretary of State has so aptly said regarding the high offices performed by His Majesty as a peace-maker throughout the world, I might say that the best security the world possesses to-day for the pursuance of a policy of disarmament the reduction of militarism, and the promotion of the arts of peace and civilization, is in the welding together of the ties that unite the Anglo-Saxon people of the world; and I know of no more practical way to bring about this high desideratum than a visit of the King and Queen to the shores of the American continent, and particularly to the Dominion of Canada.

Hon Sir RICHARD CARTWRIGHT—There is a great deal in the remarks which have just been made by the hon. leader of the opposition, in which I most heartily concur. I have myself had occasion, both in my private capacity, and in my capacity as a representative of Canada, to fully verify the truth of the statement which he has made, that in former years, there was a great deal of ignorance and of neglect displayed by British statesmen, toward the people of this Dominion; but I am also bound to say that I believe within the last few years there has been a great and notable change for the better in the feeling and in the conduct not merely of British statesmen but of the British people at large. There is another point to which the hon. gentleman has called attention, which certainly deserves the most serious consideration on the part of His Majesty and His Majesty's advisors. That is the extreme importance, from every point of view, of doing everything which possibly can be done to strengthen and maintain the good feeling now happily subsisting between ourselves and the great republic to the south of us. I have myself, for a long time, been firmly convinced that the future of the British race in the largest sense—not speaking merely of ourselves, or of the people of the British Islands, but of all the peoples of the English race—is intimately wrapped up in the maintenance of a cordial alliance I was about to say, but at any rate, of the most cordial good feeling between ourselves and the people of the American republic. Personally I would go far to bring about something of the kind, and I am bound to say that the events of recent years have contributed in a great degree to do away with the misunderstanding, and possibly the hostile feelings which at one time subsisted between the two countries. I can say also that I believe there is no man in England or elsewhere who has individually done so much to bring about a good feeling between the people of Great Britain and the people of the United States as his gracious Majesty. I believe that it was a very good thing indeed, for him, for us, and for the British empire, that forty years ago, in his early youth, he had the opportunity of making himself personally acquainted with the enormous resources and possibilities which North America presented for the development of the Anglo-Saxon race, and I can state that no man of his rank has ever

been so forward, as he has been personally in every possible way in showing every imaginable courtesy and consideration, not merely to Canadians, but to colonists of every description throughout the British empire and also to distinguished citizens of the United States who from time to time have visited England. And, in so doing, he has rendered, I believe, a very great service to the empire at large, and has shown himself eminently worthy of the high position which he fills so well. Whether it will be within his power to accept the invitation which the parliament of Canada has just tendered to himself and His royal consort, I cannot say, but I do most heartily hope that he will be able at some time or other to accept it. If he does, in spite of the restraint of state etiquette, I hope and trust that he may also find it possible to place himself once more in close connection with the authorities of the United States. The time has come, I think, for setting aside the old restrictions and the old precedents which, in former years, would have rendered it impossible for a monarch of his degree to visit the president of a republic, and we have seen in the case of European governments what an amount of good has resulted to empires of the old world from personages as highly placed as the Czar of Russia, for instance, making a visit to the President of the French republic. If precedent, therefore, is wanted for such an act on the part of His Most Gracious Majesty, the precedent can easily be found. I am perfectly certain that every man throughout Canada will heartily agree with the terms of the address which has just been moved by the Secretary of State and seconded by my hon. friend the leader of the opposition, and I agree with him and I agree with my hon. friend, the mover of the resolution, in believing that a very great good indeed, if His Majesty were able to accept the invitation, would result from his paying us a visit. I am quite certain, and I can speak, I think, with some degree of knowledge as to that, he himself would experience very great pleasure in revisiting the scenes of fifty years ago, and seeing the extraordinary progress which has been made in every part of His Majesty's North American Dominions.

Hon. Mr. POIRIER—(In French). It was a happy inspiration adopted in the House of Commons and now concurred in by the Senate to invite His Gracious Majesty and the Queen to visit Canada. Nothing but good can result from such a visit. It is impossible to predict the extent to which this country will benefit by being brought to the front universally throughout the empire and especially in the mother country itself. It will attract to this country immigration of a superior class when people learn from such a high authority of the great extent and fertility of this portion of the empire.. It is unnecessary to say that he will find everywhere profound loyalty to the Crown, and no where more than amongst the French Canadian people. No citizens of the empire are more deeply and loyally attached to the Crown and to British institutions than its French Canadian citizens. Among the happy results which they may expect to flow from the royal visit will be an influx into Canada of British capital. It necessarily follows the march of the British sovereign. Knowing as we do the conservative tendencies of the English people, we may feel assured that such will be the result. Moreover it should improve our relations with the United States, because it is very unlikely that His Majesty after crossing the Atlantic would fail to accept an invitation from his friend President Roosevelt to visit the great Republic. In the United States that visit should have only the best results, and I am sure it would meet with the unanimous approval of all Canadians whatever their origin may be. Believing as we do that the reign of Her Majesty Queen Victoria contributed to the peace of the world, and that King Edward VII is following in the footsteps of his gracious mother, we all hope, notwithstanding recent terrible wars, that an era of peace is about to dawn upon the world. We know that His Majesty has on all occasions contributed greatly towards preserving the peace of Europe. His influence was felt during the conference at Algeciras, and the rapproachment between France and England is largely due to his tact and love of peace. His attitude has led to an improvement in the relations not only between France and England, but also of Italy and France, and has helped greatly to bring about good feeling in Spain and Portugal and Belgium; and

we may hope that this will furnish a guarantee that war will not be unchained in Europe. A visit by His Majesty to Canada may help to bring about the very best relations between this country and the United States. With this good understanding which prevails between most of the European nations, and the equally friendly relations existing between them and the United States and Japan, it would be a reckless and aggressive nation indeed that would dare to break the peace which happily prevails to-day throughout the civilized world. Not only as our sovereign, but personally he has every right to be regarded with affection and the highest consideration by all classes of his subjects. As a descendent of those who contested for supremacy on this continent with the British people, I to-day acclaim with profound loyalty the sovereignty of the British Empire and trust that he may see his way to visiting at an early date one of the greatest colonies of the empire.

Hon. Mr. MACDONALD (B.C.)—I do not like this resolution to pass without saying a few words. I feel quite certain that every member of this House will cordially agree with the terms of the resolution, and with the loyal, instructive and eloquent words uttered by the hon. Secretary of State and the hon. leader of the opposition. Not only in the British empire and its important dependencies, but by other nations of the world, King Edward is held in the highest esteem as a constitutional ruler, an astute diplomat, a smoother of international differences and a lover of universal peace. His Majesty has shown his confidence in the people of the Dominion by sending the Prince of Wales three years ago to visit this country, and more recently his nephew, Prince Arthur of Connaught. These princes will be able to convey to His Majesty, the loyalty and high respect which has been manifested towards them, and will also convey some idea of the extent and resources of the Dominion. In visiting this country, and travelling through it from ocean to ocean, His Majesty, will find six millions of loyal and contented people, believers in British institutions and of British connection working out their destiny under a system of freedom, a freedom which can be found only under British institutions, a freedom which is inherent in the minds and aspirations of British people wherever they may be found. His Majesty will find that, in this portion of his vast Dominions, the people who emigrate from the mother country can make their homes with every prospect of improving their condition under British sovereignty. The visit of His Majesty would not be complete unless he travelled throughout the length and breadth of the Dominion from the Atlantic to the Pacific. In that way alone could he get a proper conception of the vast extent of this portion of his empire. Whether he will be able to accept the invitation of his loyal Canadian subjects or not, we may rest assured it will be received as an expression of the loyalty and attachment of our people to His Majesty's person and throne.

Hon. Mr. KERR (Cobourg)—The subject now under discussion is one of such great importance, and, as I see it, so far reaching in its consequences, that I do not feel that I will have discharged my whole duty as a member of this House by recording a silent vote. I cannot, however, expect to add anything of interest to what has been already so appropriately and so beautifully expressed by all the preceding speakers. The ground has been well covered, and it would be a pity that it should be marred. If I can avoid even doing that, I shall be able, perhaps, to congratulate myself. It is related in ancient story that an eastern king, hearing of the greatness and grandeur of the Roman empire, sent his ambassador to visit Imperial Rome, and to make a report of what he saw in that magnificent city on the seven hills, the mistress of the world. On his return, his report to his royal master was, that he had visited a city of kings, where every man had as much happiness as he could contain. I am sure that any one visiting Canada at the present time will feel that, although he has not visited a city of kings, he will have visited a happy, loyal, prosperous and contented people, men and women as noble inhabitants as ever lived on this planet, according to my view. It is said that there is a cloud over every landscape, and one instinctively asks himself is the British empire to escape what has happened to former empires ? One cannot rise from a perusal of Gibbon's 'His-

tory of the Decline and Fall of the Roman Empire' without being impressed by the mutability of all earthly things, and the question naturally comes, is there not something better in store for the British empire? I contend that there is. I believe that the British empire has the best form of government in the world. A limited monarchy, I believe, is the best form of government that the world has ever seen, and one most favourable to the largest measure of civil and religious liberty, and my view is that the stability, the greatness, and the highest good and grandeur of the British empire, is due to the fact that she retains, in close connection with the parent state, all her outlying dominions.

I believe that they will be not only her glory in time of peace, but her bulwark in time of need, if war should ever come. I am proud, hon. gentlemen, to be a subject of the British empire. A great American has said in describing the greatness of the British empire that her morning drum-beats keep pace with the hours, and encircle the earth in one continuous strain of the martial airs of England. I hope, therefore, that Canada will be forever, may I say, an important part of the British empire. Canada to-day is the princess royal of the British family of nations. To my mind there was a great Providence in the mission of that bold Genoese, Columbus, when he turned his prow towards the setting sun and left a wake behind in that waste of western waters, and called up as it were by a magician's wand this great and glorious western continent on which the millions of oppressed Europe might work out in a large measure their social regeneration. I am very glad indeed that we have the high honour to extend a cordial invitation to King Edward, the peacemaker—that grandest character that can be applied to a human being, especially in the exalted position in which a king moves. King Edward has already, as Prince of Wales, visited this western world, and I am sure that he will be glad to accept this cordial invitation to revisit the scenes which he witnessed and in which he felt such a great interest some 46 years ago. It is not the Canada it was then. Canada was then only in its comparative infancy, but to-day Canada is to all intents and purposes a nation, destined, I believe, to be the greatest and most glorious portion of the British empire. Canada with all its possibilities, I trust, will have the honour of welcoming King Edward VII, and Her Gracious Majesty Queen Alexandra, and before I conclude I would like to say, and to say it from the bottom of my heart, considering what has transpired lately between England and France, that I would hail with pleasure the presence in this country of the president of the great French republic which showed so much consideration and so much sympathy and so much respect to the memory of a late Canadian statesman. It has been said, and said truly, that the effect of that mission will be to cement and to make most cordial not only the feelings between Great Britain and Canada, but towards the United States as well. I am anxious that that should be accomplished. I hope we shall always live in cordial relations with our neighbours to the south and that we may never do anything to disturb these cordial relations, but I am much more anxious, as a Canadian and as a British subject, that the effect of the visit that we suggest shall be to cement, strengthen and draw more closely the bonds of mutual interest and mutual affection between Great Britain and her outlying dominions. That is my chief concern and chief anxiety, and I know of no way by which that can be more effectively accomplished than by the presence of King Edward VII. He has already left his mark upon history as a peace maker, and I should like to see before his great reign comes to a close—and I believe he will accomplish it, for I can see in his every movement a desire to pacify and render happy that little green isle that lies to the west of England, which according to my view—and I have never ceased to promulgate my views upon that question—has been rather neglected for many years. I cannot understand any union between countries or between individuals being permanent except it be founded upon mutual interest and mutual affection, and I hope that before King Edward's reign is over that that will be another gem that will adorn his diadem, and I am sure nothing will be omitted on his part to bring about so desirable a result. My hope for the British empire and its colonies for the future is in the fact that they are united and that they always will consider their interests as one. I am sure that if the present king ever had any doubts of

the great and inestimable value of the Dominion of Canada to the British empire, he will leave our shores with that impression increased tenfold, and it will go with him through the remainder of his natural life. So in his coming, and in our receiving, there will be a mutual and reciprocal splendour about the situation. Let him come, and he will get such a reception as five or six millions of loyal subjects only can give —one which will reverberate not only through the British empire, but through the whole civilized world. I think it is the poet Kipling who has said, speaking of England :

A nation spoke to a nation,
A Queen sent word to a Throne,
Daughter am I in my mother's house,
But mistress in my own.
The gates are mine to open.
As the gates are mine to close,
And I abide by my mother's house,
Said the Lady of the Snows.

I believe that there is an overruling Providence in the affairs of this world and I hope the statesmen of the British empire and of our own country, as well as those of the other colonies and of the nations of the world, will not forget that fact, that there is an overruling Providence who, alone, can give stability to human effort, and I will close my remarks by quoting a few words in the form of a prayer, by the same poet :

Lord God of Hosts, be with us yet,
Lest we forget—lest we forget !

With these few observations, imperfectly expressed, I have the greatest possible pleasure—it is one of the greatest pleasures of my life as a loyal Canadian—in enthusiastically endorsing and supporting the resolution before the House.

Hon. Mr. LANDRY—Before the motion is adopted, I should like to call the attention of the government to the expressions contained in the address as it was brought down in the House of Commons. It was in a different form then. It read as follows :

To the King's Most Gracious Majesty :—

Most Gracious Sovereign :

We, the members of the House of Commons of Canada, in parliament assembled, beg to humbly convey to Your Majesty, with the assurance of our loyalty and devotion to Your Royal Person, the expression of the desire and hope, long and fervently cherished by all British subjects inhabiting British North America, that Your Majesty would be graciously pleased to honour them with Your Majesty's presence, and thereby enable them to offer the personal tribute of their unwavering attachment to the Crown and the government of the empire, of their deep affection for Your Majesty's person, and their profound admiration for those kingly virtues and truly humanitarian deeds which have earned for Your Majesty first place among the great sovereigns of the world.

Nearly fifty years ago Your Majesty, then the heir apparent to the Throne which Your Majesty now adorns, honoured Canada with your presence, on the occasion of the inauguration of the Victoria Bridge. The approaching completion of the Quebec Bridge, the initial step and one of the great links in the Transcontinental Railway of Canada, whilst affording Your Majesty a fitting opportunity to witness the progress and development accomplished in Your Majesty's possessions on this continent, would enable their inhabitants to indulge in the manifestation of their loyalty and devotion to their beloved King and Queen.

We therefore most humbly pray that Your Majesty and Her Most Gracious Majesty the Queen will lend their august presence on the occasion of the inauguration of the Quebec Bridge.

The Quebec bridge was the motive of the invitation. In the other House the hon. Premier, with great reason I believe, had that taken out, and the address reads now like this :

Nearly fifty years ago, Your Majesty, then the Heir Apparent to the Throne which Your Majesty now adorns, honoured Canada with Your presence.

We therefore most humbly pray that Your Majesty and Her Most Gracious Majesty the Queen will honour the Dominion of Canada with Your presence at such time as may be selected by Your Majesty.

The word ' therefore ' there, means a consequence and the consequence was in the first address, but since the address has been amended I do not see why we should put in this word.

Hon. Mr. SCOTT—Perhaps the phraseology might have been smoother without it, but I doubt whether it is of sufficient importance to take any action. The change to which the hon. gentleman refers was made in the House of Commons; it is for us to say whether we shall cordially endorse the address as it now stands.

The motion was agreed to.

FIELD DIVORCE PETITION.

Hon. Mr. KIRCHHOFFER moved the adoption of the third report of the Standing Committee on Divorce in re Field petition.

He said : This is a report on a petition to be allowed to present a Bill in forma

pauperis. There were three petitions of this nature. Of these three we allowed one and rejected the other two. This is the one we allowed.

The motion was agreed to, on a division.

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (S3) An Act to amend the Act respecting the judges of Provincial Courts.

He said: Last session an Act was passed cutting down the travelling expenses of the judges of the courts. After the House rose, on representations made by some of the judges, the Minister of Justice came to the conclusion that the department was not justified in reducing the scale as it had done, more particularly as regards what are called the district judges, taking wide districts such as Algoma, Thunder Bay, Nipissing, remote districts where judges have to travel a great deal. The object of this Bill is, therefore, to restore to the judges a portion of the travelling expenses taken away by the Bill of last session. In committee I shall be able to give additional details.

Hon. Mr. LOUGHEED—Is this a reinstatement of the former schedule?

Hon. Mr. SCOTT—Not all of it. It restores to the courts of Ontario the five hundred dollars, to this particular class known as the district courts, those I have mentioned, Algoma, Thunder Bay, Nipissing, Rainy River—the remote districts where judges have a large amount of travelling to undergo. It applies to these particularly.

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

Hon. Mr. SCOTT moved that the Bill be referred to a Committee of the Whole House on Tuesday next.

Hon. Mr. LANDRY—Is this a money Bill?

Hon. Mr. SCOTT—It has passed the House of Commons.

Hon. Mr. LANDRY—Is it a money Bill?

Hon. Mr. SCOTT—It is in a sense.

Hon. Mr. LANDRY—We cannot amend it in committee.

Hon. Mr. SCOTT—There is more than the money part of it included. The explanations are given in committee.

The motion was agreed to.

GENERAL INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (C) An Act to further amend the General Inspection Act. He said: The object of this Bill is to create an inspection for certain grades of hay grown in the limits of the Manitoba Inspection Division. I may mention for the information of the House, that, under the present Act, these grades of hay cannot be graded or classed or examined by an inspector. The Winnipeg board of trade and a number of other boards of trade have represented to us that the Act should be amended to enable these to be graded. That is the sole object of the Bill.

Hon. Mr. LOUGHEED—Will the hon. gentleman, when the Bill goes into committee, give us information as to what the government propose to do with regard to inspection in the new provinces? The Manitoba division includes the whole territory west of Lake Superior.

Hon. Sir RICHARD CARTWRIGHT—Does my hon. friend mean with respect to this article of hay alone?

Hon. Mr. LOUGHEED—No, the machinery of inspection has scarcely been thought out.

Hon. Mr. YOUNG—There is the Grain Inspection Act.

Hon. Sir RICHARD CARTWRIGHT—There is machinery under the existing Act for creating inspectors who are examined by the various boards of trade. Bringing these under the general statute will give the facilities that the hon. gentleman refers to. However, we can discuss all that on Tuesday or Wednesday when this matter is brought up in committee.

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

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

SENATE.

OTTAWA, Friday, April 27, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC MIDLAND RAILWAY COMPANY BILL.

REPORTED FROM THE COMMITTEE.

Hon. Mr. CASGRAIN (De Lanaudière) from the Committee on Railways, Telegraph and Harbours, reported Bill (23) An Act to incorporate the Quebec Midland Railway Company, with amendments. He said: This amendment was made to the Bill, because the project was entirely within the province of Quebec, and, in order that there should be no doubt as to the character of the charter, it was decided unanimously by the committee, to fix the beginning at the west end of this road in the province of Ontario, making it a road extending from Ontario to Quebec.

Hon. Mr. DeBOUCHERVILLE—This is rather unprecedented. The committee has made this amendment. The company did not ask to start from the province of Ontario, and I do not see how the committee had a right to make this change of its own motion. If there had been a petition asking for the change, I could understand it, but those who petitioned knew what they were about, and, if the Bill was objectionable, the Senate had the power to throw it out. It seems to me that the committee has taken large powers to itself to declare that a railroad which was intended to start in one province should start in another.

The amendments were concurred in.

ACCIDENTS ON THE INTERCOLONIAL RAILWAY.

MOTION.

Hon. Mr. McDONALD (Cape Breton) moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate a statement of all accidents that occurred on the Intercolonial Railway during the years 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904 and 1905, specifying each accident, whether by collision, derailing, fire or otherwise, and the amount of damages of each such accident, mentioning the localities where such accidents occurred.

Also, the amount of losses each year, by theft or otherwise, of goods or freight, in transit, on the Intercolonial Railway, for each year as above.

Hon. Mr. SCOTT—There is no objection to the motion.

The motion was agreed to.

THE SONGHEES INDIAN RESERVE.

MOTION.

Hon Mr. MACDONALD (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 the Senate a Statement, showing the conditions on which the Songhees Indian Reserve in Victoria has been handed over to the government of British Columbia—as to the purchase of a new reserve, the building of dwellings, church and school-house, showing also the manner in which it is intended to dispose of the money in the hands of the Dominion government to the credit of the Songhees Indians.

He said: My object in moving for this return is, there are a number of persons, in common with myself, who are anxious to know that the rights of the Indians in the Songhees village are being properly preserved. They have been in possession of the reserve for the last sixty years, and I hope the government have not consented to any harsh treatment in removing those Indians.

Hon. Mr. SCOTT—There is no objection to the order going through.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman inform the Senate where this new reserve has been purchased?

Hon. Mr. MACDONALD (B.C.)—I cannot tell.

The motion was agreed to.

WEEK END ADJOURNMENTS.

MOTION.

Hon. Mr. SCOTT moved that, until otherwise ordered, when the Senate adjourns on Fridays it do stand adjourned until Tuesdays following, at three o'clock.

He said: I find there is nothing on the order paper for Monday, and I am informed that it would be a convenience to about one-third of the members of this Chamber if no sitting took place on Monday.

Hon. Mr. ROSS (Halifax)—These adjournments are coming too often. It would be better to meet on Monday at eight o'clock. We are here to do business, and we should at least meet on Monday evenings.

Hon. Mr. GIBSON—Some consideration should be given to members who live at the far end of Ontario. I know my hon. friend will sympathize with me when I tell him that I have to leave on the Sabbath day to be here even at eight o'clock on Monday. The proposed rule worked very well last year. If any one is afraid of losing sittings, I can assure him that from the appearance of things in the House of Commons there is no danger that we will not put in our thirty-one days. I think that we shall probably be here until July.

Hon. Mr. MACKEEN—There should be some sympathy for those who live in the far east and west and who are obliged to stay here over every Saturday and Monday. Most of us are comparative strangers in Ottawa, and the only excitement we have is attending the meetings of the Senate. If you deprive us of the sittings for two days of the week you make the time intolerably dull. More than that, these adjournments, although they may not interfere with the general business of the session, place the members from the far east and far west in an unfavourable position, because we feel we are entitled occasionally to an adjournment, and if we restrict the meetings of the Senate to four days in the week we minimize the possibilities of getting any longer adjournments. The country will object to that sort of thing, I think members who live at a distance have very great sympathy for those who are living near Ottawa ; still we think we are not requiring too much when we ask that the Senate meet on Monday at eight o'clock. I do not think it is particularly kind for gentlemen to ask us to stay here from Friday night until Tuesday doing nothing week after week.

Hon. Mr. KERR (Toronto)—Hon. gentlemen are not likely to be kept here a day longer than if we meet on Monday evenings. I would support the views of the last hon. gentleman who has spoken, if it were otherwise, but, when it will not make any difference so far as detention is concerned, while it would be of great convenience to some members, I would ask him to consider whether it is not better in the interests of the Senate, that there should be an adjournment over Mondays when there is nothing to be done, than it would be to meet here and go through the farce of reading prayers. When we meet merely for the purpose of invoking the Divine blessing on our work, having no work before us, I think it would be a great deal better to dispense with the prayer. This practice of meeting on a day when there is no work to do will bring more discredit on the Senate than to adjourn to another day. The Toronto 'News' of Tuesday, April 24th, under the heading, 'Why should we have a Senate' publishes the Senate Debates of Wednesday, April 18th, as follows :

The Senate Debates.

Second session—tenth parliament.

No. 15. Wednesday, April 18, 1906.

Senate.

Ottawa, Wednesday, April 18, 1906.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

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

That is the strongest comment that could be made upon such a proceeding on our part, and it would be better, I think, to adjourn until a day when there is work to be done, whether it be over one day, two days or three days.

Hon. Mr. McDONALD (C.B.)—I do not agree with the argument of the hon. gentleman from Toronto. He says we have nothing to do on Mondays, and, therefore, no one can suffer by our adjourning until Tuesdays. My hon. friend must know that the reason why there is no work for Monday is because it is so arranged in advance. We have had experience of that practice for several years past. We have no readings of any Bills, or of anything else set down for Mondays, because it is otherwise arranged to enable certain gentlemen who live near Ottawa to go to their homes. We who live at a distance suffer a great deal of inconvenience, and when it comes to a question of adjournment for ten days or two weeks these gentlemen will be the first to oppose an adjournment of that kind, when it would suit the senators from the maritime provinces and from the Pacific

coast. I do not think the proposition is fair or just, and I protest against it.

Hon. Mr. McMULLEN—Since I have had a seat in this House I have always observed that members living near Toronto and Montreal have given the utmost consideration to the convenience of members living at a greater distance. In every case where there was a question of a long adjournment we have considered their interest and did the best we could to meet their view. Now we ask in return that we who live west of Toronto, and east of Montreal should have Mondays at home, when business here is not pressing. We can leave home Monday evening, travel all night and be here on Tuesday, but if we must meet on Monday evenings we might just as well stay here, because we would have to leave home on Sunday night to reach here in time for the sitting on Monday evening.

Hon. Mr. GIBSON—I should like to say that there has never been a case where a member living within the limits described by the hon. gentleman from Wellington has objected to a long adjournment which would suit the convenience of members living at a distance, and we now simply ask that the same consideration should be given to those who can, in this way, secure an extra day at home.

Hon. Mr. BAIRD—I would move in amendment that when the Senate adjourns this afternoon it stand adjourned until Monday next at eight p.m.

Hon. Mr. KERR (Cobourg)—I shall always deem it my duty, as it is my pleasure to sacrifice my personal convenience for the convenience of the majority in this House, but I have a perfect horror of being kept in Ottawa or any place unless I am very busy, and it seems hard to be detained in Ottawa when there is nothing to be done. I should think the hon. gentlemen who, of necessity, must remain in the capital would rather spend their time in the library building themselves up, than to sit in this House when there is nothing to be done. I am surprised at the objection offered by my hon. friend from Halifax. I thought he would hail this as an excellent opportunity to train for that celebrated foot race we have been promised.

Hon. Mr. McDONALD (C.B.)

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman from Toronto had examined the votes and proceedings of the House of Commons he would have seen that the 'News' of Toronto might have inserted precisely the same notice in reference to the meeting he has mentioned, substituting 'House of Commons' for 'Senate,' and might have argued therefrom that the Commons should be abolished. We all know that for the first week of the session, the Commons only sat for a few minutes each day. I would point out that members living as far west as London would gain nothing by having the adjournment until three o'clock on Tuesdays that they would not have if it were until eight o'clock on Monday. Unless they travel all night they cannot reach Ottawa in time for the sitting on Tuesday at three o'clock, so that it is just as convenient for those living in the localities I have mentioned to have the session on Monday night at eight o'clock. If it is to be of any real benefit to those who live westward as far as London, and eastward as far as Quebec, the adjournment should be until eight o'clock on Tuesday night. I do not exactly agree with the hon. gentleman from Toronto. The business which would be transacted at three o'clock on Tuesday could be done just as well at eight o'clock on Monday. I would suggest to the hon. Secretary of State either to make it eight o'clock on Tuesday or accept the amendment proposed by the hon. gentleman from New Brunswick, to meet at eight o'clock on Monday night.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Wellington said that, in arranging for long adjournments, consideration has been shown to members from the far east and west. In thirty years experience I have never known it to be done. We should not adjourn to suit the convenience of any section of the country. We are here for business and not for adjournments, and the convenience of members should not be taken into account at all. I support the amendment, to meet on Mondays at eight o'clock, and would ask the hon. Secretary of State, if he intends to drop the words, 'until otherwise ordered,' or merely to adjourn over next Monday? I should like to see him drop the motion altogether, but

if he does not do that he might eliminate these words.

Hon. Mr. SCOTT—As there seems to be considerable difference of opinion, I have no objection to adopting the suggestion to leave out the words 'until otherwise ordered.'

Hon. Sir MACKENZIE BOWELL—I do not think the Secretary of State should drop these words, because this will remain a subject of continuous discussion hereafter. If there is no business on the paper, it is just as easy when moving the adjournment on Fridays to move that the House do stand adjourned until the desired time. That could be done with much less discussion.

The SPEAKER—The motion is :

That when the Senate adjourns on Fridays it do stand adjourned until Tuesdays following at three o'clock.

Does the hon. gentleman from New Brunswick persist in his amendment ?

Hon. Mr. BAIRD—I do.

The Senate divided on the amendment which was rejected, contents 24 ; non-contents 29.

Hon. Sir MACKENZIE BOWELL—I move that the words 'eight o'clock' be substituted for 'three o'clock.' That will not interfere with the business at all and it will constitute a real advantage to those who live as far away as London.

Hon. Mr. POWER—That, I contend, is a highly objectionable motion to spring on the House, to provide that it shall meet in the evenings of Tuesdays all through the session. The experience of most hon. gentlemen is that when we meet in the evening there is very little business done, as a rule, and if we knock off the Mondays throughout the session, we should at least do a respectable day's work on Tuesdays.

The Senate divided on the amendment which was rejected, contents 14 ; non-contents not counted.

The motion was agreed to.

The Senate adjourned until Tuesday next at three o'clock.

SENATE.

OTTAWA, Tuesday, May 1, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ROSS RIFLE.

INQUIRY.

Hon. Mr. LANDRY inquired —

Under the contract entered between the government and Sir Charles Ross :

1. How many rifles of mark No. I has the government received, from the 1st January, 1903, to 1st January, 1906?
2. How many of mark No. II., during the same period? Since the 1st January, 1906, to the 1st of May?
3. How many rifles of mark I ?
4. How many of mark II ?
5. And how many of any other mark have been delivered to the government by the same concern ?

Hon. Mr. SCOTT—The reply furnished to me by the department is as follows :

1st. 10,500.

2nd. 136.

3rd. None.

4th. 5,164.

5th. None.

TRANSCONTINENTAL RAILWAY COMMISSIONERS.

INQUIRY.

Hon. Mr. LANDRY inquired —

1 On what date were Messrs. Young, Reid, McIsaac and Parent respectively appointed commissioners of the Transcontinental Railway ?

2. Has the government taken cognizance of the following short article published in 'La Presse' of the 6th April, 1906 :

'By the way, I will take leave to say a word about the work of the commissioners of the Transcontinental. To begin with. Messrs. McIsaac, Reid and Young only accepted the position of commissioners on the express condition that Mr. Parent should be the chairman. These gentlemen knew that with Mr. Parent at their head, the chief would do the greater part of the work. I am not prepared to say that they do nothing at all ; but they have leisure, whilst Mr. Parent is at his post from early in the morning till late at night. Those who know Mr. Parent know that I do not exaggerate in saying that he is a glutton for work. He neither drinks nor smokes, and gets through more work in a day than anybody else could in a week. He is never seen at the theatre nor in the clubs ; he knows no other road than that to his office.'

3. Is the government convinced of the truth of the assertions contained in the above article ?

4. If so, does the government intend to dispense with the services of Messrs. Young, Reid and McIsaac, and thus save to the country the sum of $21,000, or to pay Mr. Parent this amount, to which the chairman of the commission would have a right, if really this gentleman alone does all the work ?

Hon Mr. SCOTT—In regard to the first question, the dates are as follows :—

Mr. Parent was first appointed on the 31st July, 1905, Mr. McIsaac on the same day, Mr. Young on the 20 August, 1904, and Mr. Reid on the same day.

As regards the remainder of the question, the government have not taken cognizance of the article in 'La Presse.' They do not even know that such an article has been published. They have no answer to make to the question.

CAPE BRETON PILOTS RETIRING FUND.

DELAYED RETURN.

Hon. Mr. McDONALD (C.B.)—I would like to ask when I may expect to receive the return which I moved for on the 14th March last, with regard to the distribution of the Pilots Retiring Fund, of the Harbour of Sydney, C.B.

Hon. Mr. SCOTT—I have not heard anything about it. I shall make inquiry ; meantime I may say that I gave my hon. friend the report of last year, showing the distribution of the fund, and how it was held.

Hon. Mr. McDONALD (C.B.)—I received the Blue-book, but it does not contain the statement which I have asked for.

Hon. Mr. SCOTT—I will ascertain if anything further can be brought down. That was all the information the department sent me at the time.

ALLEN DIVORCE BILL.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to call the attention of the House to the entry on page 211 of the Minutes of Proceedings of the Senate. It reads thus .—

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the fourth report of the Standing Committee on Divorce. to whom was referred the petition of James Allen.

Hon. Mr. LANDRY.

The Honourable Mr. Kirchhoffer moved, seconded by the Honourable Mr. Baker, that the said report be adopted. Which being objected to, the question of concurrence being put thereon, the same was, on a division, resolved in the affirmative, and ordered accordingly.

This fourth report, to which reference is made appears on page 158 of the Minutes of Proceedings, and is as follows :—

The Senate,
Committee Room No. 28,
Friday, 20th April, 1906.

The Committee on Divorce beg leave to make their fourth report, as follows :

In the matter of the petition of James Allen, of the city of Toronto, in the province of Ontario, fireman, praying to be allowed to present a petition for divorce, without the payment of fees required by the rules of the Senate.

Your committee have carefully considered the petition and the statutory declarations submitted to them in support thereof.

Inasmuch as the committee consider that a sufficient case for such relief has not been established, they recommend that the prayer of the petition be not granted..

All which is respectively submitted.

J. N. KIRCHHOFFER,
Acting Chairman.

So the report was to recommend the rejection of the petition. I have no cognizance of any opposition to that report. The House agreed unanimously to adopt it, and therefore the Minutes at page 211 are misleading. The same mistake appears in connection with the following order relating to the fifth report of the Divorce Committee. Both of these reports were accepted, as I understand, without any dissenting voice, and I think these corrections should be made in the Minutes.

Hon. Mr. POWER—My impression is that the hon. gentleman who was in charge of the petition thought the prayers of the petitioners should be allowed.

Hon. Mr. LANDRY—Is that simply an impression ?

Hon. Mr. POWER—That is my impression.

Hon. Mr. LANDRY—I do not think any one objected to either report.

Hon. Mr. POWER—I do not think the hon. gentleman from Cobourg, called for a division, but he expressed his dissent.

Hon. Mr. McMULLEN—If the hon. senator from Cobourg were here he could explain the apparent discrepancy. In the first place the papers that were filed with the

Law Clerk of the Senate did not come up to what was required as the basis of the report, when the prayer was presented to permit the petitioner to proceed without paying the fee. The committee declined to allow him to proceed without paying the fee and so reported, and also reported with regard to the incompleteness of the application. It appears that he complied with both ; he paid the fee of $200 and supplied whatever other evidence was necessary to lay the basis of his application for divorce.

Hon. Mr. LANDRY—The details given by the hon. gentleman remind me of another thing which does not appear in our Minutes. I remember well that when the report was adopted by the unanimous consent of the House, the hon. gentleman from Cobourg presented a certificate that the fees had been paid, waiving the objection brought forward by the report of the committee. That certificate does not appear in our Minutes.

The SPEAKER—The appearance of that certificate is dispensed with by the new rules.

THIRD READINGS.

Bill (23) An Act to incorporate the Quebec, Midland Railway Company, as amended.—(Hon. Mr. Mitchell.)

Bill (64) An Act respecting the Atlantic, Quebec and Western Railway Company.—(Hon. Mr. Young.)

Bill (44) An Act respecting the Kingston and Pembroke Railway Company.—(Hon. Mr. Sullivan.)

Bill (31) An Act respecting the White Horse and Alsek Railway Company.—(Hon. Mr. Bostock.)

Bill (32) An Act respecting the Nakusp and Slocan Railway Company.—(Hon. Mr. Bostock.)

Bill (46) An Act respecting the St. Clair and Erie Ship Canal Company.—(Hon. Mr. Lougheed.)

Bill (73) An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company.—(Hon. Mr. Bostock.)

Bill (78) An Act respecting the Great Northwest Central Railway Company.—(Hon. Mr. Watson.)

Bill (19) An Act respecting the South Ontario Pacific Railway Company.—(Hon. Mr. McMullen.)

Bill (24) An Act respecting the Campbellford, Lake Ontario and Western Railway Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (30) An Act respecting the Kootenay and Arrowhead Railway Company.—(Hon. Mr. Bostock.)

Bill (26) An Act respecting the West Ontario Pacific Railway Company.—(Hon. Mr. Coffey.)

CANADIAN PACIFIC RAILWAY COMPANY'S BILL.

THIRD READING.

Hon Mr. YOUNG moved the third reading of Bill (22) An Act respecting the Canadian Pacific Railway Company.

Hon. Mr. WILSON—Will the hon. gentleman explain the object of this Bill, so that we may be able to know whether it ought to pass or not ?

Hon. Mr. YOUNG—It is an extension of time for two branch lines, one from New Westminster, and another one from a point on the Stonewall branch extending to the east shore of Lake Manitoba. The Bill also strikes out of the former Act an obligation the company had assumed to build to the shores of Lake Manitoba. I understand that obligation no longer exists, as the road is very nearly completed. Having fulfilled their obligation, the necessity for that clause in the former Act no longer exists. The rest of the Bill provides simply for an extension of time for the completion of two branch lines, one of which is partly built, one in Manitoba and the other in British Columbia.

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

ESQUIMALT AND NANAIMO RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. BOSTOCK moved the third reading of Bill (28) An Act respecting the Esquimalt and Nanaimo Railway Company.

Hon. Mr. DAVIS—I should like to have some explanation from the hon. gentleman with reference to this Bill. As I under-

stand this and some of the other measures which have been put through to-day, they are all extensions of time. If that is so, I would like to find out how many extensions of time this company have had. Some of these roads I think I had something to do with in the other House.

Hon. Mr. BOSTOCK—My hon. friend has been in the committee and has heard the explanation which was given there, but if he wants me to go over the ground again I shall be glad to do so. This railway was originally started at the time that British Columbia came into the confederation. One of the clauses in the agreement under which British Columbia came into confederation, was that there should be certain assistance afforded for the building of this road. The line has been constructed from Victoria to Nanaimo, and for a great number of years was worked by Mr. Dunsmuir and his friends. Laterly it was sold to the Canadian Pacific Railway Company, and they are now operating the line in connection with the rest of their system. This particular Bill is intended to provide for an extension of time for the construction of a part of the road which has not been completed and also to grant a further extension of the line from Wellington, which is the furthest point to the north to which they will go at the present time, up to the northern most point of the island. I do not know that they are going to build this piece of line immediately, but they want to have power to go ahead with it as soon as they see that the country is ready for it.

The motion was agreed to.

RULES OF THE SENATE.

MOTION.

The Order of the Day being called :

Consideration of the amendments made in Committee of the Whole to the third report of the Special Committee appointed during last session to consider and revise, and if deemed necessary, to add to the rules, orders and forms of proceeding of the Senate.—(Hon. Mr. Ferguson.)

Hon. Mr. FERGUSON—Hon. gentlemen will have observed on their desks a sheet containing all the amendments made to the rules since they were reported from the committee. As this sheet was only distributed immediately before the House met, it is desirable that hon. gentlemen should have an opportunity of comparing it with the rules and with the Minutes of Proceedings. I move, therefore, that this order be discharged, and be made an order of the day for to-morrow.

Hon. Mr. YOUNG—Before the motion is put, I should like to call the attention of the House to the fact that we amended the Private Bill practice in committee sometime ago, in some respects, and the amendments which we made here were informally suggested to those who are considering the matter of amending rules in another place. Some four suggestions have been adopted, and others have not. I saw a copy of those which have been adopted, and of those which have been recommended to be changed, in the other House. I draw attention to this matter now because when it comes up for consideration it would be well for us to reconsider our amendments and endeavour to harmonize them with the amendments which will likely prevail in the other House, so that applicants for private bill legislation will not have one set of rules to comply with in one House and another set in the other House. The matter is not of serious consequence, except in one point : that is, the notice which it is necessary to give to the public. It may possibly be as well to have the notices the same in each case. If we have different requirements here we do not save the applicants any money, because they have to advertise for the other House and they may as well advertise for the Senate at the same time. I do not know whether it would be well to go into committee once more to affect this change, but at some stage, before we finally adopt our rules, it would be well to consider what I have called attention to and endeavour to harmonize our action if possible. It is true the House of Commons have not finally passed these amendments, but it is likely that the amendments which have been suggested will prevail. We might wait possibly and see whether they further amend before we finally adopt our rules here, with the view of preserving the same harmony which has existed for the past two years.

Hon. Mr. FERGUSON—I suggest to my hon. friend that he should communicate with the committee which has charge of

this matter in the House of Commons and call their attention to what we have done. We are not exactly called upon to change everything we do because they do not happen to agree with us, and possibly if their attention was called to our work, they would adopt much of it, or a part of it, and then it would be well for us to consider the remaining points on which we differ, because I quite see that it is desirable in regard to the matter of notice, that there should be uniformity.

Hon. Mr. DeBOUCHERVILLE—I suggest that the best way to proceed would be to have a conference with the House of Commons. It would be well to name a day on which some of the members of this House could meet some of the members of the House of Commons and see if we cannot agree. If an agreement can be reached, then we can go on; otherwise, if we pass this and have to change it in a fortnight, or next year, what good will have been accomplished? It would be better to come to a conclusion with the House of Commons, and I suggest that a conference be called.

Hon. Mr. POWER—I might say that every reasonable effort was made to come to an understanding with the committee of the House of Commons. Two members of our committee appeared before the committee of the House of Commons on Standing Orders, which is the committee charged with the amending of the rules with respect to notice, and we submitted to them the work which we had done here, and asked for their concurrence. The Commons committee on Standing Orders took our suggestions into consideration. They adopted some of the changes which we had proposed, but with respect to the notice to be given they did not. They decided that they would not recommend to the House to make the changes which we have proposed. The old rules required that notice of an application for the incorporation of a company to construct a railway or canal should be given in a newspaper published in each municipality or other district through which the railway or canal might pass. We thought that that was a somewhat unreasonable requirement, and our amendment proposed that instead of publication in a newspaper in every district, there should be publication in a newspaper issued in one of the principal cities of the province and then a notification by registered letter to the secretary of the province, and also to the clerk of each municipality through which it was proposed that the work should run. That amendment the Commons committee declined to adopt, and consequently nothing would be gained by our waiting. We know now that that amendment will not be made by the Commons; and the only course open for us, I think, is to go back to the requirements with respect to notice which were reported in these rules in the first instance. This change was one suggested in the Committee of the Whole, and we shall simply have to go back, as regards notice, to the rules as they were first reported by the special committee.

Hon. Mr. YOUNG—Informally I was told there was a possibility of further amendments being made to the rules in the other House and one was in the direction of increasing the fees to be paid by applicants after the expiry of the first period for presenting Private Bills to the House. It is just possible they may vary the fees in such cases, and it might be that we should consider that point also later on.

Hon. Mr. POWER—I give notice that I will move that the provision with regard to notice to be given in connection with Private Bills be replaced as it was in the original report.

The Order of the Day was discharged and placed on the Orders of the Day for tomorrow.

SECOND READING.

Bill (E) An Act to incorporate the Canadian Handicrafts Guild.—(Hon. Mr. Frost).

GENERAL INSPECTION ACT AMENDMENT BILL.

PROGRESS REPORTED.

Pursuant to the Order of the Day, the House went into Committee of the Whole on Bill (C) An Act to further amend the General Inspection Act.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—My hon. friend opposite I think desired to

know who were the promoters of this Bill. This measure was requested to be laid before the House on the part of the Board of Trade of Winnipeg, who submitted it some considerable time ago. I consulted with the Department of Agriculture and also with the officers of the department, Messrs. Horn and Castle, grain inspectors, who are in pretty constant communication with a large number of farmers in the Northwest; and all these persons appeared to think it was very desirable that the new grades of hay herein described should be added to the present Inspection Act, and that inspectors should be appointed. The inspectors, I may say, are appointed by Order in Council, but must pass an examination before certain examiners, which examiners are appointed by the boards of trade. In this instance, they would be appointed by the Board of Trade of Winnipeg. Is there any other information my hon. friend requires in particular about this Bill that cannot be taken up on the several clauses?

Hon. Mr. LOUGHEED—I wanted to know whether any inspectors are in that section west of Winnipeg?

Hon. Sir RICHARD CARTWRIGHT—They will have to be appointed, there are none at present. They will be appointed, of course subject to passing their examination before the Board of Examiners. Of course the grading of wild hay is something that we are not at all familiar with in this part of Canada.

Hon. Mr. LOUGHEED—Has my hon. friend any information as to the extent of the export of hay west of Winnipeg?

Hon. Sir RICHARD CARTWHIGHT—I think it is more particularly desired for the purposes of internal trade. I do not think any considerable quantity of this hay will be exported, especially as there is a heavy duty on it going into the United States. As I understand it, the intention is to regulate the trade between the different sections of the country. As my hon. friend knows, the Winnipeg section is a very extensive one, extending all the way from Lake Superior, not merely to the Rocky Mountains, but taking in British Columbia as well, if my memory serves.

Hon. Sir RICHARD CARTWRIGHT.

Hon. Mr. McMULLEN—Will those inspectors be Dominion officers hired and paid by salary only, or paid by fees?

Hon. Sir RICHARD CARTWRIGHT—By fees, and the fees will be subject from time to time to revision by the Governor in Council. They might be either raised or lowered as was found expedient.

Hon. Sir MACKENZIE BOWELL—I see no provision made in this inspection Act for timothy hay. In what class would that be put?

Hon. Sir RICHARD CARTWRIGHT—That would be provided for under the General Act. This is merely intended to refer, as I understand, to what is known as prairie hay. These are grades for which, as my hon. friend knows, we have no corresponding articles in our portion of the Dominion. I presume that in addition to the scrutiny this Bill is to receive here, it will receive a close scrutiny in another place, and probably will be very thoroughly gone into by the Committee on Agriculture.

Hon. Mr. WATSON—Though coming from the west, this is entirely new to me, this idea of having an inspection of wild or prairie hay. There does not appear that any consideration has been given to it by western members up to the present time, and I would respectfully submit that the hon. gentlemen, having called attention to the matter, should let it stand for a few days.

Hon. Sir RICHARD CARTWRIGHT—Certainly, and in the meantime I will read for the information of my hon. friend and others, the communication which I received from the Winnipeg Board of Trade, which goes at some length into the reasons that actuated them to propose the introduction of this measure. Then I will move that the committee rise and report progress and ask leave to sit again this day week. The paper is as follows.

Winnipeg, April 13, 1905.

F. C. T. O'Hara, Esq.,
Acting Deputy Minister,
Dept., Trade and Commerce,
Ottawa, Ont.

Sir,—I have the honour, by direction of this board, to submit for the consideration and action of your department the following matter in connection with the proposed inspection of hay at Winnipeg.

1st. This board has elected the following as a board of hay examiners—Messrs. Jos. Franklin, W. G. Douglas, G. Olafson, T. J. Douglas and R. Laing.

I find by section 3 of chapter 99 of the General Inspection Act the Board of Trade of Winnipeg has power to appoint a board consisting of five examiners to act for the city of Winnipeg, but this board would respectfully suggest that in the first instance the examiners be appointed by the government, as authorized in the same section, and the limits of the territory within which they shall act to be made co-terminous with the bounds of the Manitoba grain inspection division. Many contracts made by Winnipeg hay dealers are for hay to be delivered at points between Lake Superior and the Rocky Mountains, and it is considered that, as Winnipeg will be the only place which could possibly support a hay inspector, it would be better to make both the examiners' and the inspectors' jurisdiction cover the same territory as is included in the grain inspection division. It is important that the hay examiners should be appointed at an early date in order that applicants for certificates of ability and fitness may be examined with a view of one of them being appointed as hay inspector.

2nd. Attached hereto, is a schedule of the grades for Manitoba hay, as recommended by the hay section of this board and endorsed by the council. Practically no timothy or clover has, as yet been sent into thte Winnipeg market, but when the time arrives that such hay is grown in the western provinces the schedule already defined in the Inspection Act under section 44 of Chapter 25 will be available and suitable for the inspectors here to act upon. Please carefully consider the two final paragraphs in this schedule, which are really 'provisions relating to inspection.' Our hay merchants consider that, with the cheap price of wild hay in this market, the fee of 20 cents per ton would be too heavy a tax, and while they are quite willing to start inspection at this rate they are satisfied that the inspection fee might be lowered later on, and if the authority to reduce or even raise the fee rests in the Governor in Council, the matter could be much more easily and satisfactorily arranged when the results of the experiment of hay inspection in Winnipeg are ascertained, than if an amendment to the Act itself would have to be secured. As this feature would apply only to inspection in Manitoba, no change would be necessary in the Act relating to the inspection of hay and timothy in eastern Canada. The last paragraph is considered a very important one here, and indeed its omission would very seriously affect the attempt to make hay inspection in the west acceptable or useful to the trade. Experience has proven that country shippers frequently are most careless about properly baling hay, and as there is no official to act between the shipper and the receiver in the city, dissatisfaction and disagreements as to the condition of the baling have arisen. It is believed that if the inspector, when examining the hay, would also make note of broken bundles in a car, the same result would be obtained, as in the case under the grain inspection where inspectors carefully note the condition of cars containing grain offered for inspection and thereby frequently detect leaks which if not noted will occasion loss to the innocent shipper.

Chief Grain Inspector Horn, discussed this schedule with our hay dealers committee, and fully concurs in the representations here made.

This board trusts that the importance of the necessity for hay inspection in Winnipeg will be fully recognized by the hon. the minister, and that the necessary legislation will be secured by him during the present session of parliament.

I have the honour, etc.
Signed. C. N. BELL,
Secretary.

This Bill is very nearly a transcript of the measure recommended—in fact I believe it is an absolute transcript, and, as I say, it has been submitted to the grain inspectors who are in tolerably close touch with the farmers of the western provinces, and also to our own Department of Agriculture.

Hon. Mr. WOOD, from the committee, reported that they had made some progress with the Bill and asked leave to sit again next Tuesday.

BILLS INTRODUCED.

Bill (27) An Act to incorporate the Kamloops and Yellow Head Pass Railway Company.—(Hon. Mr. Bostock.)

Bill (29) An Act respecting the Vancouver and Lulu Island Railway Company.—(Hon. Mr. Riley.

Bill (33) An Act respecting the British Columbia Southern Railway Company.—(Hon. Mr. Bostock.)

Bill (34) An Act respecting the Columbia and Kootenay Railway and Navigation Company.—(Hon. Mr. Bostock.)

Bill (43) An Act to incorporate the Brandon Transfer Railway Company.

Bill (45) An Act respecting a Patent of the Anderson Puffed Rice Company.—(Hon. Mr. Cox.)

Bill (55) An Act respecting the powers of the Harbour Commissioners of Montreal.—(Hon. Mr. Scott.)

Bill (69) An Act respecting certain Patents of Henry Edmunds.—(Hon. Mr. Young.)

Bill (79) An Act respecting certain Patents of Chester Burnell Duryea.—(Hon. Mr. Poirier.)

Bill (80) An Act respecting the Pacific Northern and Omineca Railway Company.—(Hon. Mr. Gibson.)

Bill (92) An Act respecting the Essex Terminal Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (106) An Act respecting applications for Patents of Henry Wurts, Jr.—(Hon. Mr. Poirier.)

Bill (109) An Act to repeal the Act to provide for the collection and publishing of Labour Statistics.—(Hon. Sir Richard Cartwright.)

Bill (115) An Act respecting Leprosy.—(Hon.. Mr. Scott.)

HARBOUR OF NORTH SYDNEY IN NOVA SCOTIA BILL.

FIRST READING.

A message was received from the House of Commons with Bill (74) An Act respecting the Harbour of North Sydney in Nova Scotia.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Tuesday next.

Hon. Mr. McDONALD (C.B.)—I should like to know what this Bill is for, and whether the money sought for has not been already expended ? I understand the money is intended to pay off a mortgage which the commissioners of the harbour hold on a certain property, and that the Bill further asks for more money than is due on the mortgage. I should like to know whether the second mortgage has been already contracted for ?

Hon. Mr. SCOTT—The Bill is a very short one and provides that,

> The Harbour Commissioners of North Sydney may, from time to time, borrow upon mortgage such sums of money as are required for the purchase of real or other property, or for the improvement of the harbour of North Sydney, or for such other works as the said commissioners are authorized to undertake; and for such purpose the said commissioners may mortgage the real property, works, tolls or revenues of the said harbour: Provided that no money shall be so borrowed without the sanction of the Governor in Council, and provided also that the total indebtedness for moneys borrowed under the provisions of this section shall not at any one time exceed the sum of six thousand dollars.

Hon. Mr. McDONALD (C.B.)—The provision that no money shall be borrowed except with the consent of the Governor in Council is very well.

Hon. Mr. SCOTT—It is limited to $6,000.

Hon. Mr. McDONALD (C.B.)—I think provisions should be put in that Bill for the superintending of the work proposed under this measure, by an official of the Public Works Department. A statement of the revenue derived from that, the disbursements and everything connected with it, should be furnished by the government, and an inspector from the Public Works Department, should see that the money is properly expended. There is a good deal of talk and feeling at North Sydney on this very question. It is alleged there that the money which has been collected for several years past has been wastefully expended, and that nothing remains of the works done owing to the force of the sea waves washing it away every year. The work done at that place 15 or 20 years ago still stands, while the improvements made of recent years are washed away. The government should see that this work is properly done.

Hon. Mr. SCOTT—I shall call the attention of the department to the remarks of the hon. gentleman.

The motion was agreed to.

The Senate adjourned until to-morrow at Three o'clock.

SENATE.

OTTAWA, Wednesday, May 2, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FRENCH TRANSLATION OF THE DEBATES.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to inquire from the committee which has charge of the translation of our debates into the French language what the reason is that we are not supplied with the French copy of the debates of this Chamber ? We have up till to-day, only received Nos. 1, 2 and 3, and I do not see why we should not be supplied each day with a copy, the same as is done with the English copy.

Hon. Mr. BEIQUE—I ask to be allowed twenty-four hours to make the inquiry.

Hon. Mr. LANDRY—We will give you thirty-six hours.

WEEKLY ADJOURNMENTS.

Hon. Mr. PERLEY—I understand that there is a feeling among some of the members of this Chamber that the Senate will not sit on Mondays. I understand when the hon. Secretary of State made his motion to adjourn from Friday until Tuesday, that he had a second motion, to the effect that the motion to adjourn from Friday until Tuesday should be made weekly, and that it was not to be a permanent order. I ask the Secretary of State if he intends to permit his motion to be ignored, or if he wishes to place it before the House? I think he intended to change the order, that it should not be a permanent order that the Senate should adjourn from Fridays until Tuesdays, but that the motion for such an adjournment should be made from week to week. I protest against the matter being left in this way. I think it is hardly fair to hon. senators. We have come here to attend to the business of the country, and if some hon. gentlemen want to adjourn for a few days, let them lose those days, and not compel thirty or forty members to lose these days also. I should like to know the intention of the government with respect to this matter—whether they intend that the Senate shall in future meet on Monday or on Tuesday?

Hon. Mr. POWER—I think this is a matter which relates altogether to the internal economy of the House, in which the public are not supposed to be interested, and I would respectfully suggest that this discussion might take place, say to-morrow, with closed doors, and that we should not spend another afternoon discussing it.

Hon. Mr. PERLEY—I do not hesitate to say that I am prepared to discuss all my acts in public.

An hon. MEMBER—Oh, oh.

Hon. Mr. PERLEY—If the hon. gentleman wishes to do something he is ashamed of, that is no concern of mine, but I may say that I do nothing that I am not prepared to have discussed in public.

Hon. Mr. MACDONALD (B.C.)—With regard to the question raised by the hon. gentleman from Wolseley (Hon. Mr. Perley) I think we should dispose of it now, or, if the hon. Secretary of State perfers, it could be dealt with to-morrow. It will be in the recollection of the House, and of the hon. Secretary of State that he offered to eliminate the words 'until otherwise ordered' and I thought, with many others, that the Speaker put the question leaving these words out; but it seems that the motion was agreed to without the elimination and so appears in the minutes of the House. Now, if the hon. Secretary of State will say either at the present time or to-morrow that he wishes these words struck out, no more will be said about it.

The SPEAKER—When the suggestion was made that these words should be struck out, objection was taken to it, and the motion had to be put as it was in the notice which had been given.

RULES OF THE SENATE.

MOTION.

The Order of the Day being called:

Consideration of the amendments made in Committee of the Whole to the third report of the Special Committee appointed during last session to consider and revise, and if deemed necessary, to add to the rules, orders and forms of proceedings of the Senate.—(Hon. Mr. Ferguson.)

Hon. Mr. FERGUSON—The proper motion to make, I suppose, is that these amendments be now concurred in.

Hon. Mr. POWER—Pursuant to notice, I move in amendment that rule 89, as reported, be amended by inserting the word 'select' before the word 'committee' where it occurs for the first time. Rule 89 occurs under the general heading of standing and special committees. It deals with select committees. When that rule was under consideration the hon. gentleman from De Salaberry (Hon. Mr. Beique) objected that the grammatical construction of the rule was not just what it ought to be, and he submitted an amendment. With the permission of the House, I shall quote what the hon. gentleman said:

Hon. Mr. BEIQUE—I wish to call attention to the phraseology of rule 89: I think it should read:

No senator, who has any pecuniary interest whatsoever not held in common with the rest of the Canadian subjects of the Crown in the inquiry to be entrusted to any committee shall sit on such committee.

and so on. It is merely a matter of grammar. The 'who' might be taken to refer to the committee as it stands at present.

The hon. gentleman's remarks are not reported fully, but hon. gentlemen will remember that he said it was simply a transposition of a portion of the rule to make the rule more grammatically correct. We were in Committee of the Whole, and were moving pretty rapidly, and possibly hon. gentlemen did not catch the exact wording of the amendment which the hon. gentleman proposed. When I came, after the sitting of the House, to examine the amendment, I found that it was considerably wider in its scope than had appeared, and that in fact it applied to all committees. Rule 89 applied only to select committees, but the amendment applied to all committees. Now, the probabilities are that if a question were to arise with respect to the meaning of the rule as amended by the hon. gentleman, it might be held that the rule was governed by the heading 'Standing and Special Committees;' still it might not, and, in order to avoid any doubt, I think it desirable that the word 'select' should be reinserted in the rule. I understand the hon. gentleman from De Salaberry has no objection to this being done. If hon. gentlemen will turn to page 2 of the sheet of amendments, which has been laid upon our desks, they will find what I refer to. With the amendment this rule will read as follows.—

89. No senator who has any pecuniary interest whatsoever not held in common with the rest of the Canadian subjects of the Crown in the inquiry to be entrusted to any select committee shall sit on such committee; and any question of interest arising in the committee may be determined by the committee subject to an appeal to the Senate.

It will be remembered that there was a feeling on the part of some hon. gentlemen that the same rule should apply to the whole House and the Committee of the Whole; but the Committee of the Whole, by a very decided majority, expressed the contrary opinion. I therefore move, seconded by the Hon. Mr. Lougheed, that the word 'select' be inserted before the word 'committee' where it occurs for the first time.

Hon. Mr. LANDRY—I object to that motion. The hon. gentleman says that the intention of my hon. friend from De Salaberry (Hon. Mr. Béique) was only to amend the phraseology of the clause, yet in the face of the amendment which was brought forward by my hon. friend from Belleville, to introduce a clause dealing with amendments from the House of Commons that would be considered in Committee of the Whole, when I proposed to strike the word 'select' out of clause 89 I was told by the chairman of the committee at the time that that word had been struck out by the amendment of the hon. member from De Salaberry, so the attention of the House was brought specially to that subject, and as it had been disposed of by the amendment of my hon. friend from De Salaberry, we did not proceed further to change the clause, as it had been changed already in the desired sense. I do not think the House was taken by surprise. We discussed the question and that word was struck out deliberately, if not at the proper time, at all events after the remarks elicited by the amendment proposed by the hon. member from Belleville. By striking out the word 'select,' that rule applies to all committees, and that is why it was erased from the clause, because it met the views propounded by the hon. senator from Belleville.

Hon. Mr. POWER—The hon. gentleman has raised a question of order.

Hon. Mr. LANDRY—No, I said I objected to the motion, but not on a point of order.

Hon. Mr. POWER—I should like to hear from the hon. member from De Salaberry.

Hon. Mr. BEIQUE—The remark made by the hon. senator from Halifax is quite correct that when the question was put to me I stated that it was merely a matter of phraseology. I had not in mind at the time that it applied to all committees. I had drafted the amendment that way because it was uncertain whether the word 'select' would be used; it was pending for consideration, but I recollect that the hon. member from Belleville put a question later on during the sitting to ascertain what would be the bearing of the amendment, and then I realized that the word 'select' had been dropped from my amendment, and I suggested that it would apply to all committees; but as far as I am concerned, I think it would be better to adopt the motion of the hon. gentleman from Halifax, because that rule deals with these committees, and we have the other rule which deals with Committee of the Whole House.

Hon. Mr. LANDRY—The reason stated by my hon. friend, that it is because it applies only to committees, does not at all meet my objection. It still deals with all committees ; it does not deal with anything else.

Hon. Mr. BEIQUE—I think from the fact that we had approved of the rule dealing with Committees of the Whole House on that subject, and had special rules under the heading 'committees,' it would be ambiguous and would have to be interpreted to avoid conflict, and it would be difficult to interpret rule 89 as applying also to the previous rule, inasmuch as the previous rule is not exactly in accordance with rule 89.

Hon. Sir MACKENZIE BOWELL—It seems to me it is rather a novel position for a member to take, especially with reference to the working of a rule of this House, and I am still at a loss to understand why there should be a distinction drawn between a select committee and a committee of the whole House, so far as it affects the members who are interested in a question before the House. I was not aware, so far as this motion was concerned, that the reason given by the hon. gentleman from DeSalaberry was on account of the ungrammatical manner in which the clause was drawn. When he made the motion to strike out the word 'select,' as the hon. gentleman from Halifax very properly said, there was a great deal of confusion and a good many members speaking at the same time. For my part, I could not understand—because I could not hear what the hon. gentleman said, and therefore was unable to come to a conclusion as to the effect that the amendment moved by the hon. gentleman from DeSalaberry would have upon the two clauses, but I was informed immediately afterwards by the hon. gentleman himself, across the House, that the striking out of the word 'select' would have nearly the same effect as if the suggestion which I had made had been carried out. That was the understanding, and, that being the case, I did not push the motion to which I had called the attention of the House. But, to my mind, no reason has been given why there should be a distinction drawn between a select committee and a committee of the House, so far as it affects the individual member who may be interested in the question before the Senate. To my surprise, I found the hon. gentleman from Halifax presenting an argument that to adopt my suggestion was going to interfere with stockholders in banks, and in other companies, and I was still more surprised to find the leader of the opposition taking the same view. If the hon. gentleman who has made this motion, and the hon. gentleman who has seconded it—that is the hon. gentleman from Halifax and the hon. gentleman from Calgary,—wish to be logical, they should move to strike out clause 89 altogether, because the language used in the clause as it is now before the House, and which the hon. gentleman from Halifax desires to confirm, supported by my hon. friend from Calgary, would have the very effect which both those gentlemen pointed out, as interfering with members who are shareholders in companies and banks. If that be the case, then the clause which he is now desirous of amending should be struck out, because the language used in the amendment that I proposed is precisely the same language that is used in the clause that these gentlemen want to adopt and make the law of the land. The words that I suggested are these : 'In which he has any pecuniary interest whatever.' The very same language applies in the clause which the hon. gentlemen want to make a rule of the Senate. It says : 'No member shall sit on a select committee who has any pecuniary interest whatever in the inquiry before such committee which may not be held in common with the rest of Canadian subjects of the Crown, &c.' I copied those words verbatim in the suggestion that I made, so that if there be any force in the argument presented to the Senate by these gentlemen, then they should move to strike this clause out altogether. I did not propose to change in any way the character of the resolution. I simply proposed to make that provision applicable to the Committee of the Whole to which was referred an amended Bill coming from the Commons, and which would be considered by a committee of the whole in this House. That is all I proposed to do, to simplify the rules by embodying in the one rule the principle embodied in the two ; but to this further extent, that the same prohi-

dition should exist with regard to a committee of the whole that exists now, and which they propose to make law in the select committees. That is all I propose to do, and I have heard no reason advanced yet to convince this House that the rule should apply to a select committee and not apply to a committee of the whole House. Neither have I heard the hon. gentleman from Halifax reconcile the position that he assumed in connection with the words used in the suggestion that I made in consolidating the two rules. He has not given any explanation that the wording that is used and applied to a member of a select committee does apply any more to a member of the committee of the whole. If the words used there, that he is to have no interest other than those which are held by any other subject of His Majesty, prevent—and I repeat it—a shareholder in a bank or in an insurance company from acting on the committees, as suggested by himself and the rule as I suggested it, it is equally forcible and applied in the same manner to the select committee in the clause which the hon. gentleman drafted, and of which I may say he is the father, and inferentially condemned in the remarks that he made upon the suggestion which I made when last discussing this question. They are precisely the same; there is no difference. If it is wrong in the one case, it must be wrong in the other, and I do not interpret the clause to go so far as that. The Independence of Parliament Act specially exempts stockholders in banks and so on, but we are told: 'Oh, that applies only to contracts.' If the government makes deposits in a bank upon certain conditions, that is an implied contract and would have the same effect as if it were a written contract for the purchase of any goods. What the courts will decide I am not prepared to say, but I know that the interpretation given to the Independence of Parliament Act is that a clause of this character would not prevent a member who is a stockholder in a bank from taking any course he thought proper in connection with any Bill that might come before him, and if you read the remarks made by the hon. gentleman from DeSalaberry, he goes much further than I did in this matter. Why he has changed his mind on this occasion, I cannot very well understand. When we were discussing this question before, he said:

> I think the proper thing would be to debar members of the House from either taking part in the debates or voting under such circumstances. The wording which should be adopted ought not to debar them from remaining in the House, but they should not take part in a discussion because they have a pecuniary interest.

My hon. friend has changed his mind, apparently, in the last two days, and he is prepared to adopt the suggestion made by the hon. gentleman from Halifax and allow members, in Committee of the Whole, to take what course they think proper, except to vote. That is the exception, no matter how interested they may be. It is a matter that does not affect me in any way. My only desire was to consolidate the clauses into one and make that one as simple as possible, make the same principle apply to a general committee as is applied in the case of a select committee. If the House thinks differently, and thinks that there is a reason why a gentleman who has a pecuniary interest in a question before parliament should not be allowed to sit on or to take any part on a select committee, but that he should have the right to debate and thus influence the Senate to the fullest extent—the only restriction being that he shall not vote—I am not going to discuss the matter further; but I do think it is a most extraordinary thing that we should have an opinion expressed here strongly one day, and the next day it is turned over just to meet the views of a gentleman who, if I may say so, is wedded to the rules presented by him, no matter how incongruous or complicated they may be, and who seems to have a great desire for the adoption of a set of rules which, in their interpretation and carrying out, will create a great deal of confusion.

Hon. Mr. BEIQUE—If I may be allowed to add a word of explanation. I am ready to confess that I am always open to conviction, even though I may be accused of being inconsistent. However, in this instance, I may say that what appealed to my mind was the question raised by the hon. leader of the opposition as to whether we had the right to debar any member of this House from sitting in the Senate or sitting in a committee of the whole of the Senate. After

that point was brought to my attention, I immediately stated to the hon. member from Belleville that I thought there was a great deal in the ground taken by the leader of the opposition, and the hon. member for Belleville since that time has not heard me supporting the contention that we should do away with the right of hon. members to sit in the House or in the committee of the whole. But this point is not involved in my deciding to support the motion of the hon. gentleman from Halifax. What have we before us? We have two rules. Nos. 58 and 89. Rule 58 deals with the House, whether sitting as a branch of parliament or as a committee of the whole, and this rule says that no senator is entitled to vote upon a question in which he has any pecuniary interest whatsoever not held in common with the rest of the Canadian subjects of the Crown. That is the rule that was adopted by this House. We have then the rule referring to the committees, and in that rule we find this wording—

> No senator who has any pecuniary interest whatsoever not held in common with the rest of the Canadian subjects of the Crown in the inquiry to be entrusted to any committee——

That is the wording that was adopted at my suggestion—

> —shall sit on such committee.

Now it is suggested, instead of the words 'any committee,' to insert 'any select committee.' I think that is a proper change to be made as far as the committees of the House are concerned. It will cover all committees of the House; it will not, I admit, cover the Committee of the Whole. But it must be borne in mind, and I draw the special attention of the senator from Belleville to the fact, that because of this wording which was adopted at my suggestion, a member, although he will not be allowed to sit on the committee, will not be debarred from addressing the committee. He may be the promoter of the Bill and he will, as any other citizen, have the right to address the committee. He is debarred from sitting on the committee. Now if he has the right, either as promoter of the Bill or as an ordinary citizen, to address the members of the committee would it be logical to deprive the same member of the right of addressing the members of the House in the House, if a question of the same nature were to come up there instead of being dealt with in the committee? It seems to me it would not be logical, and I am inclined to think that we would not have the right to go that far. As regards the committee he will not be allowed to sit on the committee, but he will be allowed to speak, not as a member of the committee, but as a member of the senate or as a citizen—with leave of the committee if you like. In the House he will be allowed to speak because he is a member of the House.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman, if he contends that a senator cannot be debarred from taking part in the proceedings, as far as discussing the question is concerned, what power have you to debar him from voting, except the rule which you have adopted? Where is the difference?

Hon. Mr. BEIQUE—I have not made any study of the question, but I would be inclined to think there is a great difference between speaking and voting; anyway without entering into that, I recall the fact that we are harmonizing both rules by this wording, because in either case the member will not be debarred from speaking. He will be debarred from sitting on the committee. Why debar him from addressing the House or a committee of the whole House if he is not debarred from addressing the committee?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not meeting the question I asked him. If the House has no power to prevent a senator who sits here legally from taking part in the proceedings by addressing it or moving an amendment, what power have we to prevent him voting? The motion should be to refer the report back to the Committee of the Whole for correction.

Hon. Mr. POWER—The report of the Committee of the Whole is before the committee for adoption or amendment. Any member can move an amendment. Rule 58 applies to a Committee of the Whole House under rule 78, which provides that the rules of the Senate apply in Committee of the Whole. So when the House is in Committee of the Whole rule 58 applies, and rule 58 forbids a member voting on any matter in which he has any pecuniary interest whatso-

ever. A member so interested is not allowed to sit on a Select Committee. The contention of the hon. member for Belleville is that the same rule should apply to committees of the whole House. The case which the hon. gentleman took to illustrate his point was that of a private Bill which had been amended in the House of Commons and had come up here as amended and been referred to a Committee of the Whole House for consideration. Apparently the hon. gentleman's opinion is that if the Bill dealt with an insurance company, a bank, or any company of that sort, any member being a stockholder in the company, was not only not allowed to vote on the amendments from the House of Commons but he was not allowed to sit on the Committee of the Whole and had to go outside the bar. It seems to me all right that hon. gentlemen who are interested in companies seeking legislation here should not have too much influence in the House, and it is right that they should not vote where their pecuniary interests are concerned, but it would be going too far altogether to say that a member of a company should not have the right in Committee of the Whole to express his opinion and point out why an amendment made in the other House to this private Bill should be either accepted or rejected, as the case may be. I thought the opinion of the House the other day was in the direction I have indicated.

Hon. Sir MACKENZIE BOWELL—I made no such proposition, and my suggestion had no application to stock holders such as the hon. gentleman refers to.

Hon. Mr. POWER—The House has a right to make rules with respect to the conduct of its own members. The view taken by the hon. member from Belleville, apparently was that the House had no right to make a rule as to the conduct of a member who was interested.

Hon. Sir MACKENZIE BOWELL—I never argued that way—quite the contrary.

Hon. Mr. GIBSON—When I was speaking on the question the other day, the hon. member from Belleville replied to me and said that I was fighting a shadow; that there was no such proposition; that there was nothing but the general principle to prevent a man voting, and, he added, 'that is all I propose to do.' He said further, 'there is no intention whatever to carry the idea to the extent my hon. friend from Beamsville (Mr. Gibson) supposes, because, as I have already said, that would shut out from this chamber about nine-tenths of its members.'

Hon. Sir MACKENZIE BOWELL—I thought it was plain enough.

The committee divided on the motion, which was agreed to on a division.

Hon. Mr. POWER—The other amendment which I have proposed is one which I hope will not lead to very much discussion. It is that rule 114, as reported, be amended by striking out paragraph 1 of subdivision (a) of said rule and substituting therefor the following subdivision:

1. A railway or canal company, in the principal city, town or village in each country or district through which the proposed railway or canal is to be constructed.

I may say that in writing my notice in a hurry the other day I left out some words which are essential. My motion should have read as follows: 'A railway or canal company, in some leading newspaper published in the principal city, town or village in each county or district through which the said railway or canal is constructed.' We discussed the matter at a previous sitting of the House. It was simply this that if we allowed the rule to remain as reported at page 2 it would have been necessary not only to advertise in all those newspapers, but to send the notice to various officers by registered letter. In the House of Commons they have declined to adopt the change which we propose and we had better go back and adopt the rule as it was.

Hon. Mr. YOUNG—It throws us back on our practice of last year.

Hon. Sir MACKENZIE BOWELL—I want to express my approval of this amendment, because it is the position I took in the first place, believing the proposition made in the report of the committee was altogether too complicated and could not be carried out.

The motion was agreed to.

Hon. Mr. FERGUSON—Before the motion to adopt the report is put, I want to make two or three general remarks on our

work on these rules. A great deal of labour has been bestowed on this report by the hon. member from Halifax and other members of the special committee, as well as by other members of the House, and I think it may be fairly claimed that not very many things have escaped observation, and that a fair expression of the opinion of the House has been obtained upon the whole. I wish, however, to make this remark; I feel as one of the minority in this House who has taken a rather active interest in the revising and framing of these rules, that I should express my appreciation, for myself at all events, of the great degree of fairness with which the consideration of these rules was approached by gentlemen on the government and on the other side of the House. In the matter of the rules, a minority must naturally feel more interested than the majority do, because the rules are their protection. They cannot vote down a proposition, but they can avail themselves of the rules of parliament to protect themselves to a very large extent, and that being so, it is a pleasant reflection to be able to make that in every case during the discussion of these rules there was a disposition shown on both sides of the House to treat the question altogether apart from any party advantage being taken or attempted by any one. I have great pleasure in making these remarks after witnessing the part taken by members on both sides during the discussion. With regard to the rules themselves, I am afraid they are not going to be an unmixed good to us, and for this reason, we have disturbed the old numbering and changed the form of our rules to such an extent as to render them less convenient to the old members than they were in the old form. After going through all this work and trouble I am free to say that if I were beginning the task again I would strongly advise the retaining of the old numbering as far as possible, making a few important alterations, such as experience has proved to be necessary, leaving the form of the rules as unchanged as possible. I doubt if many of these rules will bear the old numbering, and when the older members have occasion to refer to them they cannot do so with the same facility that they experienced in referring to the old rules. A good many of us are getting old and will be getting older and will experience the inconvenience for some time to come. Of course the new members will not find the same disadvantage.

Hon. Mr. LANDRY—I should like to know if the Clerk of this House will have authority to renumber the rules?

Hon. Mr. POWER—That is understood.

Hon. Mr. LANDRY—And also to see to the headings and the lettering on sub-paragraphs.

Hon. Mr. YOUNG—Does the hon. gentleman wish to have the subsections numbered as well?

Hon. Mr. LANDRY—Yes.

Hon. Mr. POWER—These rules will require to be renumbered, because some have been struck out.

Hon. Mr. LANDRY—I would suggest that they should be reprinted before the final adoption—I mean before being submitted to the committee to make them standing orders.

Hon. Mr. POWER—That is a reasonable proposition.

Hon. Mr. LANDRY—I should like to have the French version in print. I have read some portions of the translation, and have noticed some defects. For instance the words 'select committee' in French is defined as it appears in the definition by a word that is not French at all. It might be accepted for the moment; but if we refer to paragraph 89 in the French version, we find the word 'select' translated by the word 'special' in French, which is not at all the idea to be conveyed. The word 'special is a subdivision of the word 'select,' and the word 'select' is a subdivision of the word 'committee. Committee is divided into committee of the whole, and select committee, is subdivided into 'standing and special committees.' Perhaps the translator did not grasp the idea in the subdivision of the word select, and he has put in the French translation the word 'special' in place of the word, 'select.' If we had the edition in French, we would be able to find out those defects in translation and have them corrected in proper time.

Hon. Mr. YOUNG—A proper index should also be prepared.

The SPEAKER—It is the general understanding, without the necessity of a motion, that the clerk shall attend to the renumbering of the clauses ?

Hon. Mr. ELLIS—Everything should be done that can possibly be done to make the rules an easy book of reference. An index should be prepared so that older members will not have the trouble the hon. gentleman from Marshfield anticipated.

Hon. Mr. LANDRY—I suppose it is understood that an index will be made ?

Hon. Mr. YOUNG—A very clear and proper index should be prepared.

Hon. Mr. FERGUSON—A good index will be of great value. I would also suggest that the matter should be broken up into a larger number of headings than appear in the draft we have before us. The old rules were broken up very much that way, and it facilitated reference. because the matter was disclosed in large type on almost every page.

Hon. Mr. BEIQUE—I understand that all that pertains to matters of form would be left to the clerk. and the same applies to the marginal notes, and in some cases the reference to the authorities.

Hon. Mr. POWER—I must say that I think the reference to the authorities would be more properly given to us in the Manual which would follow afterwards. It would not be just the right thing to say that the clerk was to put in the references to the authorities in rules which are to come up for consideration in a few days. That would be imposing an unreasonable task on the clerk ; but when we come to prepare the manual the references to the authorities might be put in.

Hon. Mr. YOUNG—Is it suggested that that part referring to procedure should be amended as well ?

Hon. Mr. POWER—It will be revised.

Hon. Mr. YOUNG—Who will do the revision ? The Speaker ?

Hon. Mr. POWER—The Speaker and the clerk of the House and the law clerk.

The SPEAKER—That refers to the forms?

Hon. Mr. YOUNG—Yes. the forms of procedure. I notice that on a former revision the forms of procedure were dealt with by the same committee and were approved of by the House in the same manner as the rules were.

Hon. Mr. FERGUSON—Never, never.

Hon. Mr. YOUNG—Was the manual not approved of ?

Hon. Mr. LANDRY—No. What was approved of was the appendix to the forms themselves—not the general forms.

Hon. Mr. De BOUCHERVILLE—Would it not be better to leave this matter to the Speaker ? Let the Speaker be charged with making these corrections.

The motion was agreed to.

Hon. Mr. YOUNG—When will it be convenient to summon the House to concur in these rules ?

Hon. Mr. POWER—They have been concurred in ; but I think the better way will be to postpone their final adoption until the rules are printed and renumbered.

PRESTON DIVORCE BILL.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. LOUGHEED (in the absence of Hon. Mr. Kirchhoffer) moved the adoption of the second report of the Standing Committee on Divorce, to whom was referred the Preston petition, together with the evidence.

Hon. Mr. POWER—I do not rise to oppose this motion, but I wish to commend a suggestion to the consideration of the Committee on Divorce. Our practice has been to give a Bill of divorce and leave both parties, the innocent party and the guilty party, equally at liberty to marry again. My own belief is that that liberty should not be given to the guilty party, and I think that if parliament were to adopt the policy of not allowing the guilty party to marry again, we would have fewer Bills of divorce coming before us, and the opposition to those Bills would be much more resolute and energetic than it is now. I think it would save the time of the House and be a good thing for the country.

The motion was agreed to.

VAUGHAN DIVORCE BILL.

REPORT OF COMMITTEE ADOPTED.

The Order of the Day being called :

Consideration of the first report of the Standing Committee on Divorce, to whom was referred the Vaughan petition, together with the evidence.

Hon. Mr. LOUGHEED (in the absence of Hon. Mr. Kirchhoffer) moved the adoption of the report.

Hon. Mr. FERGUSON—I have looked over the evidence and I cannot say that I concur in the report. I observe that the notice is somewhat irregular. It appeared yesterday as being set down for Friday next. In the first place, it was ordered for yesterday but set down for the 4th in error. Last Friday it was set down for Tuesday, but a mistake was made in some way and it was set down for Friday the 4th. I know several hon. gentlemen who were taking an interest in the matter did not expect it to come up to-day, and I think we had better postpone it until to-morrow in order that hon. gentlemen may have more opportunity to consider it.

Hon. Mr. LOUGHEED—I might say that the adoption of the report is simply an interim proceeding, so to speak. The Bill has not been introduced. It is introduced on the adoption of the report, and of course has to go through the different readings, thus permitting the House to investigate the matter and either support or reject the Bill as may be deemed desirable. However, if my hon. friend wishes, it may stand until to-morrow.

Hon. Mr. FERGUSON—I understood that by adopting the report we would be adopting the recommendation of the committee that a Bill should be passed. That was my view, but if it is clearly understood that nobody is committed to that principle, we might adopt the report now, it being clearly understood that we have the fullest liberty of action when the Bill is reached.

Hon. Mr. LANDRY—I would point out that during the past week this report has always been set down for consideration on Friday. I do not know why it comes up to-day. If you will look at page 228 of the Minutes of Proceedings, you will find it set down for Friday, May 4. On page 215 it is set down for Friday, April 27. Every day it has been advertised for a Friday, until the one which has just passed.

Hon. Mr. FERGUSON—Still the order of the House was that it should be set down for Tuesday. The mistake was in putting it down for to-day.

Hon. Mr. LOUGHEED—I have no objection to postponing the consideration of the report. As the Bill has to receive its three readings before the House, hon. members are at liberty at any time to discuss it fully.

Hon. Mr. McDONALD (P. E. I.)—I wish to call attention to the fact that the evidence in this case has not been laid before the members of the Senate. I have not received a copy, and many other members are in the same position.

Hon. Mr. LOUGHEED—The evidence was distributed, I understand, nearly a week ago.

Hon. Mr. McDONALD (P. E. I.)—It has not come to hand.

The Order of the Day was then discharged and placed on the Orders of the Day for to-morrow.

BILL INTRODUCED.

Bill (F) 'An Act for the relief of Mary Emeline Preston'—(Hon. Mr. Perley).

The Senate then adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Thursday, May 3, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

INQUIRY.

The Order of the Day being called that Hon Mr. Ferguson :

Will call the attention of the House to the vote of $175,000 passed during the last session of parliament for the 'construction of ice-breaking steamers for lower St. Lawrence and Northumberland Straits and also to the

promise made by the late Minister of Marine and Fisheries, Hon. Mr. Préfontaine, to the people of Prince Edward Island in the month of October last, that a powerful steamer of not less than 5,000 horse-power would be built for the purpose of providing continuous and efficient steam communication between Prince Edward Island and the mainland as guaranteed by the terms under which Prince Edward Island entered confederation, and also, to the further promise made at the same time and place by the said Mr. Préfontaine that the steamer in question, would be ready for service in November of the present year and also to the statement made to this House on Friday last by the Honourable the Secretary of State that no steamer is under construction, except one of such dimensions, tonnage and horse-power as will be wholly inadequate for the performance of the service in question.

And, will inquire of the government, why no steps have been taken to carry out the promises made by the late Minister of Marine and Fisheries in the matter herein referred to.

Hon. Mr. FERGUSON—Hon. gentlemen will observe from the notice which I have placed on the order paper, that it is my desire to call the attention of the House to certain matters in connection with winter communication with Prince Edward Island and the mainland. I do not intend to make any extended observations, but wish to lay a few facts before the House and then make an inquiry of the government which will be found in my notice. I need not say that the matter of communication with the mainland in winter is a question of life and death to Prince Edward Island. Hon. gentlemen are aware that for the three winters previous to the last one a great deal of inconvenience, a great deal of interruption and consequent loss and difficulty occurred. The past winter was a very mild one all over Canada, and consequently there was very little trouble, but we need not expect that the past winter will be the average winter. It is much more likely that such winters as preceded it will be the average winter, and therefore it is neither wise nor prudent to judge from the experience of the past season and throw aside all necessary precautions, or change propositions that were decided upon last year with regard to the future of this service. I wish first to call the attention of my hon. friend, the Minister of Trade and Commerce to a discussion which took place last year in this House when I brought this question up. On that occasion I made these observations.

I want to warn the government before they expend this money not to be satisfied with getting a boat that will be merely something like the other two boats we had. It will be throwing money away. These two boats, as far as they go, are doing very well but what is wanted is a more powerful boat than either of them. My hon. colleague from Montague, I am sorry to see, is not in the House at this moment, but if he were here he would be able to state the views of Captain Brown, the captain of the 'Stanley.' Those views are in the line of my observations and, if I understand my colleague right, Captain Brown is of opinion that a boat of 6,000 or 7,000 horse-power ought to be procured, and that a boat of that power would be almost certain to effect the desired object. That is his opinion after having had many years' experience of navigating the straits as captain of the 'Stanley.'

Then the Hon. Sir Richard Cartwright, Minister of Trade and Commerce said :

The hon. gentleman has himself called attention to a point that I was going to make ; that is to say, that there was a vote in the estimates for the purpose of obtaining a better service. He has also mentioned the fact that the conditions of last winter were extraordinary, as was very well seen from the extremely prolonged blockade on the mainland. It is hoped that it will not be repeated for a considerable term of years. I shall convey the hon. gentleman's views to the government. I may say that I am myself of his opinion that this is not a case in which a trifling sum of money should be allowed to interfere with procuring better communication.

That was all very well. The matter came up in the other branch of this parliament, on the vote of this $175,000, and we find that the Hon. Raymond Prefontaine, Minister of Marine and Fisheries, made these remarks :

Hon. RAYMOND PREFONTAINE (Minister of Marine and Fisheries). It is intended to provide a new steamer to assist the two steamers plying between Prince Edward Island and the mainland. The steamers at present in use are first class as far as they go, but for the last two winters they have not given satisfaction, and it is thought that with the construction of a modern ice-breaking steamer it will be possible to give satisfaction on this service. In this item is also included provision for the construction of a small ice-breaker to help the 'Montcalm' in winter and which in summer will be used as a sweeper on the St. Lawrence route.

The minister was interrogated a little further on, by Mr. Martin, one of the members for Queen's, P.E.I.:

Mr. A. MARTIN. Is this vote of $175,000 for one steamer or two ?

Mr PREFONTAINE This amount would not of course provide for the construction of two steamers. It is not expected that the steamer for the Prince Edward Island route will be ready before a year from next November, so that the extra amount required

for her can be voted next session. It is estimated that the steamer for Prince Edward Island will cost at least $250,000 to $300,000.

Then a little further on Mr. Martin asked the minister:

Mr. A. MARTIN. Can the minister give us some idea of when he expects to call for tenders for the new boat?

Mr. PREFONTAINE. Within the next two or three months.

Mr. A. MARTIN. Will the boat be on the route for the succeeding winter?

Mr. PREFONTAINE. Yes, so as to have the steamer ready for November, 1906?

Now this is what occurred in both Houses of parliament with regard to this question during the last session. The late minister, the Hon. Mr. Préfontaine, visited Prince Edward Island, and he made a speech on a public occasion in the city of Charlottetown, and I shall now read from the three papers published in Charlottetown, the Conservative paper, the Liberal paper, and an independent organ, which papers publish the summary of what he said there. Two of them deal with a speech delivered on a public occasion, and the 'Patriot', the Liberal paper, deals with an interview which he gave that paper. This occurred on the 11th October, 1905. The report reads as follows:

He detailed the steps taken in regard to the new winter steamer, the inquiries to obtain information and the bringing out of an expert from the greatest building firm in England.

I might remark that this is from the 'Guardian' newspaper. The report continues:

This expert having visited the Island would go west to Port Arthur and Mackinaw and afterward design the boat. He did not think the straits ice so hard as the fresh water ice, and believed a steamer could be built to go through it. The 'Montcalm' did good work in the St. Lawrence with 3,000 horse-power. He expected to make a contract shortly for a steamer of 5,000 horse-power strong in proportion for the Northumberland Straits, with a capacity of 150 tons of freight, with all modern facilities for loading and unloading, and to have the steamer ready by November, 1906. Pictou would be the port on the other side till a better is found. The minister's statements about the new steamer created a most favourable impression and were heartily cheered.

The 'Examiner', another daily paper published in Charlottetown, gave the following report:

He was convinced that with a proper ice breaker there is no difficulty that cannot be overcome. He had canvassed his colleagues with the plea that something must be done for Prince Edward Island. After a good deal of discussion they had consented, and given him a practically free hand. Through the good offices of Lord Strathcona, he had obtained the services of an experienced draughtsman, long in the employ of the greatest shipbuilding firm in the world and this gentleman will go over the whole field, will examine into the conditions, not only here but in Port Arthur and Fort William and the Mackinaw Strait, and so be in a position to plan a boat which will assure success. This boat will be about 5,000 horse-power, have a capacity for 150 tons of freight and 500 tons of coal, and be supplied with all modern facilities. A contract will be concluded in time to have the boat ready for service in the fall of 1906.

Hon. Mr. SCOTT—What was the date of that speech?

Hon. Mr. FERGUSON—Last October. After making these statements in parliament, the minister visited the island on October 11, and made a speech under the auspices of the Charlottetown Board of Trade, which was reported by the two island papers, one an independent paper, and the 'Examiner,' a Conservative paper, and it is from this speech I am now reading. Now I will come to an interview which he furnished to the 'Patriot' newspaper, the Liberal organ, which interview was published on the following day. It reads as follows:

Hon. Mr. Préfontaine who courteously accorded an interview to the 'Patriot' reporter stated that the object of his visit was to confer with the people of the island regarding the winter service. The expert, Mr. Charles Duguid, of London, who had been sent to the island by the department to study the conditions of winter communication had been recommended by Lord Strathcona, as a very capable man for the work. The department in constructing the new winter steamer will be guided almost entirely by the opinion of the expert. The report presentetd by a local commission composed of Messrs. Horace Hazard, Nelson Rattenbury, and Captains Finlayson and Brown will also be given careful consideration. The new steamer for which $175,000 was voted last year in order to start work would be completed, he expected, about the first of November, 1906.

These were the declarations made in parliament last year, and these were the further supplementary declarations made by the late Minister of Marine and Fisheries, the Hon. Raymond Préfontaine, in Charlottetown, on the 11th October last. The hon. Secretary of State will remember that I placed on the order paper the other day an inquiry as to the dimensions, cost and other particulars with regard to the steamer

that was said to be now under construction in England for the Department of Marine and Fisheries, and I received the following answer:

1. Dimensions, length between perpendiculars, 172 feet; breadth moulded, 32 feet; depth moulded, 18 feet; draft mean, 12 feet.
2. Tonnage, displacement in tons, 1,030 tons.
3. Horse-power, 2,250.
4. The date of the contracts, March 13, 1906.
5. The date fixed for completion, September, 1906.
6. (a) Cost, £44,260.
(b) Also, if an additional ice-breaking steamer is under contract? No.

It thus turns out that, at the present time, the small steamer that was in contemplation for the St. Lawrence is well under way, and that not one step has been taken, notwithstanding these solemn promises made in parliament last year, and by the late minister in Charlottetown during his visit to the island on the 11th October, towards the providing of a steamer for the winter service between Prince Edward Island and the mainland. That is the whole case that I have to present, and my inquiry is pertinent to these observations and to the facts I have set before the House. Why no steps have been taken to carry out the promises made by the late Minister of Marine and Fisheries in the matter referred to.

Hon. Mr. SCOTT—The only answer I can give is, that parliament did not make the appropriation. Parliament only voted last year the sum of $175,000 for the steamer for the lower St. Lawrence and Northumberland Straits. The late Mr. Préfontaine's suggestion does not seem to have been adopted by parliament, and, therefore, no order could have been given for the work unless there had been a vote in anticipation. The hon. Minister of Marine and Fisheries seems to think that the service will be efficiently performed this year, because there will be practically a third steamer on the route. There are two steamers on now, the 'Minto' and the 'Stanley.' The 'Minto' is a comparatively new vessel, and has shown her capacity on several occasions to cope with the difficulties that intervene in the waters lying between Prince Edward Island and the mainland, and my hon. friend will admit that at all events there has been a very great improvement as years have gone on. When I had to defend the government in the early seventies, after the Mackenzie government came in, the only vessel on that route was the 'Northern Light,' a wooden vessel. She was the only vessel plying in winter between the island and the mainland up to 1888, when the 'Stanley' was put on. Then, in 1900, the present government added to the service the 'Minto.' We have since had two vessels, and the minister informs me that it is the intention to use the ice-breaker that was purchased two or three years ago for the purpose of sweeping the St. Lawrence—that is the 'Montcalm.' She will be employed probably in the lower St. Lawrence up to the early part of the winter, when it is proposed, if her services are needed in addition to the 'Minto' and 'Stanley,' to utilize her also and keep open the crossing between the island and the mainland. Of course, in the past, the attempts to cope with the navigation in those waters has been experimental, as it will probably be in the future also. Up to the present time no one has been able to assume that a boat of any capacity could at times cope with the mountains of ice that pile up in the narrower portions between the island and mainland. All I can say is, it is to be hoped that we will be as fortunate this coming winter as we were last winter, when no serious impediment interfered with the communication between the island and the mainland, and that the addition of the 'Montcalm' may render such efficient service as will, at all events, make the communication as satisfactory as it was last winter, which my hon. friend admits was quite sufficient for the occasion. It was a mild winter, and I assume that the accumulation of ice was not as great as in former years. I shall call the attention of my colleague to the observations of my hon. friend, and remind him of the promises made in parliament by the late minister. No vote was taken on that occasion, and, of course, no order could be given for the boat in the absence of any provision for its payment. I do not know on what authority the statement was made by Mr. Préfontaine, unless he did so without recommending to the government the insertion in the estimates of a sum sufficient to meet the expenses of the second steamer. The $175,000 will not really pay for the present boat because the price given the other day, which I quoted—£44,000

sterling—would amount to more than the $175,000 voted, so it is quite clear that the only explanation is that there was no money voted by parliament for the service.

Hon. Mr. FERGUSON—Surely my hon. friend is not serious in saying that it is impossible to make a contract because there was not sufficient money voted by parliament to complete it? Why, here are the words as reported in Hansard :—

Ocean and river service to provide for the construction of an additional ice-breaker, and steamers for the lower St. Lawrence and Northumberland straits, $175,000.

Then the late minister explains that this, of course, would not provide for the construction of two steamers ; that it is not expected that they will be completed for this amount, and that a further sum will have to be voted at the next session. My hon. friend knows very well that it is a matter of almost daily occurrence to enter on a work and make a contract when there is not enough money appropriated to complete the contract. The custom is to make use of what you have, and then come to parliament for more. and that is what the minister said would be the course pursued. There was enough voted to warrant them in making a contract for the construction of two steamers, and then they could come to parliament for the necessary vote such as Mr. Préfontaine promised last year would be asked for. My hon. friend cannot be serious when he says that we ought to be satisfied if the service across the straits of Northumberland is as good or somewhat better than it was thirty-three years ago. The world is moving, and we should not be satisfied with the present service simply because there has been some slight improvement in it since the days of the 'Northern Light.' We cannot be expected to be denied improvement in this matter such as is going on in every other part of the Dominion and every other part of the world.

APPOINTMENT OF HONORARY COLONELS.

INQUIRY.

Hon. Mr. LANDRY inquired :

In view of the fact that certain lieutenant-colonels of the active militia who lately obtained their promotion to the rank of honorary colonels have been continued in their commands, and are to go on active service at the next training, which places them, although colonels, under the command of lieutenant-colonels officers commanding districts or officers commanding divisions, do the military authorities intend to do away with or to prevent such anomalies by appointing, as honorary-colonels or as temporary colonels, the officers commanding districts, divisions or camps, when such anomalies may be brought about.

Hon. Mr. SCOTT—The answer given by the department is as follows :

1. One lieutenant-colonel of the active militia has been granted the honorary rank of colonel upon retirement. (Authority G.O. 68, 1905).

2. Honorary rank does not carry with it command. So that in event of the officer in question being temporarily employed, he would rank for command according to the date of his lieutenant-colonel's commission.

3. No anomaly would be caused therefrom by the employment of this officer under a lieutenant-colonel senior to him, or under a district officer commanding ex-officio commands all within his district regardless of rank. (See K. and O. paragraph 95).

Hon. Mr. LANDRY—That is the opinion of the department I suppose ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—That is contrary to law !

THE ST. THOMAS BANK GAS BUOY.

INQUIRY.

Hon. Mr. LANDRY inquired :

On the 3rd of November, 1905, what were the characteristics of the St. Thomas Bank gas buoy ?

Hon. Mr. SCOTT—Black spherical iron buoy surmounted by a lantern.

Hon. Mr. LANDRY—Was the light occulting or fixed ?

Hon. Mr. SCOTT—Occulting.

Hon. Mr. LANDRY—Was it white or coloured ?

Hon. Mr. SCOTT—White.

Hon. Mr. LANDRY—If occulting, how many seconds was it visible, and how many seconds eclipsed ?

Hon. Mr. SCOTT—Visible eight seconds, eclipsed seven seconds.

Hon. Mr. LANDRY—Was the buoy illuminated with ordinary or with acetylene gas ?

Hon. Mr. SCOTT—Pintsch gas up to October 24, and then changed to acetylene.

Hon. Mr. LANDRY—What is the length in inches of the focal distance of its lens lantern, if the illuminating apparatus is dioptric ?

Hon. Mr. SCOTT—Lens eight inches diameter, focal distance four inches.

Hon. Mr. LANDRY—At what distance, in clear weather, is that light to be seen ?

Hon. Mr. SCOTT—Six miles.

Hon. Mr. LANDRY—During the whole navigation season of 1905 was ever that gas buoy out ? How many times ? At what dates ? And how many hours on each occasion ?

Hon. Mr. SCOTT—No. It was never out.

Hon. Mr. LANDRY—At what distance is that St. Thomas gas buoy from the Crane island light and from the Grosse Isle gas buoy ?

Hon. Mr. SCOTT—Two nautical miles from Crane island light, and three nautical miles from Grosse Isle.

FRENCH TRANSLATION OF DEBATES.

Hon. Mr. BEIQUE—Before the Orders of the Day are called, I desire to give to the hon. member from Stadacona the reason why the debates in French have not been distributed, except some 48 pages. I find that there has been translated and sent down to the Printing Bureau—the last part of it on the 19th of April—the translation of 196 pages of the English debates, and the delay is no doubt in the Printing Bureau. The first proof has been sent back only for the 48 pages which have been distributed.

THIRD READINGS.

Bill (53) An Act respecting the Crawford Bay and St. Mary's Railway Company.—(Hon. Mr. Bostock.)

Bill (71) An Act to incorporate the Calgary and Fernie Railway Company.—(Hon. Mr. Bostock.)

SECOND READINGS.

Bill (29) An Act respecting the Vancouver and Lulu Island Railway Company.—(Hon. Mr. Riley.)

Bill (33) An Act respecting the British Columbia Southern Railway Company.—(Hon. Mr. Bostock.)

Bill (34) An Act respecting the Columbia and Kootenay Railway and Navigation Company.—(Hon. Mr. Bostock.)

Bill (45) An Act respecting a patent of the Anderson Puffed Rice Company.—(Hon. Mr. Cox.)

Bill (92) An Act respecting the Essex Terminal Railway Company.—(Hon. Mr. Casgrain, Windsor.)

HARBOUR COMMISSIONERS OF MONTREAL BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (55) An Act respecting the powers of the Harbour Commissioners of Montreal.

He said : Last session an Act was passed authorizing the Harbour Commissioners of Montreal to take from the revenue of the harbour a sum of six thousand dollars, to erect a monument to the late Hon. John Young, within the harbour of Montreal. The late Mr. Young was a merchant of the city and the city people think that there are more appropriate places for the monument than immediately in the harbour, and this is simply to authorize the erection of the monument within the city of Montreal, not confining it only to the harbour. That is the only change.

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

HENRY EDMUNDS PATENT BILL.

SECOND READING.

Hon. Mr. YOUNG moved the second reading of Bill (69) An Act respecting certain patents of Henry Edmunds.

Hon. Mr. LOUGHEED—May I ask my hon. friend if the patentee has worked under his patent—has put his patent into operation—or what are the circumstances attending its operation ?

Hon. Mr. YOUNG—By this Bill it would appear that he had not. I am not aware whether he has or not, but I intend to refer the Bill to the Miscellaneous Private Bills Committee where an investigation into the merits of the case will be made.

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

CHESTER BURNELL DURYEA PATENT BILL.

SECOND READING

Hon. Mr. POIRIER moved the second reading of Bill (79) An Act respecting certain patents of Chester Burnell Duryea.

Hon. Mr. McMULLEN—I observe that there are no less than three Bills on the order paper to-day regarding patents.

Hon. Mr. SCOTT—Four.

Hon. Mr. McMULLEN—We have come to deal largely with patents by legislation of this kind, and I find that a great many people are disposed to destroy a patent when they expire. As it is becoming a very common and increasing practice I think we should have an explanation of the reason why these Bills are introduced. Of course explanations are usually given to the committee, but there are only a very few members of this House on that committee, and we affirm the principle of a Bill when we adopt the second reading, so that I think we should, after this, have some extended explanation of why it is found necessary to extend or void patents by Bills of this kind. I should like to know what the explanation is.

Hon. Mr. POIRIER—Not expecting the question to be put to me, I am not prepared to offer an explanation of this patent that would do justice to the Bill. For that reason I will ask the honourable House to proceed in the usual manner and have the Bill sent to the committee, and then the parties interested will furnish the proper explanation, I agree with my hon. friend that they should do so. The Bill will be dealt with in the committee on its merits and will either be returned to the House for the third reading or rejected.

Hon. Mr. POWER—The Bill itself shows what is intended. Apparently he has failed to construct or manufacture in Canada within the time provided by law the invention for which he obtained the patent, and this Bill provides in the first clause that the time shall be extended for one year from the passing of this Act. The second clause protects the right of any person other than the patentee who may have manufactured or sold the article. His rights are not to be interfered with.

Hon. Mr. McMULLEN—They should give some reason for presenting the Bill to us. They cannot expect to pass these measures without doing so. I wanted a full explanation of why the Bill was worded in that form. What are the facts connected with it ?

Hon. Mr. POWER—Explanations with respect to private Bills are always given in the standing committees to which the Bills are referred.

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

HENRY WURTS PATENT BILL.

SECOND READING

Hon. Mr. POIRIER moved the second reading of Bill (106) An Act respecting applications for patents of Henry Wurts, Junior.

He said : I have looked into this Bill, and I may explain that it is a matter of enabling a lunatic who, previously of course to his lunacy, applied for a patent and I believe obtained it. This Bill is to protect his interests and enable his guardians to take care of that patent and make it profitable if possible, in the interest of the confined sick person this Bill is applied for. I am pretty sure there will be no objection to this Bill.

Hon. Mr. FERGUSON—Did he make his application since he became a lunatic ?

Hon. Mr. POIRIER—No, I think it was done before he was a lunatic—although we have instances of lunatics having made some very valuable inventions, as my hon. friend is certainly aware. I believe there are some at Prince Edward Island who have performed such feats.

Hon. Mr. SCOTT—The application is made in this case by the guardian, because there is no provision in the Patent Act for allowing the guardian of a lunatic to take out a patent.

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

LABOUR STATISTICS ACT AMENDMENT BILL.

SECOND READING

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (109) An

Act to repeal the Act to provide for the collection and publishing of Labour Statistics.

He said : The circumstances under which the Bill was introduced are these : A good many years ago, prior to the existence of the present bureau of labour, this Bill was passed directing the Department of Agriculture to obtain certain information with respect to labour statistics. Since that time other legislation has taken place, and the Department of Labour is now charged with this same duty and with more extended powers. The gentlemen who are engaged in the revision of the statutes have recommended that to prevent confusion this former Act of 1890 be repealed, and this is simply a short Act to repeal it. Practically it leaves the matter now under the control of the department to which it more properly belongs ; that is, the Department of Labour.

Hon. Mr. LOUGHEED—Can my hon. friend say whether the statistical branch was ever organized within the Department of Agriculture ?

Hon. Sir RICHARD CARTWRIGHT—I do not think any work was done with respect to that. I believe this Act was originally passed in 1890, but no action was taken. Since the creation of the Department of Labour some action was taken, and they appear to have fuller powers then were granted to the Department of Agriculture. My hon. friend will see that it is advisable there should not be two authorities dealing with the matter, that the Department of Labour should not be doing the same work that the Department of Agriculture is expected to do. The special recommendation, however, in the case came from the commissioners who have been engaged in revising the statutes, and they desire to have this Act repealed in order that the statutes, which will be completed at the termination of the present session, shall be made as perfect as possible.

Hon. Mr. FERGUSON—I was in hopes, when I saw this notice on the order paper that it meant something different from what I see now it does. I was in hopes that it indicated an intention on the part of the government to repeal the most recent legislation—to repeal the Act creating the labour bureau, which I regard as a waste of public money. I am told that the 'Labour Gazette' is costing the country $20,000 a year and I am certain that it is not of any value to labour or to any other interest. I never saw such stuff put together with any claim that it is of interest to any portion of the public.

Hon. Sir RICHARD CARTWRIGHT—I am afraid that is out of our purview. At any rate my hon. friend will see that it is not desirable to have two parties wasting the public money, if there be a waste. One would be enough.

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

CALGARY AND EDMONTON RAILWAY COMPANY'S BILL.

SECOND READING

Hon. Mr. LOUGHEED moved the second reading of Bill (77) An Act respecting the Calgary and Edmonton Railway Company.

Hon. Mr. WILSON—As this corporation has been for a number of years in existence, and as the object for which it has been incorporated has not been carried out, and as we are not aware of the terms on which the Act of incorporation was had, or the legislation granted in 1890, 1891, 1898, 1903, and 1905, and as the company is asking that this legislation apply to the extension, I think it would be just as well if the hon. gentleman would explain to us the nature of the extension and whether it affects any land grants or subsidies granted to the corporation under former legislation ?

Hon. Mr. LOUGHEED—I shall be very happy indeed to give the House the information my hon. friend asks for. If he had acquainted himself with the facts he would not have made the statement that this road has not carried out its obligations—that is the obligations thrown on it by the charter. This road has been constructed. It has now somewhere in the vicinity of 500 miles of line in operation, and the Bill asks, practically, for a new extension. A couple of sessions ago, power was given to the Calgary and Edmonton Railway Company to build certain branches. One of them is known as the Lacombe branch. That has been built, and it is desired to extend that branch as provided by clause 1, of the Bill. This Bill simply asks for power to extend

the branch further than was at first contemplated.

Hon. Mr. WILSON—The hon. gentleman provides in the last clause that all the provisions of the Company's Act of incorporation shall apply to this extension. The hon. gentleman did not tell us how far the extension is to go, and to what extent the existing Act is to apply! He did not say whether under the existing Act there would be any subsidy or whether there is any appropriation, and, if such is the case, would the company have the right to have that appropriation or land grant granted to this branch?

Hon. Mr. LOUGHEED—My hon. friend may obtain a certain amount of comfort from the statement that in these railway charters provision is not made as to land grants. The land grants, or the cash subsidies, which from time to time may be given to railways, are provided for in a general subsidy Bill, which is invariably brought down as a government measure, and by the government, near the close of the session. My hon. friend need not, hereafter, look in these private charters for any provision as to land grants or cash subsidies.

Hon. Mr. WILSON—What is the effect of the last clause then?

Hon. Mr. LOUGHEED—My hon. friend will see that it is desirable to extend the provisions of the general incorporating Act of this company to the branch line, so that there may be uniformity throughout.

The motion was agreed to.

VAUGHAN DIVORCE BILL.

REPORT OF COMMITTEE CONSIDERED.

The Order of the Day being called:

Consideration of the first report of the Standing Committee on divorce, to whom was referred the Vaughan petition with the evidence.

Hon. Mr. LOUGHEED, in the absence of Hon. Mr. Kirchhoffer, moved that the report be adopted.

After debate, at six o'clock, Hon. Mr. Landry moved that the debate be adjourned till Tuesday next.

The motion was agreed to.

The Senate then adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Friday, May 4, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

IN COMMITTEE OF THE WHOLE.

Pursuant to the Order of the Day the House went into Committee of the Whole on Bill (S3) An Act to amend the Act respecting the Judges of Provincial Courts.

Hon. Mr. SCOTT—Last session we passed an Act limiting the travelling expenses of the judges of the several courts, and in regard to the judges affected by the first clause of this Bill, there was this proviso:

Provided that the total amount of such travelling allowances shall not in the case of any district or county court judge exceed $200 in any one year.

It is found that that is wholly inadequate for the judges in certain districts in Manitoba and British Columbia and also in the districts courts of the province of Ontario; and that proviso is struck out. The Bill is the result of a conference between the judges and the Minister of Justice some time ago, and he felt that the proviso added to the clause to which I have referred deprived them of money actually paid out of pocket.

Hon. Mr. FERGUSON—I think my hon. friend gave notice at the second reading of the Bill that he would substitute some other clause for some of the provisions which are in this Bill.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—I was under that impression.

Hon. Mr. SCOTT—The Bill is drawn by the Department of Justice to meet the conditions brought to their attention by judges who, both personally and by letter, have communicated with them.

Hon. Mr. LOUGHEED—What are we to understand by moving and transportation expenses? Is this $6 simply for meals, or does it include the cost of sleeping-car transportation and so on?

Hon. Mr. SCOTT—I presume sleeping-car fares would be in transportation expenses ; the other is in addition.

Hon. Mr. LOUGHEED—My hon. friend will at once observe the disparity between the line which he took a few moments ago as to amending the Indemnity Act and the provisions of this Bill. This would be equivalent to allowing a judge at least $10 a day, if the sleeping-car charges are to be additional to the amount provided for.

Hon. Mr. SCOTT—My suggestion left it optional. As to the per diem allowance for living expenses, the amendment which I suggested to the Bill affecting the House of Commons and the Senate was that the $8 a day should be optional. They could either take that or send in a Bill of expenses.

Hon. Mr. LOUGHEED—My recollection of the Bill as introduced by the Minister of Justice is that it does not contain the optional provision. I think my hon. friend has ascertained that that has been eliminated.

Hon. Mr. SCOTT—I suggested a number of amendments to that Bill, but they have not been printed yet, and they have not been discussed in the House of Commons, so that perhaps it is premature our discussing the matter here. I may say in a general way that I thought provision ought to be made for members or senators who are sick at Ottawa, that they should not be charged the $15 a day for loss of time. In fact I went further, in regard to members who are at home and who have the intention to be at the seat of government, if they should be ill I think they ought not to be docked the $15 a day. That is my own idea, and that is the suggestion which I made.

Hon. Mr. LOUGHEED—May I point out by way of comparison the provisions of the two sections. The section of the Indemnity Act of last session dealing with the allowances to members reads as follows :

> For each session of parliament hereafter held, there shall also be allowed to each member of the Senate and of the House of Commons his actual moving or transportation expenses between his place of residence and Ottawa, going and coming, once each way.

Now, in this Bill you allow to judges six dollars a day in addition to that ; so that the contrast at once becomes so apparent and so great as to call for comment and to justify members of parliament asking that they should be placed on as good a footing as the judges of provincial courts.

Hon. Mr. SCOTT—It is a pretty serious puzzle to get this thing arranged on a basis to suit all localities. In some cases a judge is carried along thirty miles an hour at a three cent per mile rate, and in other cases he has to have a buck-board to travel across the country.

Hon. Mr. LOUGHEED—I am not taking exception to the allowances to the judges. I think that is reasonable enough, but I am pointing out the unreasonableness of the Act of last session.

Hon. Mr. SCOTT—The other provisions are somewhat similar until you come down to (c). That has reference to the district courts in Ontario—the districts of Algoma, Nipissing and Rainy River, where the difficulties of travelling are very great.

Hon. Mr. LOUGHEED—I desire to point out an anomaly in this Bill in section (a). The latter part of the section reads as fol lows :

> The sum of six dollars for each day including necessary days of travel going and returning, during which he is attending as such judge in court or chambers at any place other than that at which he is by law obliged to reside.

My attention has been directed to the case of many judges who reside at points other than the points where by law they are compelled to reside. What will be the effect of this Bill in such case ?

Hon. Mr. SCOTT—I am not prepared to give an explanation.

Hon. Mr. LOUGHEED—Comment has been made by Quebec members as to judges residing out of the district.

Hon. Mr. SCOTT—The clause provides that where his residence is not fixed by law the allowance shall not be made for the attendance at the county court or at his place of residence.

The clause was adopted.

Hon. Mr. MACKEEN from the committee reported the Bill without amendment.

HARBOUR COMMISSIONERS OF MONTREAL BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (55) An Act respecting the powers of the Harbour Commissioners of Montreal.

(In the Committee).

Hon. Mr. SCOTT—There is just one clause in the Bill. As I explained before, this Bill gives authority to the Harbour Commissioners to place the monument they propose to erect in memory of the late Hon. John Young anywhere in the city of Montreal, while the former Bill restricted it to the Harbour.

Hon. Mr. BERNIER—Is it with the consent of the corporation of the city of Montreal ?

Hon. Mr. SCOTT—Yes, it is at their instance.

Hon. Mr. McDONALD (C.B.) from the committee reported the Bill without amendment.

The Senate adjourned until Tuesday next at three o'clock.

SENATE.

OTTAWA, Tuesday, May 8, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK

MOTION.

Hon. Mr. MACDONALD (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 Senate a statement relating to the Mutual Life Insurance Company of New York showing :

1. The amount of life insurances in force in the Dominion on 31st December, 1905.
2. The amount of security deposited with the Dominion government.
3. The nature of the security.
4. If in gold, how much ?
5. If in bonds, how much ?
6. Who are the issuers of the bonds ?
7. Are the bonds given in security taken at par or face value, or at the supposed market value.
8. How is the market value ascertained.
9. What means are taken to know if the makers or issuers of bonds taken as security are solvent from year to year.
10. In the event of the value of bonds falling below that at which they are taken as security, how would the deficiency in the security necessary to be held be made up.
11. Has the security deposited by the Mutual Life Insurance Company of New York fallen in value at any time below that necesary to be deposited according to law.

He said : This is a very important motion, and one which touches a great many people in the Dominion of Canada. I desire first of all to commend the government on the action that they have taken in appointing a commission to investigate the standing of the insurance companies. We have seen the necessity of it from day to day in the reports of the investigations that are being carried on. That investigation has already borne fruit, not of a very savory character, but I hope it will prove salutary hereafter. There are many insurance companies in Canada, as there were in England some years ago, that ought to be weeded out, companies with small capital. In that country they were called fraudulent companies and were abolished by acts of parliament. Whether measures of that kind are necessary in Canada or not I do not know. It has been found necessary also in the United States to inquire into the insurance companies of New York, and some of the largest and most wealthy of the companies in that country have been found guilty of the greatest extravagance, the grossest immorality, and perhaps of the greatest dishonesty. It is time that something should be done, and I hope something will be done when this commission reports, to enact the strictest legislation to make those companies conform in every way to the law. The supervisor of insurance ought to be a thoroughly competent man, and, perhaps, an actuary who will fearlessly do his duty and carry out the law of the country. In my motion I refer more particularly to the Mutual Life Insurance Company of New York, which was supposed to be the wealthiest and best conducted insurance company in any part of the world ; but lately we have seen that this high reputation cannot be maintained. The

question of security is a very important one. Suppose the people of this country have policies in force amounting to $30,000,000, what security should be held by the government to meet that large amount? Actuaries, I suppose, would find out what those figures should be. I do not know what they ought to be, but in the Dominion of Canada this one company has now about $30,000,000 at risk, and the deposits with the Dominion government are only about $7,000,000. If that is sufficient I do not know, but if it is not it ought to be increased. If the security is in gold it is perfectly safe, but if in bonds who is to say what the bonds are worth? Are the bonds valued at par, or at what is supposed to be their market value? Companies depositing them say that while their face value is $1,000,000 their market value is $3,000,000. Now it requires a supervisor of marked ability to determine the value of these bonds, and by whom they are issued. I repeat if there is any weakness in the Insurance Act, the government should rectify it, and protect the public from dishonesty and wrong-doing. It is exceedingly important to know whether the bonds are those of solvent companies. There is one class of bonds deposited by the company referred to in my motion, the par value of which is about $900,000 while their present market value is about $3,000,000. At which of these valuations has the security been accepted by the government? I believe at the highest market value, and it is absolutely necessary that there should be no doubt that they are worth the amount at which they are valued. On the other hand, while they may be worth their present high value today they may not be worth as much tomorrow, and I beseech the government, not only in dealing with this company but in dealing with every foreign and domestic company, to adopt the strictest legislation necessary for the perfect security of the policy-holders of this country.

Hon. Sir RICHARD CARTWRIGHT—The government can have no objection to giving the information asked for in this return. As to the general question. I suggest to my hon. friend that we would perhaps do well to wait until we are put in possession of the evidence now being taken by the commission before we enter into a detailed discussion of the very interesting and important questions which he has raised. I may state, however, with respect to foreign companies, that the general principle followed is this: that foreign companies must deposit in the hands of the government, or in the hands of trustees, a sufficient amount of money to enable them fully to re-insure all the policies taken out in Canada, so that the Canadian policy-holder, if this is carried out, will be very fully secured. That is the general policy of the Act, and the general policy of the government. As to the special points he has raised, the information will be brought down; but I may say, as a rule I think, in the case of the foreign companies they have all, or most of them, larger sums deposited in the hands of the government than the superintendent of insurance believes necessary to re-insure the policies. In certain cases such as my hon. friend has alluded to, the par value is probably less than the value at which it is taken, but I think in almost all cases he will find that the value at which the securities are received by the government is considerably below the actual market value, that is in such cases as I fancy he has in view.

Hon. Sir MACKENZIE BOWELL—Ten per cent below par value.

Hon. Sir RICHARD CARTWRIGHT—Below market value, but above par value. In certain cases that will be found to be the case. However, the whole of the information will be brought down at the earliest possible moment, and when we have that and the report of the commission in our hands the matter can be discussed, if the House so desires it, at greater length. Meantime I may say that the government are fully alive to the great importance of seeing that the policy-holders in Canada are amply secured, not merely as regards the foreign companies but as regards the Canadian companies also, and that no exertion on their part will be spared to bring about that most desirable end.

Hon. Mr. McMULLEN—If my hon. friend had followed the evidence which was given before the commission in Ottawa by the inspector of insurance he would have seen that, as far as that officer is concerned, no discredit has been cast upon any of the stock companies in the Dominion of Canada. He

rather reflected upon the mutual companies, and said that he would advise that they should not be encouraged, but that the stock companies, so far as he knew, and so far as his experience had gone, were all in fairly good shape. Now, my hon. friend must understand that the agents of the different stock companies in this Dominion are out competing for business at this present moment. Is it right that they should be subjected to the inconvenience which undoubtedly they will experience in soliciting insurance? The general reply will be, 'Well we want to wait to see what the investigation will amount to, and see whether it is going to be safe to make an application to your company.' I think we should be extremely careful in casting aspersions upon any of the stock companies, companies which have been in existence for many years, and have honourably met all their obligations. There is not a stock company in Canada to-day which has not met every policy that has matured in the last fifty years honourably and promptly. Since that is the record of the stock companies in Canada, I think we ought to be more considerate and more careful in saying anything that would injure their standing until at least there is some evidence that they are not what they claim to be. I have no desire to restrict in any way the investigation which is going on. I believe it will do good, because it will teach the people of Canada to give their life risks to the home companies which have a stake in the country and have a deposit with the government and which have conducted their business in a creditable way. I believe people will begin to realize that it would be better to put their money into home institutions. So far, they have had a creditable record. They have paid all their obligations and no one has anything to complain of. When the report is brought down I trust that it will show that these companies are well and prudently managed. It has been remarked that the expenses have been somewhat high. Any man who has any idea of what insurance is must admit that the expenses will of necessity be large. A great deal of work has to be done in securing applications for insurance. If the expense is large it is partly the people's fault, because agents have to run back to a man half a dozen times, and sometimes get assistance before they can close an application for a policy. All these things count for money; time is money, and the result is that the cost of business is sometimes large; but take it all in all, I think the companies are fairly well handled, and I do hope that they will get credit at least for honestly dealing by the people of this country, especially our home companies, until such time as it is proven that they have been guilty of some wrong-doing.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Wellington will remember that I did not mention stock companies or any other company. My remarks refer to all insurance companies. If the institutions he mentions are so much above suspicion they cannot be hurt by an inquiry. They ought to be proud to come out of it with a clean showing. I will go further than that and say that all the loan investment companies in Canada as well as all the insurance companies should be inspected, and made to give an account of what they are doing.

Hon. Mr. WILSON—I think the hon. gentleman from Wellington did not interpret the motion made by my hon. friend on this side in the right spirit. He simply asked to have the returns in reference to the New York Mutual—not the stock companies. True we have every confidence in the stock companies. We have just as much appreciation of their work as the hon. member from Wellington, but we have reason to believe that some of the mutual companies are not what they ought to be, and the government of the day should see that the proper securities are in their possession so as to guarantee the safety of those who have been insured if the companies should fail. Is that wrong? He talks about injuring insurance companies. Are we not to consider the poor people who have invested their money, placed their savings for a rainy day in the hands of these institutions? Is our whole anxiety to be that we should say nothing and do nothing whereby we might in any way weaken some of these institutions? While I have every faith in our insurance companies, yet I have not that faith in the policy of some of these mutual companies that we

should have. Let us guard the interests of those who are not capable of guarding themselves. That is the purpose for which we are here; we are not here to bolster up any company or class of companies, and therefore I say the hon. member from Victoria is deserving of all credit for bringing this matter before the House.

Hon. Mr. McMULLEN—I wish to add a word of explanation. My hon. friend charges me with not having spoken to the resolution. My remarks were not on the resolution especially, but more in connection with what the hon. gentleman said in moving it.

The motion was agreed to.

EXTRA JUDICIAL EMPLOYMENT OF JUDGES.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called:

By the Honourable Mr. Ferguson:—
That he will introduce a bill respecting the Extra Judicial Employment of Judges.

Hon. Mr. FERGUSON—I ask that this order stand until to-morrow.

Hon. Mr. LANDRY—Are we to understand by this notice of motion that a notice of motion must be given now to introduce a Bill?

Hon. Mr. FERGUSON—No, it is not necessary to give a notice. I did it for a purpose. I wished the House not to be taken by surprise. It is quite optional to do it if you like.

The Order of the Day was discharged and postponed until to-morrow.

THE ROSS RIFLE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired:

When did Sir Charles Ross file his declaration of partnership, the declaration in which he constitutes himself sole proprietor in the Ross Rifle Company?
To whom was this declaration delivered?
Has it been published by its insertion in full in the 'Canada Gazette' or in the official gazette of any province of Canada, or by any mention of its contents in the 'Canada Gazette' or in the official gazette of any province of Canada, or in any other document?
When did such publication take place, and where can it be found?

Hon. Mr. WILSON.

Hon. Sir RICHARD CARTWRIGHT—I am afraid the answer which has been sent to me by the Militia Department will hardly satisfy my hon. friend. The answer of the Militia Department is that the government have no information on the subject of this question.

Hon. Mr. LANDRY—That is quite right.

EMPLOYEES OF THE SENATE.

MOTION.

Hon. Sir MACKENZIE BOWELL moved:

That an order do issue instructing the clerk of the Senate to lay upon the table of the Senate a return showing:—
1. The number of permanent clerks upon the pay roll of the Senate in 1896, and in 1906.
2. The number of sessional clerks upon the pay roll in 1896, and in 1906.
3. The number of permanent messengers in 1896, and in 1906.
4. The number of sessional messengers employed in 1896, and in 1906.
5. The number of charwomen employed in 1896, and in 1906.
6. The total expenditure of the Senate under the head of 'Contingencies,' for the session of 1895-6 and for the session of 1904-5, not including the amount paid for the leather trunks.

I have added the last clause because it may be possible that at one or other of these periods the expenditure for trunks might be included and not in the other, and consequently it would not be a fair comparison. I do not propose to discuss the question further than to move the motion for the reason that I understand the Secretary of State desires to be present when the report of the Contingent Committee is considered, and if we have this return laid on the table before the discussion of that report we will be better able to deal with it, because then we shall have the different expenditures for the years mentioned in my motion before the House. I may say, however, that I notice in the supplementary estimates which have been laid on the table of the House of Commons that we are asking for $9,000 additional for last year's services, including stationery, debates, messengers, charwomen and miscellaneous expenses. It would be well if we could have details of this before us when we consider the report.

Hon. Mr. LANDRY—I should like to draw the attention of the Senate to the following entry in the minutes of the 2nd of May:

A message was brought from the House of Commons by their clerk, in the following words :—

House of Commons,
Monday, April 30, 1906.

Resolved, That a message be sent to the Senate requesting their honours to furnish to the Commons a return showing the number of permanent employees at present in the service of the Senate, the names and duties of each, and the salary and length of service in each case ; the number of sessional employees at present in the service of the Senate, the daily pay of each, and the names and duties of each ; the number of employees of both classes who were employed in the session of 1896.

Ordered, That the clerk of the House do carry the said message to the Senate.

Attest.

THOS. B. FLINT.
Clerk of Commons.

On motion of the Right Honourable Sir Richard Cartwright, seconded by the Honourable Mr. Coffey, it was

Ordered, That the said message be taken into consideration by the Senate on Friday next.

I do not know if the motion made by the hon. member from Belleville refers to that message. If it has nothing to do with it, I do not know whether we have taken up that question yet.

Hon. Sir RICHARD CARTWRIGHT—It was passed on Friday.

Hon. Mr. LANDRY—If so, I have nothing further to say on that point, but if I understand the English language, I think the House of Commons has used a very singular form of expression in requesting the Senate to deliver certain papers. They should treat us a little more courteously in asking us to hand over certain of our documents.

Hon. Sir MACKENZIE BOWELL—The suggestion of the hon. gentleman has been carried out as far as the House of Commons is concerned, but my motion has nothing whatever to do with that. It is asking for information which will not be included in the return prepared at the request of the House of Commons.

Hon. Mr. MILLER—I intended to speak on the motion for the consideration of the last report of the Committee on Internal Economy and Contingent Accounts, but I may as well say what I have to say now. I have been a member of that committee for a great many years, in fact almost since the beginning of the Senate and for many years sat on that committee with the present leader of the House, the Secretary of State, as representing the opposition, which he did for so long a period in this House, and I should like to appeal to him, and I am sorry he is not in his place to-day that I may do so, if on every occassion while I was a member of that committee, there was any one on it more willing and strenuous than I was in seeking as much as possible to eliminate politics from the distribution of patronage in the Senate and to do justice to every one without regard to party ? If he were here I am sure he would say that I had many a time protected Liberals who would have been turned out of office if it had not been for my opposition, but I am sorry to say that the same courtesy does not prevail to-day that existed in former times. We do not get that kind of courtesy under the present chairman. At all times the committee used to be called together, and, if appointments were to be made, each name was submitted to the committee and acted upon after information was supplied. That is not the case to-day. Now the chairman and one or two others—I do not know who—prepare their list of officers. For instance they have appointed two or three messengers to the Senate. I do not know who they are, I have never been consulted about them, and I do not believe that any member of the Conservative party has been consulted about them. The chairman, I am sorry to say, seems to me now to be running the committee as a political machine, appointing just whom he likes for political purposes. That was not the case formerly. I find now that the chairman, without calling a meeting of the committee, puts men on, giving none of us an opportunity of expressing an opinion, and he comes in at the middle of the session with a report generally approving of everything he does, and gets it carried through by a party majority. The only way in which the Conservative minority in this House can meet that is by refusing in a body to serve under such a chairman. It is an unpleasant thing to do, but it is the only protection we have if we are to be treated as my hon. friend has been treating us ever since he has been called to the chair. I want to direct attention, in connection with the motion of my hon. friend from Belleville to one recommendation as a specimen of the way things are done. In the last report of the committee, at page 272 of the minutes, clause 4, is as follows :

Your committee recommend that Mr. J. O. Bérube be appointed temporarily house carpenter, and that he be paid at the rate of salary paid to his predecessor, namely $700 a year, to date from the 2nd of April last.

Now his predecessor has been on the pay-list for the last year or so, disabled, and this man has been on as a temporary appointee drawing salary. I am told that he is a man who has large claims on the party ; that he is a heeler in Ottawa, and they are bound to put him on us here, and that is the reason this attempt is now being made to put him on our contingencies. I am told that both the clerk and the house-keeper say there is no need of such an officer as this extra carpenter and certainly if the house-keeper says there is no need of him here, he should not be put on. Owing to severe illness I was unable to attend the last meeting of the committee, and I would ask my hon. friend to allow that report to go back to the committee again in order that the matter might be fully reconsidered. When the order is reached I hope that he will consent to do so. The man who is doing the work of the carpenter now is Wetmore, who has special qualifications for his work. He knows everything about the doors, windows, locks and drawers about the House. He is an invaluable man, and I am told we can get along very well with him. We do not want any seven hundred dollar man put on our contingencies, and if it is done it is simply as a reward to a political heeler here in Ottawa.

Hon. Mr. WATSON—I do not know that this is the proper time to discuss the report which is on the order paper for to-day, but as there is a sort of general attack on the chairman of the Internal Economy Committee, perhaps I should say something at the present time. It is a personal matter, and so far as the hon. gentleman's reference to party is concerned, I do not suppose we shall ever be able to satisfy that hon. gentleman's party. The Conservative members of that committee, were almost all present at the last meeting, but the hon. gentleman not being there himself, his party was not represented, and consequently we cannot expect to satisfy him. The conduct of the Internal Economy Committee has been such as to deserve the confidence of the whole House with probably one exception, and that is they have not increased the pay of the sessional messengers as much as some would like to see done, but so far as the staff is concerned I think it is a good one at the present time. I cannot understand why the hon. gentleman from Richmond finds fault with the appointment of Berubé, because if the son is of the same political complexion as the father, who suited the hon. gentleman for years when he was his body servant although a paid employee of this House, I cannot see why the hon. member finds fault with him now. At the last meeting of the Internal Economy Committee last session it was decided that Gravelle who is certainly too old to attend to his duties, should be superannuated. I was instructed at that time to select a carpenter in place of Gravelle. Two or three names were submitted, among them Berubé, and I was authorized to employ Berubé at that time if I found him to be suitable. I made inquiries and notified the clerk immediately after the meeting, but as the clerk informed me that no provision had been made for the pay of Berubé he was not taken on until two or three weeks ago. He was taken on not simply to do carpenter work, but to be at the disposal of the clerk to do any kind of work—as a sort of handy man around the Senate. We have everything now so arranged in the Senate that there is not the same occasion to keep a cabinet maker here. We have a better class of furniture and we have made other changes, and now the work is really confined to taking up and putting down carpets and putting on and removing storm windows. I claim to be a good judge of carpenter work, and having seen some of Berubé's work I know that it is satisfactory. The housekeeper says he is a first-class man around the building and that no fault has been found with his work. The chairman was instructed by the committee to make the appointment, and I resent the charge that the chairman has attempted at any time to run the committee as a political machine. All appointments have been submitted, and fairly submitted, to the committee. As chairman of the committee, I had certain work to do. I do not think the appointment of the charwomen should be brought to the attention of the committee. A great deal of the selection of the

charwomen should be left to the housekeeper. If he is to be held responsible for them, he must be in a position to select and discharge them, and unless we hold him responsible and give him some discretion we cannot have good service. The housekeeper must have practical control of the charwomen. It is too small a matter to be considered in this House. I do not think that on the occasion of any appointment, since I have been a member of that committee, has there ever been a division in the committee, least of all a political division. It has never been suggested that I am aware of. So far as I am personally concerned, the object has been to secure the most efficient people who offer themselves for the service. We have taken on two new messengers this session. They are efficient men and among the best employees we have in the building. We have a good staff of pages. In selecting them I was instructed at the last meeting of the committee, last session, as the clerk had reported that three of the pages were getting too old and would have to leave the service, to select three of the best boys we could get, and to select the sons of widows and the most needy widows at that. The boys are a credit to the Senate and are all deserving cases. I personally resent the insinuations of the hon. gentleman from Richmond that the chairman of the committee has made any attempt to run the committee, and if the hon. gentleman is dissatified and carries out his threat that his party will resign, we will lose one member of the committee. I am satisfied that the leader of the opposition, and those who support him in this House will remain members of the committee, and assist us in carrying on the work as they have done in the past.

Hon. Sir MACKENZIE BOWELL—I purposely avoided discussing the merits of the motion for the reason that I desire to have the information asked for in my motion before we discuss the report of the committee. There are, to my mind, a good many objectionable points in that report which I will point out, from my standpoint, when the question comes up for consideration.

The motion was agreed to.

THE PACIFIC CABLE BOARD.

MOTION.

Hon. Mr. ELLIS moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate a return of any recent correspondence with the Imperial Office, re Pacific Cable Board, and individuals, on the establishment of an improved intelligence service and a system of empire cables.

The motion was agreed to.

LIFE INSURANCE BRANCH OF FINANCE DEPARTMENT.

MOTION.

Hon. Mr. LOUGHEED moved:

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

1. What amount has been paid out annually during the last five years for salaries and expenses of the staff chargeable with the **inspection duties of the life insurance branch of** the Finance Department.

2. Did such staff perform any duties other than these pertaining to inspection.

3. Names of the officers of such staff.

4. Salaries paid each officer.

5. Amounts collected annually from all life **insurance companies doing business in Canada during the last five years for inspection charges or maintenance charges of such branch, or for such other charges incident thereto.**

6. On what basis have such charges been made and collected.

7. The names of all companies and amounts paid each year by such companies.

The motion was agreed to.

THIRD READINGS.

Bill (S3) an Act to amend the Act respecting the judges of provincial courts.—(Hon. Mr. Scott.)

Bill (55) an Act respecting the powers of the Harbour Commissioners of Montreal.—(Hon. Mr. Scott.)

VAUGHAN DIVORCE CASE.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called:

Resuming the adjourned debate on the consideration of the first report of the Standing Committee on Divorce, to whom was referred the Vaughan petition, together with the evidence.

Hon. Mr. LANDRY—I move that this order be discharged and placed on the Orders of the Day for to-morrow. I under-

stand that additional evidence has been given this morning and I would like that the hon. members of this House should be acquainted with this new evidence before we come to discuss the matter.

Hon. Mr. DeBOUCHERVILLE—It will be remembered that it was decided that this question was to be discussed when it came up again with closed doors. That should be borne in mind at this point.

Hon. Mr. McMULLEN—The evidence may not be printed and distributed by to-morrow, and I would suggest Thursday.

Hon. Mr. LANDRY—Let us say Thursday, the matter to be taken up as the first Order of the Day before the opening of the doors.

Hon. Mr. McMULLEN. Does that imply that we are not to have the debate reported? While I am willing that the doors are to be closed, I think we should have a report of what is said, even though it should not appear in 'Hansard.'

Hon. Mr. DeBOUCHERVILLE—The very object of having the discussion with closed doors was to provide that no report of the debate should be published.

The motion was agreed to.

SECOND READINGS.

Bill (74) an Act respecting the harbour of North Sydney in Nova Scotia.—(Hon. Mr. Scott.)

Bill (80) an Act respecting the Pacific Northern and Omineca Railway Company.—(Hon. Mr. Gibson.)

CONTINGENT ACCOUNTS OF THE SENATE.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called :

Consideration of the second report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. MILLER—May I suggest to the hon. gentlemen that this report should be referred back to the committee for further consideration. If it comes before the House in its present form, considerable discussion will be entailed and I think it would be only courteous for the hon. gentlemen, under the circumstances, to refer it back to the committee for further consideration.

Hon. Mr. WATSON—If any other hon. gentleman in the House had asked to have this report referred back to the committee, I would have no objection at all, but after the remarks the hon. gentleman has made, I think it is a little late in the day to suggest any courtesy at my hand.

Hon. Mr. BERNIER—I have been a member of the committee for years, but I was not given any notice of its last meeting. Under the circumstances, as the hon. gentleman has said he is willing to have the report referred back—

Hon. Mr. WATSON—Is there anything in the report which the hon. gentleman cannot consider on the floor of the House ?

Hon. Mr. BERNIER—It is the whole report. I had no opportunity to take part in the work of the committee, on account of not receiving any notice.

Hon. Mr. WATSON—I understand the hon. gentleman's notice was laid on his desk, the same as was done in the case of every hon. gentleman. He did not happen to be in the House after that was done. If the hon. gentleman has any fault to find with the report it is open to him to ask for explanation. No doubt there are items in the report which require explanation, and I will cheerfully give any information that is necessary. If we take up the report, and, after discussion and explanation, find that it is necessary to reconsider any portion of it, well and good ; but until we do strike a snag of that kind it is not fair that the report should be referred back. The report is practically the unanimous finding of the committee, and if the hon. gentleman had been there he would have concurred in it, no doubt, the same as the other members did. There was really no difference of opinion ; it was one of the most harmonious gatherings we have ever had.

Hon. Mr. FERGUSON—The hon. gentleman apparently was getting his own way that time.

Hon. Mr. WATSON—Yes, I think I approved of everything that was done.

Hon. Mr. BERNIER—Leaving a notice on a member's desk is not a proper way to

give notice. I had left the House some time before the end of the sitting, and, as a matter of fact, I had no notice of the meeting. Besides, I understood that the hon. gentleman was perfectly willing to have that report sent back to the committee, if the Senator from Richmond desired it, and I take him at his word.

Hon. Mr. LOUGHEED—As my hon. friend from St. Boniface had not the opportunity of being present, and as he apparently takes a deep interest in the subject, and the hon. gentleman from Portage la Prairie referred to the harmonious feeling prevailing on the committee, it is desirable that this should be perpetuated. I suggest that another of these harmonious gatherings should be held. It would comport very much more with the dignity of the House that the discussion should take place in the committee rather than on the floor of the House. I think my hon. friend would thoroughly agree with that, and I have no doubt if this report goes back again the little differences which have been expressed to-day will probably be remedied, and it is to be hoped that there will be unanimity when the report is brought in again.

Hon. Mr. WATSON—I will cheerfully comply with the request of the leader of the opposition, and I have no objection to the report going back.

Hon. Sir MACKENZIE BOWELL—I am not in accord with the suggestion that the report should be referred back to the committee until its merits have been fully discussed in the House. The matter being one which affects the internal economy of the Senate, it is for the Senate to say whether or not the discussion should take place with closed doors: but, before sending the report back to the committee, the Senate should discuss the merits and demerits of the recommendations, and, if they desire any change made, that would constitute an instruction to the committee. Then the committee would know precisely what to do. I do not hesitate to say that I object in toto to two or three of the recommendations. I do not propose to enter into an extended discussion at this moment, as I understand that the Secretary of State is desirous of being present when this report is considered; in fact I have been given to understand that he asked that it should be delayed until his return. He has taken a very deep interest in this matter, and, I am given to understand, and believe, that he is not fully in accord with the recommendations made in this report. As a matter of courtesy to him, I would suggest that the matter should stand for a couple of days.

Hon. Mr. POWER—I am very glad that the hon. chairman of the committee has acceded cheerfully to the suggestion made by the hon. leader of the opposition that this report should be referred back to the committee for further consideration. It strikes me, and it must, I think, strike every hon. gentlemen in this House, that this is the more seemly course to pursue. Nothing except, perhaps, our discussions on adjournments, is more calculated to injure this House in the estimation of the public than discussions on the details of the reports from the Committee on Internal Economy. This is not the place to discuss the merits and qualifications of the various employees of the Senate whose names may be mentioned in the report. If the report goes back to the committee, there will be no doubt, after what has taken place, a very full meeting of the committee, and it is to be hoped that a harmonious conclusion will be reached, one which will be pleasing, at any rate, to the great majority of the committee; but I must say that I deprecate most strongly the practice of discussing unnecessarily the details of these reports before the whole House. A principal object of sending these matters to the committee is to obviate the necessity for the unseemly discussions which are likely to take place in the House.

Hon. Mr. WATSON—I can hardly agree with the hon. gentlemen from Halifax. The object of discussing the matters in committee is that a report may be made on which the House must give a final decision. I rather agree with the suggestion of the ex-leader of the opposition and move that the Order of the Day be discharged and placed on the order paper for Thursday. By that time, no doubt, hon. gentlemen will have come to the conclusion that there is no need of sending the report back to the committee. I cannot see why that should be done simply because one member

did not receive his notice, when the report is unanimous, and no reason has been given why it should be sent back.

The motion was agreed to.

LABOUR STATISTICS BILL.

IN COMMITTEE OF THE WHOLE

Pursuant to the Order of the Day, the House went into Committee of the Whole on Bill (109) an Act to repeal the Act to provide for the collection and publishing of labour statistics.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—I have already explained to my hon. friends opposite the object of this Bill. It is simply to remove an apparent conflict of jurisdiction between two departments.

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

BILLS INTRODUCED.

Bill (G) An Act for the relief of John Albert Peer.—(Hon. Mr. Kerr, Cobourg.)

Bill (H) an Act to amend the Railway Act 1903, with respect to the operation of mortgages.—(Hon. Mr. Béique.)

Bill (20) an Act to incorporate the Canada Bible Society Auxiliary to the British and Foreign Bible Society.—(Hon. Sir Mackenzie Bowell.)

Bill (89) an Act to incorporate the Ashcroft Barkerville and Fort George Railway Company.—(Hon. Mr. Riley.)

Bill (94) An Act respecting the Rio de Janeiro Tramway, Light and Power Company.—(Hon. Mr. Young.)

Bill (95) an Act respecting the Mexican Light and Power Company, Limited.—(Hon. Mr. Young.)

Bill (96) an Act respecting the Mexican Consolidated Electric Company, Limited, and to change its name to 'Mexican Tramway and Electric Company.—(Hon. Mr. Young.)

Bill (99) an Act respecting the Mather Bridge and Power Company.—(Hon. Mr. Gibson.)

Bill (101) an Act to amend the Fruit Marks Act, 1901.—(Hon. Sir Richard Cartwright.)

Bill (102) an Act respecting the Schomberg and Aurora Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (107) an Act respecting the Erie and Ontario Power Company.—(Hon. Mr. Gibson.)

Bill (108) an Act respecting the Kettle River Valley Railway Company.—(Hon. Mr. Bostock.)

Bill (113) an Act respecting the Great Northern Railway of Canada.—(Hon. Mr. Legris.)

Bill (124) an Act respecting the Harbour Commissioners of Montreal.—(Hon. Sir Richard Cartwright.)

Bill (128) an Act respecting Puebla Light and Power Company, Limited, and to change its name to Puebla Tramway, Light and Power Company.'—(Hon. Mr. Frost.)

THE VACANCY IN THE SUPREME COURT.

On the motion to adjourn,

Hon. Mr. LANDRY said: I should like to ask the leader of the House if anything has been done concerning the appointment of a new judge to the Supreme Court? I ask for this reason; the Quebec cases should be going on now and I understand nothing is to be done pending the nomination of a new judge, and I want to know if the government has decided any thing in that line?

Hon. Sir RICHARD CARTWRIGHT—All I can say to my hon. friend is, the matter is engaging the attention of the government. I am not able to inform him what decision is arrived at yet.

The Senate adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Wednesday, May 9, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ROSS RIFLE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired:—

1. What amount has the government paid for the rifles which have been delivered to

it by the Ross Rifle Company, from the 1st January last, up to the 1st of the present month ?

2. Apart from the payment of sums due for rifles delivered and accepted, has the government made advances of money, as payment in anticipation for the unfinished manufacture of rifles which have not yet been delivered and accepted ?

3. For what amount ?

4. For what number of rifles ?

5. And in what proportion to the fixed price ?

Hon. Mr. SCOTT :

1. $25,000.

2. Yes.

3. $80,764.89.

4. On account of 10,000 rifles.

5. Not exceeding 75 per cent of price of rifles.

EXTRAJUDICIAL EMPLOYMENT OF JUDGES BILL.

BILL INTRODUCED.

The order being called :

By the Honourable Mr. Ferguson :

That he will introduce a Bill respecting the Extrajudicial Employment of Judges.

Hon. Mr. FERGUSON—I gave notice some time ago, as I explained to the House yesterday, of my intention to introduce a Bill to be entitled 'An Act respecting the Extrajudicial Employment of Judges.' Hon. gentlemen who were in the House in 1903 will remember that I then introduced a Bill on that subject, which was very fully discussed on the floor of this House. That Bill, as I ascertained in the course of the discussion, did not cover all the points which it was necessary to legislate upon. It only proposed to prohibit judges from sitting on commisions and making investigations, either for the government of Canada or for any province of Canada. During the discussion it was pointed out that there were other abuses in connection with the employment of judges with which my Bill did not deal, one of which abuses was their acting as directors on companies. Another had reference to their undertaking arbitrations in connection with suits. In addition to the fact that I found, after I had introduced my Bill, that it did not cover all the ground that should be dealt with by legislation, at that time there was a very acrimonious discussion going on in the province of Ontario over what was known as the Gamey-Stratton difficulty. I found, after some debate in the House, that while the principle of the Bill introduced by me was very generally acquiesced in, the opinion was expressed with a great deal of freedom and generality that the time was inopportune for dealing with the question. I yielded then to the views that were expressed, a specimen of which I shall read. I shall quote first from the remarks made by the present Speaker of the House. He said :

Under the circumstances, I think, even this Senate where the atmosphere is supposed to be more serene will not give that intelligent and impartial consideration to the Bill which the honourable gentleman now presents, because of the present political disturbance and that it would be an act of prudence and common sense and tact to withdraw and re-introduce it next session.

Following up that suggestion, and many others of the same kind, I made use of these observations at the close of the discussion :

After listening to objections made to this Bill by hon. gentlemen, who, I am aware, intend to vote against it, I come to this conclusion, that the one reason has been more than any other the dominant reason for opposing this Bill, it is not because they see anything dangerous or bad in it, but because hon. gentlemen believe in some way or other the enactment of this Bill at this particular time would, in some way or other, be held to have a bearing on some of these serious troubles, that have occurred in the province of Ontario within the last three months. The phrase which has been used by nearly all these gentlemen is this : It is inopportune. Believing the Bill to be a good one—believing that it is one which will find its way, not perhaps exactly in the form in which I have submitted it—it may be more fully and amply considered—but a Bill on the general lines it contains, will certainly before long find its way on the statute-book. I should be loath to do anything which would prejudice the full and fair consideration of such a Bill, now or hereafter. On that account, although I know the Bill would receive at this moment, if not a majority of the votes, a very large number of votes of this House—although I know that is the reception it would get at the present from hon. members, yet feeling that possibly a good measure may be prejudiced in regard to the future by forcing a division at this time, when hon. gentlemen seem to be influenced by fear that it would be taken as in some way a reflection on the government of Ontario I shall with the permission of the House, ask leave to withdraw the Bill with the determination, which I desire to express as firmly as I possibly can, that at the next session of parliament, if I live and am here, I will again present the Bill for the consideration of the House, when I hope this view, which seems now so strongly impressed on the minds of some hon. gentlemen, will have disappeared with regard to its being an inopportune time, and when I trust the Bill will receive the consideration to which it is entitled.

I did not re-introduce the Bill in the two sessions which have intervened, because, to

some extent, the strife and the feeling continued to exist in the province of Ontario, and it might possibly be thought that it had still to some extent influenced me in bringing in the measure. However, some important things have transpired since that time. Last year the hon. Minister of Justice introduced a Bill in the other branch of parliament which passed both Houses and is now the law, containing this very important provision :

> No judge mentioned in this Act shall, either directly, or indirectly as director or manager of any corporation, company, or firm, or in any other manner whatever, for himself or others, engage in any occupation or business, other than his judicial duties ; but every such judge shall devote himself exclusivley to such judicial duties.

This clause of the Act of last year covered a part of the ground which it was pointed out during the discussion in 1903 was also necessary to be dealt with in the Bill which I then proposed. That being the law, that part of the subject need not now be dealt with. Then during the present session of parliament an hon. member of the House of Commons, Mr. Lennox, member for South Simcoe, introduced a Bill containing this provision:

> Except at the instance and on behalf of the Crown, or for the determination of actions or suits on questions arising in actions and suits as provided for by the statutes or statutory rules of any province, no judge mentioned in this Act shall become, or act in the capacity of, a referee, arbitrator or umpire, or calculator or assessor of damages or compensation upon or for the determination of any question, dispute or matter in difference of any kind whatsoever, but the provisions of this subsection shall not apply to prevent any judge from proceeding with and completing any reference or arbitration upon which he actually entered before the fifteenth day of March, one thousand nine hundred and six.

This Bill was introduced in the House of Commons, and the Minister of Justice at once accepted the principle of the Bill, and asked the hon. member who had introduced it to allow it to lie over so that it could be dealt with by the government. The principle of this Bill is, therefore, bound to find its way into our law. In regard to these subjects I am bound to say, from close observation of the work of the present Minister of Justice, that he is a decided reformer, and that he has in this, as well as in many other things, shown a disposition to deal with such matters on a high plane. I find that during the present session of parliament the subject more properly belonging to my Bill of three years ago has been discussed in the House of Commons by two very eminent gentleman—Mr. R. L. Borden, leader of the opposition, and Hon. Mr. Fitzpatrick, Minister of Justice. I am sure hon. gentlemen will agree with me that no two greater authorities exist in this country when they pass an opinion on a subject of this kind, and when we find these two gentlemen thoroughly in agreement, we may rest assured that they cannot be very far astray.

Speaking on the address in answer to the speech from the Throne, at the beginning of the session, Mr. Borden made use of these words—he was speaking of the appointment of Judge MacTavish to the Insurance Commission :

> If we have to appoint judges in Canada to positions of this kind, if we cannot get men at the bar of Canada, or in business in Canada to assume these duties and to receive the confidence of the people that they will act fairly and upright, then there remains only one alternative ;let us appoint the judges, but let us provide by statutory enactment that any position of this kind shall be part of a judge's judicial functions and that he shall receive no salary or emolument from the government of the day by reason of accepting a position of that kind.

I now come to the opinion of Mr. Fitzpatrick, announced only last Monday evening in the House of Commons and it is in entire accordance with that of Mr. Borden. He said :

> And again speaking for myself, and so far as I am personally concerned, it seems to me there are conditions under which we could well afford to justify the appointment of judges in connection with commissions. But if I had the right to a personal opinion, I would make this statement, or lay down this rule—that if judges are to be appointed in connection with commissions, as far as possible, and except in cases of some great emergency I would avoid appointing them to commissions in connection with political matters. But under whatever circumstances judges might be appointed, whatever services they might be called upon to render the state, I would lay down a rule, from which I would not depart, that a judge's time belongs to the country, and that whether that time be given to the performance of his regular judicial work or given to the performance of quasi-judicial work in connection with the commissions, there should be no remuneration except his salary alone. That, it seems to me, is a rule that might fairly be established and that could profitably be followed.

And the Minister of Justice, at the conclusion of the speech from which I have

made this extract, moved the following resolution, which was adopted by the House, and which very fairly covers the point that I am making:

That, in the opinion of this House, public business should have first claim on the time and attention of each and every member of the government and that the permanent officials of the government should give to the performance of their respective offices their whole time and attention.

These extracts, which I have just read, serve now to introduce the Bill, and I do not purpose making any comment at this stage upon it, but just to explain its provisions. The Bill of three years ago was to prohibit judges from acting on commissions. After, however, giving the matter very full consideration and giving the weight which I think is due to such important opinions as those of Mr. Borden and Mr. Fitzpatrick, I came to the conclusion that it would be quite far enough for us to go—just as far as they indicated we should go, and that was not to prohibit the employment of judges in the capacities referred to, but to require that if they are so employed they shall receive no remuneration for their services apart from their salary as judges. I think that the argument in support of that contention is apparent at once, because all the time of the judge belongs to the country, and if he is acting on a commission he is not doing work in the courts and he is only giving the time which the country pays for. I think we may now take this ground with more safety because the judges are at present better paid than they were before. In the opinion of a great many people they are over-paid. I do not say that that is my opinion, but parliament, in its wisdom, has added to all their salaries, therefore, while we should leave the hands of the government free for their employment as desired, we would do a proper and right thing in providing that if the judges do give the country services apart from their judicial duties they should do so without extra pay.

I just make one other provision in the Bill, and that is that if judges are called to act on commissions they should be allowed their travelling expenses. They are paid travelling expenses while acting as judges, and if they are called upon to perform other duties they ought to be allowed for expenses in the same way as when performing strictly judicial duties. I now introduce the Bill and move that it be read a first time. My excuse for introducing it at this stage is that I had made a pledge to this House three years ago that I would deal with this question and had given notice long before Mr. Fitzpatrick made the declaration which he did in the House of Commons. Had it not been for this I should have been content to wait. I propose to defer the second reading of the Bill for considerable time, so that the general principle of it should be—as I think, properly—embodied in the general Bill which the Minister of Justice has under consideration. If the second reading is put off for a week or two weeks it will then probably transpire what the Minister Justice intends to do in the matter.

The Bill was then read the first time.

QUALIFIED MILITIA INSTRUCTORS.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. What number of qualified instructors can the different corps of the permanent force at present furnish to the volunteer militia?

2. Out of this number, how many instructors are there qualified to give the required instruction to volunteers enrolled—

1. In the cavalry;
2. In the garrison artillery;
3. In the field artillery;
4. In the horse artillery;
5. In the infantry;
6. In the mounted infantry;
7. In the school of musketry;
8. In the engineers;
9. In the army service corps;
10. In the corps of guides and the corps of signallers;
11. In the ambulance and hospital corps;

3. Amongst all these qualified instructors, how many are there of French origin or capable of giving military instruction in the French language?

Hon. Mr. SCOTT:

1. The number of non-commissioned officers and men qualified to act as instructors in the different corps of the permanent force is 202.

2. Cavalry, including mounted infantry	32
Garrison artillery	5
Horse, including field artillery	5
Infantry	55
School of musketry	3
Engineers	15
Army Service Corps	39
Corps of guides	39
Corps of signallers	39
Army Medical Corps	8

3. The number of non-commisioned officers qualified to act as instructors, who are of French Canadian descent and capable of imparting instruction in the French language, is 19.

CAPE DIAMOND AND DUFFERIN TERRACE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Was Dr. Ami at any time instructed by the government to make an examination and study the ground on which Cape Diamond and Dufferin Terrace rest ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—When did he make that study ?

Hon. Mr. SCOTT—Between the nineteenth of April and the twelfth of May, 1905.

Hon. Mr. LANDRY—Did he report to the government, and when ?

Hon. Mr. SCOTT—Yes ; May 10th, 1905.

Hon. Mr. LANDRY—Has the report been published, and where can it be found ?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—In brief, what are the conclusions of and suggestions made in the report ?

Hon. Mr. SCOTT—The report indicated the peculiar geological structure at that point of the cliff where the 1841 and 1889 disasters took place, below the King's Bastion, and the decidedly dangerous condition of the upper extremity of the Dufferin Terrace resulting from such structure. I have obtained a copy of the report, which I shall be glad to lay on the table.

BILLS INTRODUCED.

(J) An Act respecting the St. Mary River Bridge Company.—(Hon. Mr. Kerr, Toronto.)

(K) An Act respecting the Pacific and Atlantic Railway Company.—(Hon. Mr. Kerr, Toronto.)

QUEBEC CASES BEFORE THE SUPREME COURT.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I would ask the hon. leader of the House if there is any intention to postpone the cases coming from the province of Quebec now before the Supreme Court ? I understand from letters which I have received from different lawyers in the province that the court is to sit on the 14th of this month, but that nothing will be done in regard to the cases coming from the province of Quebec if a second judge from that province is not named to replace Sir Elzear Taschereau, Judge Girouard declining to hold the court in these cases until another judge is named with him. I would ask the government if there is anything decided as to these cases, and if some means are to be taken to have a new judge *ad hoc*, or something of the kind, so that we may notify these lawyers what is going to be done.

Hon. Mr. SCOTT—I will bring the subject to the attention of the Minister of Justice and inquire whether it is the intention to make the appointment at once, or appoint a judge, 'ad hoc,' in the meantime.

Hon. Mr. LANDRY—The Quebec cases have already been twice postponed.

THIRD READING.

Bill (109) an Act to repeal the Act to provide for the collection and publishing of Labour Statistics.—(The Right Hon. Sir Richard Cartwright.)

THE LEPROSY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (115) an Act respecting Leprosy. He said: This Bill authorizes the Governor in Council, by proclamation, to establish a lazaretto for lepers, and to use any institution that may be now available for that purpose or erect a new one. As hon. gentlemen know, we already have a lazaretto in Canada, and I am glad to say that the number of lepers had not, up till a recent period, at all events, increased. The number in the lazaretto at Tracadie, in New Brunswick, is only fourteen ; and a very curious circumstance attracted my attention in looking into the matter that one of the lepers who has been there for over eighteen years is being discharged or rather allowed to go abroad subject, of course, to being recalled, on the assumption that he is nearly cured. The idea that has prevailed in the past has been that leprosy is incurable. An important

point which rises in connection with the subject is the question of contagion. One point has been whether there ought not to be absolute seclusion from any other person. In looking over the history of leprosy recently I was rather surprised to find that early in the seventies the College of Physicians and Surgeons in London, had reported to the then Secretary of State that the disease was not contagious. On a reference some ten years after, about 1887 or 1888, they still retained the opinion they had previously expressed, that in no case was it contagious. However, events occurred later on which led them to somewhat modify the opinion, and now the conclusion seems to be reached, that while in the earlier stages of the disease it is not contagious, later on, when fully developed, and so perceptible as to make the subject a repulsive one, they think that contagion is then likely to follow by contact. This Bill gives the Minister of Agriculture, who is the official who will have the administration of it, the power, if anybody is afflicted with leprosy to have him examined by a medical man and, if the conclusion is reached that it would be better if the patient were placed in a lazaretto, the minister may issue an order for confining him there ; but he also has the discretionary power, if the subject can obtain accommodation at his own home where he will not be liable to contact with others, to allow the leper, for a time at all events, to be confined in his own home. These are the main features of the Bill. It gives very ample powers to the minister, which are somewhat discretionary, in reference to confinement.

Hon. Mr. McMILLAN—Is it necessary to have the certificate of one medical man or two as authority for confinement ?

Hon Mr. SCOTT—The language used in the Bill is 'such medical officer or officers,' It may be two.

Hon. Mr. DOUGLAS—I wish to ask the leader of the government if any distinction has been drawn between European leprosy, what we call 'button leprosy' and Asiatic leprosy ?

Hon. Mr. SCOTT—No, there is no definition of either given in the Bill, but the necessity for the legislation arises rather from the number of persons migrating from Asia. It is believed that it is needed more on the Pacific coast. As hon. gentlemen will probably know, in both Japan and China leprosy exists to some considerable extent ; and the fear of the disease coming to Canada would be from the admission of persons coming from those countries. It is on that account the matter has attracted attention recently because in the eastern part of Canada the number of lepers has not increased. As hon. gentlemen were informed a few moments ago, there are only fourteen at present, and this has been about the average number in Canada for some years.

Hon. Mr. DOUGLAS—I may state that having lived in India and practised medicine there, I have had a good deal to do with leprosy. I have also met with what we call European leprosy in the Northwest and there is a decided difference between the two. In my opinion the disease that we call European or button leprosy is not so infectious. It takes an entirely different form and, in such cases, though perhaps it would be wiser if the victims were entirely separated from their own family, they might possibly be allowed to remain with them; but in Asiatic leprosy I think a great mistake would be made if they were allowed to associate with their own household even though confined in a separate room. In dealing with cases in India we found it was necessary always, whenever sensation was lost in any part of the body, that after that point was reached, they should be entirely separated from the members of their own family and household.

Hon. Mr. ELLIS—The Tracadie lazaretto is really a local institution. It was founded because leprosy there was a local disease, introduced originally, no doubt, from across the sea, but no new cases—except perhaps one which came in some two years ago from the West Indies—have appeared in the province of New Brunswick. That lazaretto has been in charge of a religious institution for a long time and has done a great deal of good. It was one of the institutions which existed when confederation was formed, and by reason of lapse of time, and the rights which grow out of that, it seems to me it would be hardly fair —I speak without having given the matter any consideration except the little know-

ledge I have of it—to let the Minister of Agriculture or the government use that lazoretto for imported lepers.

Hon. Mr. SCOTT—That is under the control of the Federal government at present.

Hon. Mr. ELLIS—I know it is.

Hon. Mr. SCOTT—The intention was, though no absolute decision was reached, that it might be found necessary to establish one in the west owing to the migration of the class of lepers that my hon. friend from the Northwest has referred to.

Hon. Mr. LOUGHEED—Is the hon. gentleman aware whether there are any cases on the Pacific coast?

Hon. Sir RICHARD CARTWRIGHT—Yes, there are.

Hon. Mr. SULLIVAN—I do not know what induced the government to take action with reference to leprosy. I have not had an opportunity to read this Bill. I suppose we will have a chance to discuss it again in the committee of the whole?

Hon. Mr. SCOTT—Yes.

Hon. Mr. SULLIVAN—I think the action of the government is decidedly judicious if they have any occasion for it. There must have been some outbreak of it to warrant this legislation. Leprosy is a very loathsome disease, and a most contagious disease which destroys the mind as well as the body. Therefore it is in every way horrible, and has no redeeming feature whatever about it. There can be no doubt there ought to be lazarettos if the disease is at all prevalent. The Hotel Dieu nuns were the first to volunteer to take charge of these lepers at Tracadie, and have charge of them still. I am glad to find the disease has not increased to any extent, but every precaution should be taken to make this legislation as stringent and complete as possible so that the disease may be nipped in the bud whenever a case presents itself. It is not every physician who sees a case of leprosy. In my fifty years' practice I have not seen a case that I can remember, and I suppose there is not a physician in Ontario or Quebec who has seen a case of it, so we are largely dependent on the writings of others for our information on the subject.

Hon. Mr. LOUGHEED—My hon. friend seemed to express a doubt as to the advisability of the medical officer releasing the patient to whom he referred in the lazaretto at Tracadie. May I ask who is responsible for the release of that patient? If there was any uncertainty as to such a case being contagious, it seems to me it was very prejudicial to the public interest that he should be allowed at large.

Hon. Mr. SCOTT—The conclusion reached by experts has been that it is only in severe cases that it is contagious. In the earlier stages it is admitted that it is not contagious. In the case to which I have referred, the officials at Tracadie have this person under surveillance, subject to be recalled at any moment, and he is only allowed to be at large in that vicinity where of course the people take the greatest care not to come in contact with a leper.

Hon. Mr. LOUGHEED—I understood the hon. gentleman to say that this was a case of seventeen years standing. Therefore it could not be a case of short existence.

Hon. Mr. SCOTT—The persons confined are lepers, and this is one of the cases quoted where a cure has been effected. The belief in the past was that the disease is incurable. I do not profess to have given the subject very much thought, but I have my own opinions on the subject, and I do not propose to air them now. I was rather glad to find that at Tracadie they had noted an improvement year by year in this particular patient, and after he had been there for eighteen years he was so far recovered that they thought they could safely allow him to go beyond the bounds of the territory.

Hon. Mr. FERGUSON—I think medical gentlemen will agree with me that all diseases of a contagious character are liable to modifications through time. Now, it is a matter of history that leprosy was brought to western Europe in the time of the Crusades. It was unknown in western Europe until then. At that time it must have been very contagious, otherwise the Crusaders would not have contracted it and brought it back. I assume the explanation with regard to this leper in New Brunswick is that there may be some question as to whether

it was a true case of leprosy at the beginning. I have never heard that leprosy was curable.

Hon. Mr ELLIS—In Tracadie, or rather that district of New Brunswick, the disease has existed for many generations. Its origin is practically lost, although there are theories on the subject. It is supposed that it came into the province by the sea. There was no care of the lepers at all. It was not known absolutely at first that it was this disease, but finally the government of New Brunswick took charge of it, and established a house which at confederation, passed under the control of the Dominion of Canada. There are many interesting things about the disease. For instance it will appear in one generation and may not appear again for two or three generations. The lepers are mostly French families. If it is looked after properly the disease may not spread, and therefore I made the suggestion that, perhaps, it would not be advisable to introduce in that part of the country the foreign lepers. Not very long ago in our own province a man came in from the West Indies, travelling by train from Halifax. Somebody noticed, and observed to a doctor that he had recently seen a man with evidence of small-pox. The doctor went after him and discovered that he was a leper. The steamship company did not know that he had the disease when he landed. The authorities got hold of him and I do not know what was done in the case, but I presume he was sent back to the West Indies.

Hon. Sir MACKENZIE BOWELL—Is it the intention, under this Bill, to establish more than one lazaretto ?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—The preamble says ' The establishment of a ' ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That would indicate that there will be but one. How does that affect the lazaretto in Tracadie ?

Hon. Mr. SCOTT—It would be in another part of the country altogether. The attention of the government was drawn to some cases on the Pacific coast, and that is really why the Bill has been introduced. It has arisen out of Asiatic immigration of recent years.

Hon. Sir MACKENZIE BOWELL—In British Columbia they have set apart an island in the sea where they can send all those lepers. I believe they are mostly Chinese.

Hon. Mr. SCOTT—Yes.

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

SECOND READINGS.

Bill (F) An Act for the relief of Mary Emeline Preston.—(Hon. Mr. Frost.)

Bill (27) An Act to incorporate the Kamloops and Yellow Head Pass Railway Company.—(Hon. Mr. Bostock.)

The Senate adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Thursday, May 10, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PETITIONS FOR PRIVATE BILLS.

MOTIONS.

Hon. Mr. YOUNG moved that the 17th and 52nd Rules of the Senate be suspended in so far as they relate to the petition of G. F. Carruthers of the city of Winnipeg, and others of elsewhere; praying for the passing of an Act incorporating them as the Colonial Bank of Canada.

Hon. Mr. LANDRY—There is no notice of motion for that.

Hon. Mr. YOUNG—It is a petition.

Hon. Mr. LANDRY—Whether it is a petition or not, notice of motion should be given.

Hon. Mr. YOUNG—My only reason for moving for the suspension of the rule is that this Bill originates in the Senate and must therefore go through the House of Commons after passing here, and the parties interested are anxious that its progress should not be delayed. As I am informed, this petition,

owing to a misunderstanding, was only received this morning, when it should have been received yesterday or the day before. It was purely accidental that the petition has been delayed until now, and, therefore, comes just one day behind the time for receiving petitions.

Hon. Mr. LANDRY—The time for receiving petitions has already been twice extended, so that the petition is more than one day behind the time. The petitioner is probably thirty or forty days late in bringing up his petition. I shall not object this time, but, in future, I hope petitioners will comply with our rules.

The motion was agreed to.

Hon. Mr. YOUNG from the Committee on Standing Orders and Private Bills presented their 10th report recommending the suspension of the 50th rule so far as it relates to a petition praying for an Act to incorporate the Pacific and Eastern Railway Company.

Hon. Mr. LANDRY—I notice that in the 8th report, which was presented yesterday, the committee recommended a suspension of the 49th rule.

Hon. Mr. YOUNG—Yes, the 49th rule refers to the length of time of notice.

Hon. Mr. LANDRY—No motion was made to suspend that rule.

Hon. Mr. YOUNG—The report recommended it.

Hon. Mr. LANDRY—I know, but it was decided last year that when a committee recommends a suspension of the rules a motion should be made to suspend.

Hon. Mr. YOUNG—The House concurred in the report.

Hon. Mr. LANDRY—I know that, and it is because the House concurred in the report that a motion should be made to suspend the rules.

Hon. Mr. POWER—Surely if a report recommends that a rule be suspended and the House concurs in that report, that is enough.

Hon. Mr. LANDRY—No, it is not enough. It may be enough for the House of Commons but not for us. The same question came up last year. I brought it to the notice of the Speaker and it was decided that when a committee recommends a suspension of the rule, though the report may be adopted, a subsequent motion must be made to suspend the rule.

Hon. Mr. POIRIER—That is the rule.

Hon. Mr. LANDRY—And that is common sense.

The question of concurrence in the report of the committee having been put to the House.

Hon. Mr. LANDRY—I move, before that, that rule 49, in so far as it relates to that petition, be suspended. I think we should make our procedure regular and not jump over the rules as we are doing now. That report is based on the assumption that the rule had been suspended. It reports on the petition of a Mr. Blain. If hon. gentlemen read the 8th report they will see that it reads as follows :—

> Your committee have examined the following petitions :
> Of Hugh Blain and others, provisional directors of the St. Mary's River Bridge Company ; praying for the passing of an Act extending the time for the commencement and completion of their work.
> And find the notices of publication short in point of time in each case, but as it will be competent for the committee to whom the Bills shall be referred to provide that no injury to any party shall arise therefrom, your committee recommend the suspension of the forty-ninth rule in so far as it relates to the said petitions.
> All of which is respectfully submitted.
> FINLAY M. YOUNG,
> Chairman.

That was what the committtee recommended yesterday. The suspension of the rule has not been granted, yet they are coming to-day, on the assumption that a suspension has been granted, with this 10th report. I object to the adoption of the 10th report before the suspension of the rule has been granted. To facilitate business I move that the suspension be now granted.

Hon. Mr. YOUNG—Yesterday the Standing Orders Committee met and considered some petitions which they found short with regard to notice. Good reasons were given that leniency should be shown in this case inasmuch as the parties interested in the petition undertook to see that the notices

would continue for a sufficient length of time. For that and other reasons the committee decided to recommend the suspension of the rule. In due course I presented the report of the committee with that recommendation. I am not now touching the point my hon. friend has raised. If I understand his point correctly it is to the effect that after the report was received by the House some one interested in the Bill should have moved a special motion regarding each individual Bill and asked the House to further concur in the suspension of the rules. I am not touching on that now at all; I am merely explaining the procedure in so far as the Standing Orders Committtee is concerned. To-day we met again and we found, as in this case, that there were extenuating circumstances, and we have recommended a suspension of the rule. If my hon. friend's contention is right, it would follow that, after this report is received, a motion would be necessary by some one interested in the Bill asking the House to suspend the rule in each separate case. The report of the Committee on Standing Orders is now before the House, in which it is recommended that in certain cases the rule be suspended, and it is for the House to accept or reject the proposition of the committee. Then what my hon. friend has called attention to as a matter of procedure could be dealt with apart from the report of the committte altogether.

Hon. Mr. LANDRY—If I understand the hon. gentleman, the report of yesterday recommended the suspension of the 49th rule.

Hon. Mr. YOUNG—Only so far as related to certain petitions.

Hon. Mr. LANDRY—In so far as related to two petitions, one of a Mr. Blain and another of a party named Shaw. The suspension of the rules was asked for on behalf of these two parties. The suspension was not obtained. If I understand the report presented to-day, it relates to one of these two parties.

Hon. Mr. YOUNG—No, no.

Hon. Mr. LANDRY—I heard the word Blain. The assistant clerk of the House has just informed me that there are two Blains, so that I will withdraw my motion. When the report is adopted, it will be time to move the suspension of the rule.

Hon. Mr. ELLIS—I think it is necessary, if the committee recommends to the House to do a certain thing, that the House by a formal resolution should do it. It is not done otherwise.

Hon. Mr. POWER—With all deference to the hon. gentleman from St. John, I do not think the hon. gentleman's point is well taken. Where the committee have recommended that certain rules be suspended with respect to certain petitions, his point is that it is then necessary that a special motion be introduced with respect to each of these petitions. The practice in the House, at one time, a very common practice, was that the Standing Orders Committee made a report recommending the suspension of the rule and that no action was taken by the House on the report. The report was simply laid on the table, and in that case any hon. gentleman interested in a petition or Bill with which the report dealt, was obliged to move that the rule be suspended in accordance with the report of the committee. I think it is a much more convenient practice to have the report of the committee concurred in by the House, which renders it unnecessary to deal with each separate Bill or petition.

Hon. Mr. LANDRY—I call attention to Rule 17:

> No motion to suspend, modify or amend any rule or part thereof shall be in order, except on one day's notice in writing specifying precisely the rule proposed to be suspended, modified or amended, and the purpose of such suspension. But any rule may be suspended without notice by the unanimous consent of the Senate; and the rule proposed to be suspended shall be precisely and distinctly stated; and no motion for the suspension of the rules for any petition for a private Bill shall be in order unless the same shall have been recommended by the Committee on Standing Orders.

That supposes that there is a motion to suspend the rule. There are two things there; there is the recommendation of the committee and there is the motion. No motion can be made for the suspension of the rule except it be recommended by the committee. If it has been recommended by the committee, then the motion can be made, ergo a motion should be made.

Hon. Mr. YOUNG—I think the explanation of the hon. senator from Halifax covers the point exactly. In looking back over the records I found that it was the custom to present the reports of the Standing Orders Committee, without asking the House to concur in them. I looked into the matter, and I thought that where any committee reports to this House their report should be subject to the judgment of the House whether it was the Standing Orders Committee or any other committee. When any other standing committee presents reports to this House they have to be concurred in, and I could not see any logical reason why the same course should not be followed with reference to the Standing Orders Committee. I remember well when the hon. gentleman from Halifax was in the Chair calling his attention to the matter at one time, and suggesting to him that it would be more regular and uniform to treat the reports of the Standing Orders Committee just the same as those of any other committee; and during the time I have had the honour to be chairman of the committee, I have always moved concurrence in its reports, because, after all, any committee is a minor body of this House and, no matter what action they take, the House should have an opportunity of passing judgment upon the decision of the committee when the report is brought before them. I think you will agree with me that it is better to have a uniform practice for all committees, and I agree with the hon. senator from Halifax that if the House concurs in a report, an action which they did not take formerly, if the House takes that action now it would be asking the House to pronounce judgment twice. When they concurred in the recommendation of the committee, they confirmed the suspension of the rule and any further action is quite unnecessary. When the motion is made for concurrence, if the report of the committee does not meet with the judgment of the Senate, it may be referred back to the committee or rejected altogether, and, therefore, when we ask the judgment of the House once on the question it seems to be unnecessary to ask them to repeat that judgment by a formal motion which would have to be made, I fancy, with each petition mentioned in the recommendation.

Hon. Mr. LANDRY.

Hon. Mr. POIRIER—I think there is no doubt that the position taken by my hon. friend from Stadacona is the right one. It is the one which has been followed in this House and in the other House, and I am pretty sure in both Houses in England. Now what is the report of the committee? It recommends that a certain rule be suspended, that is to say, recommends that the House shall move that a certain rule be suspended. When that report is adopted by the House it simply adopts the suggestion made in the report. Then it behooves the House to act on the report, and the action on the report is to move in accordance with the suggestion or recommendation made by the committee. I for one should be sorry to see a new departure taken on this point, because it would be really departing from what has been the custom in this House up to the present time. and what is the custom, if I am well informed—and I believe I am—in all other houses of parliament which follow British precedents.

The SPEAKER—My memory does not carry me as far as last session to recollect what was decided then. However, the hon. member from Stadacona claims there was a decision on this very point. As to the past practice all I have to guide me is our rules and forms of procedure. If the hon. gentleman will look at No. 43, he will find it as follows:—

> If a report recommends the suspension of certain rules with respect to a Bill, the senator in charge thereof moves that those rules be dispensed with in so far as they relate to such Bill.
>
> 44. Should the senator in charge thereof not move during the sitting, 'that the rule or rules be disposed with,' he will have to give notice that on a future day he will move that the rule or rules be dispensed with, in so far as they relate to the Bill intituled &c., in conformity with the report of the committee on &c.'
>
> 45. If the senator in charge af a Bill fails to make the usual motion, the Speaker requests him to do so; and should the Speaker not know who has charge of the Bill he says: Will the hon. senator in charge of this Bill make the usual motion; if no one does so, the Speaker again calls 'Reports of Committees.'
>
> 46. Although the suspension of the rules recommended to be dispensed with, by a committee is generally moved at the same sitting that the report is presented, it is only by sufferance.

Hon. Mr. POWER—That is, where we did not formally concur in the report.

The SPEAKER—Concurrence in the report undoubtedly binds the House to the acceptance of the suspension of the rules, and there seems to be a useless surplusage in the second motion, because the House is committed to the suspension of the rule. In fact, if the House had wanted to dissent from that report, it would have to reject it; but on the other hand it seems that technically the point raised by the hon. member from Stadacona is right.

The motion was agreed to.

ANDERSON PUFFED RICE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. CLORAN from the Committee on Miscellaneous Bills to whom was referred Bill (45) An Act respecting a patent of the Anderson Puffed Rice Company, reported the Bill with an amendment.

Hon. Mr. KERR (Toronto)—The only amendment made is for the extension of time for the importation of patented articles, and there is a formal saving clause providing that those who had acquired rights, after the expiration of the patent and before the passing of this Act, should have their rights preserved. The amendment was made to provide that those who had commenced the manufacture after the expiration of the patent and up to the time of the giving of notice of this application, which is the form now approved of by the patent office, should have their rights preserved. It has been pointed out to the committee that notice by advertisement of the intention to apply for such a Bill was notice that the patent had expired, and people might start an enterprise between the expiry of the patent and the passing of the Bill, and on that ground the deputy minister, who was present, concurred in this amendment.

Hon. Mr. CLORAN—I can fully corroborate what the hon. gentleman has said with regard to this Bill. I may point out on behalf of this committee, that the Patent Act is very ineffective and defective, especially in regard to this clause, and several other clauses, and we never have a Bill before the committee, but the law clerk points out that the Patent Act, is ineffective and defective. When application is made for an extension of time the clause says it shall take effect when the Act passes. The inventor loses his rights under the Patent Act and makes application to parliament to restore them and, from the moment he gives notice, everybody who is able to infringe the patent is at liberty to do so. Notice may be given in the fall and the session may not terminate until the following summer, and during all that time any one who wishes to infringe on the inventor's rights can do so. This amendment is made to prevent that. It protects the inventor from the time he gives notice of his intention to apply for an extension of his patent rights. I fully agree with the hon. member from Toronto.

Hon. Sir MACKENZIE BOWELL—Is not that a step further than we have been in the habit of going in granting extension to patentees? My recollection is that when a patent has lapsed and an application is made for an extension of time, the Bill contains no provision protecting the manufacturer of the patented article from the time the patentee gives notice until the Bill becomes law. If my recollection is correct, we are going a step further in this Bill than we have ever done before. I recognize the force of the statement made by the hon. gentleman, that any one might begin operations between the time of giving notice and the time the Bill becomes law, but might there not be cases where parties, during that interval between the expiration of the patent and the giving of the notice, have commenced the construction of buildings or contracted to purchase machinery for the purpose of manufacturing the article. Under this provision their rights would be destroyed.

Hon. Mr. KERR (Toronto)—That was discussed in the committee. The object of giving notice of the application is that any one who has acquired a right may appear and state his case and claim protection. In this case no one appeared, and it is not pretended that anybody else has attempted to manufacture the article, and it has been intimated that it would be a very easy way to hold up a manufacturer who has been manufacturing under his patent, although his patent no longer protects him. In this case the process could be started in two or three weeks time, and so between now and

the time of the Royal Assent to the Bill it would be easy for any one to go to the manufacturer and say 'I am about to start the manufacture of this article, and unless you pay me $5,000 or $10,000 you will have competition.' That is something the House will not care to sanction. The deputy minister seemed to think that the amendment which has been made to this Bill was in the line of the better practice.

Hon. Mr. LOUGHEED—I dissent from my hon. friend's statement. I doubt the soundness of the principle introduced in this Bill. It is practically 'ex post facto' legislation. That is to say, we give legislative sanction to the act of the applicant himself by reason of inserting an advertisement in either the Official Gazette or the newspapers. The mere fact of his making an application should not carry with it legislative sanction giving him rights from that date until parliament intervenes. Now it is clearly owing to his own default that the time has expired. That is to say, we now place a premium on the default which he has made. If he had been diligent he would have made the application in time, but he has not made it. It would amount to this, that the public who have kept trace of this patent ascertained from the record that it had expired and has not been renewed. You must not treat the notice as a renewal of patent until parliament intervenes and until legislative sanction stamps the Bill with the approval of parliament. Consequently he must take the risk of the default or want of diligence which he has shown in not coming to parliament in time. As I say, one keeping trace of this particular patent would, by examining the records, ascertain that it had expired, also that parliament had not intervened to keep it alive, and surely until that point of time is reached the public have a right to manufacture the particular article in question. I am not aware of the many conditions which have been presented to the committee by the deputy minister, but I am speaking in general terms and I have no hesitation in saying that the principle of the amendment is unsound.

Hon. Mr. McHUGH—The principle adopted in this amendment is very dangerous. The promoters of this Bill are here asking for relief. When we insert an amendment to the Bill giving them relief from the time they publish their notice, we are going too far. If we establish a precedent like this it will be dangerous to those who start business in the country under any patent. The patentees may come back here, after having allowed their patent to lapse, and obtain legislation which will interfere with the rights of persons manufacturing under the law of the country. Persons may start an industry, or make preparations to do so, and then find parliament coming in with retroactive legislation putting them out of business, and establishing the party who is guilty of the neglect in the same position he would have occupied if the patent had never lapsed. That is a dangerous principle.

Hon. Mr. COX—This particular patent is a very valuable one, and the goods are now actually being manufactured in Peterborough by the party who acquired the patent. It was purchased at a large expense, and all that is asked is that his rights shall be protected from the time the application was made. It would be a very great hardship if some other person now were permitted to have the benefits of this patent, which is a very valuable one, and cost a large amount of money. The building for the manufacture of this article has been erected, and the machinery put in, and altogether it is a very valuable industry and for some person now to take advantage of a technicality or over-sight and be permitted to manufacture these goods would be a very great injustice to an important industry.

Hon. Sir MACKENZIE BOWELL—Do I understand that this gentleman who owns the patent commenced the manufacture of the article after the expiration of the patent, otherwise he would not have had to come here for a Bill?

Hon. Mr. COX—I suppose that is correct. The point I want to make is that this application has not been made simply for the purpose of preventing other people from manufacturing; but the patent has been acquired at a large expense, the building and plant for this work are quite large and the goods are being manufactured. The machinery is expensive and has been in operation for several weeks. Some person

watching patents might take advantage of this lapse.

Hon. Sir MACKENZIE BOWELL—If there has been no attempt to manufacture this article by any other person, then there can be no necessity for adding that clause.

Hon. Mr. KERR (Toronto)—The patent had not expired except by virtue of the clause which declares that through the importation by them of the article without an extension of time for that purpose, the patent came to an end. In other words it was a premature termination of the patent, which would have been in force for many years only for that. Is it to be said that because a premature mistake is made of importing without getting the necessary extension of time that the patent expires and the man shall forfeit all his right? On the other hand he gave notice of intention to apply, and, up to the time of his giving notice, we assume that any person who had acquired rights outside of the patentee should have his rights protected. The question is whether beyond that time, having given notice of his intention to apply here, his patent should not be protected during that interval, or whether any person who chooses to hold up this company after notice of the application, should be at liberty to do so. It is urged by the hon. member from Calgary that that is not a sound principle to act on,—that the Act should not protect until after it becomes law, but I submit with all deference to him that the whole patent law is based on that principle. When an application for a patent is made, it may not be granted for a year, but the patentee is protected during the whole of that year, and if that is a logical thing to do, then you will revive his right under the statute, and is it not equally reasonable that the time should run from the date of the notice?

I am putting that as being what strikes me as a fair proposition, but above and beyond all, notice is given to the public of intention to apply here. No person contends before the committee of this House that there has been any right acquired. No person contends to this day that any person is being interfered with by the act. But the operation of this Bill may be postponed for a month or possibly for six months, and so from now until a date which is still in the future, there is to be protection for those who choose to come in and take advantage of the state of things. I say it is holding out a premium to people to practise blackmail, or to start an industry in the meantime.

Hon. Mr. LOUGHEED—I am not discussing the merits of this particular case; I am questioning the soundness of the principle laid down in the amendment which has been introduced. I would say in answer to my hon. friend that the distinction which he has just drawn is quite obvious. Under the Patent Act certain rights are given by statute so that when a patentee applies for his patent, notwithstanding the fact that he does not receive it, his rights are protected in the interim, but it is an entirely different case here. The rights have expired and immediately upon expiration of these rights, rights accrue to the public. My hon. friend from Toronto speaks of the public taking advantage or of private parties taking advantage of this particular patent. He must not overlook the fact that the public have rights immediately the patent expires, and the patentee does not become possessed of any rights until he renews the rights for which he has applied. The distinction in that way is obvious. I had not the opportunity of being at the meeting of the committee. Possibly the facts brought before the committee would warrant the amendment made. In my judgment, the principle is unsound of saying that immediately you insert an advertisement in the public press with regard to any act for which application is going to be made to parliament, rights accrue to the applicant. You might as well say that any one advertising in connection with an application for a railway charter, immediately he puts the advertisement in the public press secures rights as against the public; and after that no rights must be recognized as against the applicant. I am not moving any amendment. I do not object to the report, but I simply question the principle, and think it is a bad precedent if we sanction it as a principle and not simply make it applicable to the conditions of each case.

Hon. Mr. CLORAN—I may say that we went into this question very fully in the committee. My own opinion was along the

line which the hon. gentleman has suggested, but, after the discussion had taken place in the committee, I changed my view. I hold that in presenting this report the committee does not ask this House to endorse a principle which is unsound. I certainly would not be a party to it, if I really thought that the principle was unsound; but we went thoroughly into the merits of the question, and we found that the patentee had certain rights under the patent, whether he was a foreigner or a Canadian. In this case he was a foreigner, and knew much less about the law than a Canadian. He forfeited his rights under the law, but the merits of his invention did not fall with his rights as long as nobody else was able to avail himself of the merits of this invention. He had already taken precaution with the department to secure his rights. He got them, but for for want of time, want of money, and want of opportunity, he did not develop his invention and his patent lapsed. The time came when he was able to go on with the work. In the meantime nobody else had infringed on that patent. Nobody had begun to manufacture the goods which he is preparing to put on the market. Now he comes to the department and says, 'I want a revival of my rights.' The department has no objection. The department and the government say: 'You are entitled to a revival of your rights under this patent on a certain condition—that anybody who will have manufactured your goods according to your patent between a certain date and the passing of a certain Act shall be protected.' That has been the law of the department. It is a clause that is introduced in nearly every authority for the revival of a patent; but the clause is not a fair one because when a man gives notice in the press of the country, whether he be an official or a private individual, he exposes his hand. He exposes the value of his invention, and other people have an opportunity of coming in and availing themselves of it. The amendment accepted by the committee, and presented to the House is this: After the publication of his request to the parliament of this country to secure a revival of his rights that he shall be protected from that time and not from the moment when parliament may prorogue. Parliament may prorogue one month after he makes his application, and it may be six months afterwards. We have no guarantee that it will not be a year, before the Bill is sanctioned, thus giving everybody else a chance to infringe on that patent. We, therefore, came to the conclusion that from the 21st December, 1904, to the 4th November, 1905, anybody who, during that period, commenced to manufacture these goods will have the right to do so in spite of this Act, but we ask that from the moment of the publication of the notice in the 'Official Gazette' that we should be protected. In recommending that amendment I think we only did what was right as a matter of justice.

Hon. Mr. MACDONALD (B.C.)—Was the renewal of the patent opposed in the committee?

Hon. Mr. CLORAN—Yes, it was. The committee was seven to five in number. There was a long discussion.

Hon. Mr. McHUGH—If hon. gentleman will look at Bill 79, there is a saving clause in that Bill, put in, I suppose, on the instructions of the Department of Agriculture which looks after these matters. It is in exactly the same form as was used in this Bill before the amendment was inserted. Now the hon. member from Toronto says that they do not know to this day that any one has done so, but he says that some one might take advantage of the notice that has been given by parliament because this Bill does not become law to-day. I have no objection to this Bill. I do not know whether anybody has been infringing on the patent or not, but I do object to the principle of allowing people to come here who have let their rights lapse in that way and ask this parliament to give them retroactive legislation in order to reinstate them in rights which they themselves were too negligent to protect. I object to that. If we give relief in this case we are likely to be called upon to do it in other cases. I do not think it is a good principle to establish, and for that reason I am strongly of opinion that before the Bill is passed, an opinion should be obtained from the Department of Agriculture upon it. I have not yet seen any Bill that I can recollect—although it has been stated that some Bills have been put

through containing this amendment—I cannot say I recollect of any such saving clauses being put in any Bill.

Hon. Mr. FERGUSON—I think this is a very unusual provision. The committee may have had information which is not before the House; but this patent, as all others of a similar character, having expired it is open to the petitioner to come to parliament and have an Act passed granting an extension; but the rights of those who commenced to manufacture the goods in question within the period during which the patent was lapsed are always preserved in Acts of this kind, and this clause is the usual one preserving the rights of those who have begun to manufacture in the meantime; but it has been amended and modified so that the rights of parties who may have begun to manufacture in the meantime, are only preserved up to the time at which the advertisement appeared. Now the committee may have had better information than the House possesses and they may be right, but as far as my recollection goes, it is something we have not done before, and I think it would be better to defer the consideration of this amendment until to-morrow. Then the House would have a better opportunity to come to a mature determination. The hon. gentleman from Victoria has pointed out that when the party holding the patent issues his notice he shows his hand. and that this gives an opportunity for others to come in which otherwise they might not have availed themselves of. There may be some force in that. It is a new departure in legislation and we ought to proceed carefully.

Hon. Mr. KERR (Toronto)—If any parties have acquired rights their rights are continued by the Act. It is only intended to shut out people commencing to manufacture between the time of the discussion and the passing of the Act, because there is no pretense that any person has acquired a right up to this time. Why should any person who may start after the notice has been given obtain rights, why should we save his rights?

Hon. Sir MACKENZIE BOWELL—When did the patent expire?

Hon. Mr. KERR (Toronto)—Over a year ago, in 1904.

Hon. Mr. FERGUSON—The usual course is to preserve the rights of any person who begins to manufacture from the time the patent has lapsed until it is renewed by parliament. Now we are proposing to preserve such rights only from the time the patent lapsed up to the time the notice was given. That may be right, but it is a new departure.

Hon. Mr. COX—It is only to preserve the right from the time notice of this legislation is given, from the time when the parties gave notice of their application for renewal. I may say that the building in which these goods are now being manufacured is a six story brick building, which has been under construction for the past year and the goods are now being manufactured there. It will thus be seen that this is an important business and an important patent. Any person noticing that this patent had expired by a mere error, might step in and take advantage of it. I think that would be a great hardship. This concern is now in operation, and it is quite an extensive affair, shipping goods all over the world.

Hon. Mr. LOUGHEED—Does my hon. friend know whether there have been any intervening rights?

Hon. Mr. COX—I have not heard. I am not aware.

Hon. Mr. KERR (Toronto)—There are none.

Hon. Mr. COX—I am not a member of the committee. I was asked to introduce the Bill, but had forgotten about it until I heard this discussion commenced. I happen to know that the goods are being manufactured in Peterborough, and that a very large amount of money has already been expended in preparations for manufacture and if it were left possible for any person to step in since this notice has been given, and take advantage of the patent on which so much money has been expended, I think that is something this honourable House would not desire.

Hon. Mr. LOUGHEED—While one cannot discuss here what has taken place in committee, yet it would simplify matters

very much if we knew whether it is alleged that the notice as it appears came to the observation of any parties who may possibly claim to have secured intervening rights? I should like to know if there was any evidence before the committee of any intervening rights, and if so at what point of time did they become acquainted with the application made for the renewal of the patent?

Hon. Mr. KERR (Toronto)—It was stated before the committee by the gentleman who represented the applicant, Mr. Ridout, of Toronto, that there were no rights acquired at all. There was no notification of any person having either manufactured or commenced to manufacture. I should have said when I was speaking before that the deputy minister stated—not in committee, but stated to Mr. Ridout in my presence afterward, as we were going out the door—when I asked him the question, why was it in this particular form he said: 'That is the way in which some parties prepare their Bills, and as long as they are satisfied with that clause, it is satisfactory to the department; but the view which we have is that there should be a greater protection given, and no premium held out to induce persons to begin to manufacture in this way.' Hon. gentlemen will bear with me while I refer to chapter 106 of the statutes of last session, the Act respecting certain patents of the Ideal Manufacturing Company, page 323. Section 2 of that Act reads as follows:—

If any person other than any licensee in the period between the expiry of six years from the date of the said patents and the 25th day of March, 1905—

That was the date of the giving of the notice. This Act was passed on July 20:

—commenced to manufacture, use and sell, in Canada, any of the patents of inventions covered by the said patents, respectively, such person may continue to manufacture, use and sell such inventions.

We are following that practice. It is to be found in many other Acts. This clause has been amended with reference to this particular Bill, and that was done with the same object, I understand, in some other cases.

Hon. Mr. LOUGHEED—What is the point of time referred to there?

Hon. Mr. KERR (Toronto)—The time of giving notice of application.

Hon. Mr. LOUGHEED—I think parliament was sitting then, on March 25.

Hon. Mr. KERR (Toronto)—Yes, notice was given then.

Hon. Mr. CLORAN—This company are asking no favours. The company lost their rights on December 21, 1904. They made application on November 4, 1905, and they state to parliament that anybody who has commenced to manufacture between those dates, shall continue to manufacture. We merely asked parliament to protect the company's rights after they have made it known to the country at large that they want a revival of their patents.

Hon. Mr. WILSON—It strikes me that this is rather new legislation on the part of the Senate. We have not heretofore passed legislation trying to cover up a patent that has lapsed and become extinct. I think it is a wrong principle, and one which we ought not to adopt, to proceed with retroactive legislation of this nature. These people come to parliament and make application to get their patent revived, and until parliament comes to a decision, we have no right to say that notice published three, six or twelve months before, should cover any legislation that this parliament might possibly feel disposed to enact. It is certainly equivalent to saying that the notice given by those who are applying for a revival of the patent is of the same effect as the legislation of parliament, and I therefore think it would be a very unreasonable thing for us to adopt a course of that kind. They ought to know what the law is. They know that they will be protected just as soon as they get their patent. My hon. friend says that they have exposed their hand, and that they want to be protected against anybody who might take advantage of that fact and enter into the business of manufacturing this article, thus depriving the company of certain rights. We make a provision protecting any individual who has begun to manufacture, up to a certain date; but now, I ask, is any one who intends to manufacture this article for which the patent has lapsed to know whether a notice has or has not been given. They might see the notice and they might not see it. Parties might go on and expend a large amount of money, and then, forsooth, might

and that the notice which had been given covered the time during which they had been engaged in this industry. I contend that it would be dealing very unfairly and unjustly with the public and we should hesitate before we proceed with this retroactive legislation.

The motion to concur in the amendments made to the Bill was agreed to.

THE RESOURCES OF THE MACKENZIE BASIN.

MOTION POSTPONED.

The notice of motion being called :

That a select committee composed of the Honourable Messrs. Talbot, Lougheed, Douglas, DeVeber, Landry, Tessier, Wilson, McMullen, Young, Ferguson, Ross (Moosejaw) and the mover, be appointed to inquire and report from time to time as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky mountains and west of the Hudson's bay ; comprising the north parts of the provinces of Alberta and Saskatchewan and the Mackenzie territory, its extent of navigable waters, rivers, lakes and sea coast, of agricultural and pastural lands, its fisheries, forests and mines ; five to be a quorum ; the said committee to have power to appoint shorthand writers and to send for persons, papers and records.

Hon. Mr. SCOTT—The attention of the government has not been given to this motion. I have only seen it to-day for the first time, and I should like the hon. gentleman to let it stand until Tuesday in order that I may have an opportunity of bringing it to the attention of my colleagues.

Hon. Mr. DAVIS— I was about to ask that the motion be allowed to stand over until Tuesday, and to give notice that I wish to add a certain number of names to those mentioned in the notice.

The motion was postponed.

A VACANCY IN THE SUPREME COURT BENCH

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called I should like to inquire if the government has come to any conclusion as to the nomination of a judge ad hoc for the Supreme Court, in order that all the cases coming from the province of Quebec may be dealt on the 14th May inst ? Those cases have been twice postponed on account of the absence of the judge and because the other judge, Justice Girouard, refused to proceed.

Hon. Mr. SCOTT—I brought this subject up before the Minister of Justice and asked him whether it would be possible to appoint a judge ad hoc. He tells me there is no provision in the constitution of the Supreme Court for the appointment of an ad hoc judge, so some other course will have to be adopted.

Hon. Mr. LANDRY—Is there any other course that could be adopted ?

Hon. Mr. SCOTT—I am not at present in a position to say. In the hasty interview we had to-day he was not able to suggest any.

Hon. Mr. LANDRY—Perhaps the nomination of a judge might meet the situation.

BILL INTRODUCED.

Bill (L) An Act respecting the James Bay Railway.—(Hon. Mr. Kerr, Toronto.)

VANCOUVER, WESTMINSTER AND YUKON RAILWAY COMPANY'S BILL.

THIRD READING POSTPONED.

The Order of the Day being called :

Third reading Bill (41) An Act respecting the Vancouver, Westminster and Yukon Railway Company.—(Hon. Mr. Bostock).

Hon. Mr. SCOTT—There seems to be some misapprehension with respect to the policy of the government in reference to this work. I may say that the government have no views on the subject that they desire to impress on the House one way or another, beyond this, that it was thought to be quite important in using the Yellowhead Pass a clause should be introduced in the Bill that it would be open to any railway to have running rights over the portion through the pass approaching either from the east or from the west. It was thought at one time that the Railway Commissioners could give that power, but in the opinion of the Minister of Justice the safer way would be to introduce a clause in this Bill to that effect, and I therefore suggested to my hon. friend that we should either send it back to the committee, or if he has a clause prepared by Tuesday it can be intro-

duced in the House, giving running powers over that portion of the line which traverses the Yellow Head Pass.

Hon. Mr. LOUGHEED—May I ask, by way of inquiry, why with a very large ministerial representation in the House of Commons this important subject was not thought of when the Bill passed its three readings in that Chamber.

Hon. Mr. GIBSON—I should like to ask the hon. Secretary of State if it is because of the narrowness of the pass that this restriction is now being required by the government? Because I have it from the highest authority in Canada, Sir Sanford Fleming, that there is room for fifteen railways in the pass, so that the government need not be alarmed about any one railway whatever occupying a position through that part of the country, that is at present undeveloped, to the disadvantage of any other railway in Canada.

Hon. Mr. SCOTT—It is safer, I presume, to insert a clause of that kind. We do it constantly in important railway locations.

Hon. Mr. LOUGHEED—I am not objecting to the insertion of the clause. I think it is very advisable that it should be done.

Hon. Mr. SCOTT—To be honest, I think it went through the House of Commons without public attention being called to it.

Hon. Mr. POWER—Oh, no.

Hon. Mr. LOUGHEED—That scarcely could be the case, because the present Minister of Inland Revenue seemed to be the chief advocate of the Bill when it came before the Senate Railway Committee.

Hon. Mr. LANDRY—I want to call the attention of the minister to this proof of the efficiency of the Senate.

Hon. Mr. DAVIS—I would suggest that if the Bill is to be amended it should be sent back to the committee, where we could have a full discussion. The point has been raised by the hon. senator from Beamsville (Hon. Mr. Gibson) as to the number of lines of railway that can go through that pass. Has he any information as to the number of railways that can traverse the river beds in British Columbia leading to the pass?

Hon. Mr. SCOTT.

Hon. Mr. GIBSON—I will tell the hon. gentleman further than that, that the portion of the country where this line is to be built was surveyed by Sir Sandford Fleming, and for reasons, good and sufficient I daresay to the government of that day, the Yellow Head Pass was abandoned; but I am assured—and I have read the survey reports and the reports of the chief engineer many years ago, but my memory was refreshed the other day by that gentleman—as to this one fact, that a railway through the Yellow Head Pass can be built with grades no greater than are to be found between Montreal and Toronto in addition to which the width of the pass will afford accommodation for the number of railways I have mentioned.

Hon. Mr. DAVIS—The hon. gentleman's remarks are a good argument for referring the Bill back to the committee. He speaks of the opinion of the engineers; we cannot hear the engineers in this House, and if the Bill is sent back to the committee we can have the engineers there and can get all the information which the hon. gentleman says is available and which is necessary to discuss the question intelligently.

Hon. Mr. BOSTOCK—The request made by the hon. Secretary of State is rather extraordinary on account of clause 137 in the Railway Act. I think the railway commissioners have all the power necessary to deal with the question, but, if he specially wishes it, I have no objection to let the Bill stand over until Tuesday.

Hon. Mr. FERGUSON—I was quite surprised to hear the observation of the hon. Secretary of State that the government have not a policy with regard to this measure, because I was present in the committee when a colleague of his took a very strong stand. I may say that during my experience in parliament I have never known a member of the government to come before a committee and express himself so strongly and emphatically as that gentleman did. I would almost go so far as to say he attempted to browbeat the committee.

Some hon. GENTLEMAN—Oh, no.

Hon. Mr. FERGUSON—Well the language was very strong—extremely strong. I never knew a member of the government

to come before a committee and assume so strong an attitude as the hon. gentleman did.

Hon. Mr. GIBSON—I rise to a point of order; hon. gentleman cannot discuss what took place in the committee. The minister is not here to defend himself.

Hon. Mr. FERGUSON—I may not be permitted to discuss what took place in the committee. but I am free to discuss what the policy of the government is, if a member of the government, in a committee or anywhere else, took an attitude distinctly different from that taken now by the leader of the House, I do not think it should be kept secret.

Hon. Mr. WATSON—That hon. gentleman, in addressing the committee, stated he was not speaking for the government, but as a representative from British Columbia, and he closed his remarks by stating that if the government had any other policy than the one he was advocating he did not see how he could remain a member of the cabinet.

Hon. Mr. LANDRY—I suppose he was speaking as a farmer ?

Hon. Mr. FERGUSON—If he made use of that observation to which the hon. member from Marquette has alluded it escaped me. In answer to a question which I put to him he said emphatically 'I am speaking with all the responsibility of a member of the government.' These were his words.

The order was discharged, and placed on the Orders of the Day for Tuesday next.

Hon Sir MACKENZIE BOWELL—It would be well if the suggestion made by the hon. Secretary of State were put on record so that we could understand it.

Hon. Mr. SCOTT—I will ask the Department of Justice to draft a clause for the Bill giving running powers to other roads through that pass.

CANADIAN HANDICRAFTS GUILD BILL.

THIRD READING.

Hon. Mr. FROST moved the third reading of Bill (E) An Act to incorporate the Canadian Handicrafts Guild. He said: In moving the third reading of this Bill I desire also to couple with it a motion that the amount paid by the promotors be refunded, less the usual charge for printing. This is not a matter from which any pecuniary advantage can rise to the promotors. It is purely benevolent, and on a par with Bills relating to religious and benevolent societies regarding and which it is the custom to refund the fees less the cost of printing.

Hon. Mr. POWER—The hon. gentleman cannot couple a motion of that kind with his motion for the third reading of the Bill. He must give notice.

The Bill was read the third time and passed.

THIRD READING.

Bill (69) An Act respecting Patents of Henry Edmunds.—(Hon. Mr. Frost.)

GENERAL INSPECTION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in committee of the whole consideration of Bill (C) An Act to further amend the General Inspection Act.

(In the Committee.)

Hon. Mr. LOUGHEED—Might I ask the right hon. Minister of Trade and Commerce whether the Department of Agriculture has looked into this Bill and reported on it ? My hon. friend placed on the table the other day a letter from the Board of Trade of Winnipeg indicating that it was from that source this Bill had its origin. What struck me in connection with it was this, that it would appear that the committee on hay—there seems to be such a section of the Board of Trade in Winnipeg—apparently had taken the subject up and made the proposition that the Inspection Act should be amended according to the suggestion which they then made. Now it seems to me very obvious that the hay section of the Winnipeg Board of Trade would not be producers but simply dealers in hay, and it would further seem to me that the appointment of an inspector, say at Winnipeg, at the instance of those parties who handle hay, would not be in the interest of the

farming community. The difficulty I see is this, that owing to the very small amount of hay shipped from distant points to Winnipeg the inspector would necessarily be there. There would be no way, except the other inspectors are appointed in western districts to have the hay inspected before its shipment. Consequently the farmer would be in the hands of the Winnipeg buyer. The inspector will be appointed at the instance of the Winnipeg Board of Trade and would make the inspection there and the shippers will have no protection, that I can see, as to receiving that disinterested inspection to which they would be entitled.

Hon. Sir RICHARD CARTWRIGHT—The House will understand that this measure is submitted for the express purpose of ascertaining the views of those who are more particularly conversant with it than I can pretend to be, especially hon. gentlemen like my hon. friend from Calgary. About a year ago this matter was brought to the attention of the department, and I immediately caused the gentlemen with whom probably my hon. friend is well acquainted, who are appointed by the department to inspect grain, Messrs. Horn and Castle, and who are in constant touch with the farmers throughout the district chiefly affected; I referred it in the first instance, to them to obtain their opinion, and in the next place I referred to the Department of Agriculture to know whether they deemed this would be of use in the general interest, or whether it was likely in any way to affect the farmers prejudicially in the way my hon. friend supposes. They appeared to think that it would be a matter of some moment to have an inspection and that it would not prejudicially affect the farming interest. But my intention was first of all to submit it here, and if the gentlemen who are more particularly interested in the section of the country affected have any suggestions to make, of course I should be only too happy to consider them. It will also, after passing the ordeal of this House, be referred, when it goes to the House of Commons, to the Committee on Agriculture there, which has special facilities for dealing with these questions, and I have delayed the motion on several occasions in order that we might hear from any parties in the vicinity of Winnipeg or elsewhere, if they have any objections to make. I do not understand the hon. leader of the opposition to say that he has received communications on the subject. If he has I would be very happy to hear them.

Hon. Mr. LOUGHEED—None whatever. I take no exception to the Bill. The only thing that strikes me in connection with such legislation is that it emanates from the hay section of the Board of Trade of Winnipeg. If the matter is kept entirely within the Department of Agriculture, I feel satisfied that the farming community will be protected, but it emanates from an interested source from those who buy hay in Winnipeg, and if the inspection is left to them—if that is the case it is for the Department of Agriculture to say whether it is right.

Hon. Sir RICHARD CARTWRIGHT—The appointments would be made by the government, but the parties would be required to pass an examination as to qualification before certain examiners who would be appointed by the board of trade.

Hon. Mr. LOUGHEED—That is why I say that in all probability the appointment would be made by the hay section of the Board of Trade of Winnipeg.

Hon. Mr. WATSON—I suppose the members from Manitoba ought to know as much about this matter possibly as the eastern members. It appears to me that the conditions laid down here for the different grades of hay certainly could not be brought into service during the coming season; and I respectfully submit that the Grain Growers Association, which is an association of farmers in the west, might be very good people to express an opinion on a Bill of this description. I think it should be left over until the fall session. The people who are putting up hay for sale should have some idea as to the conditions which are to be attached to the inspection before they put up the hay. It would not be possible to have this Bill brought into force so as to affect the hay put up this season, because I see that red top is to be kept separate, and other varieties are to be kept separate. The farmers out there cut everything and bale it as it comes, and you would have all

the different kinds mixed up together. There is practically no grading; in fact until this Bill was introduced I never heard anybody asking for an inspection of hay in the west. Hay has been bought in large quantities, principally by railway contractors. The most of the hay is used around the small towns where it is put up. It is hauled in and sold by sample. The price paid is according to what the purchaser thinks it is worth. The baled hay is principally bought by contractors. In the interests of the general public I think it would be a mistake that those who are most interested should not have some opportunity of expressing themselves. No interest will suffer by allowing the Bill to stand until the fall session.

Hon. Sir RICHARD CARTWRIGHT—I have no particular desire to press the Bill against the wishes of gentlemen on both sides of the House who represent Manitoba and the provinces included in the inspection district. My idea had been however, that the discussion taking place here and some attention having been called to the matter in the press, if there was any serious objection to it, when it went down to the other branch of parliament, it could be suspended then; but if it was found that the measure met with the general approval of all concerned, it could then go through. Still I am not disposed to press the matter, and while I have taken pains to ascertain what the views of the parties affected are, and have sent communications in two or three quarters, I have not received any answer as yet. I believe certain newspapers published in the west have been giving the matter some little publicity; and usually, as hon. gentlemen know, if there is any objection we hear of it pretty promptly, either from the papers, or through the members themselves. I did not understand my hon. friends to say that they have received any communications objecting to it in any case. If it is desired, we can move that the committee rise, report progress and ask leave to sit again; and in the meantime I should be obliged if the hon. gentlemen who are interested in this matter, would bring it to the attention of their constituents who are best qualified to give an opinion upon it. At what date would my hon. friend like to resume the discussion?

Hon. Mr. LOUGHEED—I can assure my hon. friend that I quite appreciate the consideration which he has given to the matter, and the desire to have the west made familiar with the provisions of the Bill. I think there should be sufficient time given to send copies of the Bill to the west, say a couple of weeks.

Hon. Mr. DAVIS—I should like to hear some argument as to why an inspection of hay is wanted at all? I have lived for 27 years in the Northwest and this is the first time I ever heard of such a thing. We do not export this hay out of the country. It is all used in the country and when hay is sold it is sold by the load and by the ton; people buy it with their eyes open, and the only object I can see in this proposition is exactly what the leader of the opposition has said, that some people want to get a little hold in the city of Winnipeg to grind the farmers.

Hon. Sir RICHARD CARTWRIGHT—I am not conversant with the particular description of hay referred to here. I have been a purchaser of hay on a considerable scale for domestic use for a number of years and have not always found it easy to obtain a good quality, and I think it is the case with a good many of us, that we would have been better off if the hay had been inspected. However, that is a matter of detail. As I said, my object is more to call attention to the Bill which has been forwarded to me, and to see that both sides are heard.

Hon. Mr. DOUGLAS—I quite agree with the idea of delaying the further discussion of this Bill, for various reasons. I have been twenty-two years in that country. On our own ranch we put up about 300 or 400 tons of hay every year, and I know something about the quality of hay. I know also a little about the history of this matter in Winnipeg. It is affecting but a few individuals, who are preparing to fill or filling large contracts in connection with railway building; and I suppose it is a matter of considerable interest to them, as they buy baled hay by the carload, and sometimes they may find it in an inferior condition, damp or otherwise, so that while it may be a matter of very considerable importance

to the trade in Winnipeg, certainly it has very little to do with the west in general. Individually I have not received any letter from my constituency, and as far as I know the other representatives from the west are in the same condition, so that it would be well to delay the matter if possible. Then again I have a decided objection to the basis upon which the inspection is proposed to be made, for the reason that probably they would not find a carload of hay that could be sold under the classification here specified, red top and pea vine, and wild vetch, all dry, well cured, good colour, &c. Such a thing is not known, to me at least. We know mixtures of grasses, and pea vine and such like, but I do not believe a carload of such hay as is here described could be found in the whole western country. The whole principle upon which it is proposed to inspect would have to be very carefully gone over, and I think very materially changed. I certainly am very much in favour of the proposition to leave it over until we hear further from the west in reference to the subject.

Hon. Sir RICHARD CARTWRIGHT—I move that the committee rise, report progress and ask leave to sit again.

The motion was agreed to.

Hon. Mr. WOOD from the committee, reported that the committee had made some progress and asked leave to sit again.

CONTINGENT ACCOUNTS OF THE SENATE.

REPORT OF COMMITTEE ADOPTED.

The Order of the Day being called:

Consideration of the second report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.—Hon. Mr. Watson.

Hon. Mr. WATSON—I move that the report of the committee be now concurred in.

Hon. Sir MACKENZIE BOWELL—I was under the impression that the consideration of the report was to be delayed until the return of the expenditures of the Senate under the head of Contingent Accounts, had been laid upon the table by the clerk. However, I do not insist upon that if the House desires to go on and consider the report without the statement in question.

Hon. Mr. SCOTT—There will be another report coming up in a few days, when the return to which my hon. friend refers can be taken up.

Hon. Sir MACKENZIE BOWELL—That will have nothing to do with this report. It cannot be considered with this report.

Hon. Mr. WATSON—I do not think any return made to the House can affect this report, and it is for that reason that I move that it be adopted.

Hon. Sir MACKENZIE BOWELL—If we adopt this report, we adopt the recommendations made by the committee. However, I do not insist upon the point. I desire to make some suggestions in reference to the report of the committee, and to take some little objections to portions of it. I have a very distinct recollection of the manner in which the hon. Secretary of State used to take the members of the Contingent Accounts Committee, representing as they did at that time another political party, to task for their extravagance. Whether he has effected the same reform in this instance as in most others, by doubling the expenditure or at least adding materially to it, I do not know. In looking at the reports of expenditures attending the management of the Senate under the head of contingent expenses, now as compared with 1896, when the hon. Secretary of State used to be shocked at anything like a recommendation for an increase of salary or the appointment of an additional messenger, I observe that the difference between the expenditure to-day and that of 1896, is about $30,000. I am ready to admit that a portion of that increase can easily be accounted for. If my recollection serves me right, previous to 1896, the 'Hansard' reports had not been translated into French. That would add some $10,000 or $12,000 to the expense, and that is quite justifiable; but the remaining portion of the increase would be for other reasons. I wish to point out that if this report be adopted, and the officials referred to be retired, it leaves it open for the committee to fill their places. There is another difficulty I might point out, and I think the Secretary of State is well acquainted with the fact, that he has had in the past great difficulty in getting his colleagues to accede to the extra expenditure which has been incurred in the Senate.

Now if this report recommending the retirement of Messrs. Adamson and Lambkin be based upon a desire on the part of the Senate to reduce the expenditure, and in the interests of economy, and that fact is made plain, it would enable the Secretary of State, or his colleagues who may be on the Treasury Board, to point out that in retiring these officials with a year's salary, a saving would be effected, and he would then, I think, have no difficulty in getting it through. He may have difficulty, however, if the facts be known as he knows them, that Mr. Adamson has been literally doing nothing for a year or two, and that Mr. Lambkin has not been in the office for any considerable time during the past two or three years. He has been kept upon the pay list for, I suppose, the reason of his not being well. There is, of course, always sympathy with officials who are in that position, but that does not apply to one of the cases to which I have referred.

With regard to the appointment of Mr. Berubé as a carpenter, I notice that he is appointed temporarily, that he is not recommended to be placed on the permanent list, but there is a provision in the report that he is to receive a salary of $700 per annum. The carpenter whom we have had on the staff for a number of years, has been what might be termed, a pensioner, for the last year or two. He has scarcely done any work. Whenever any work of consequence was required to be done in the Senate the Board of Works took it in hand. We have another man on the staff by the name of Whitmore, who acts as a carpenter and messenger. If my information be correct, this man is quite capable of doing all the carpenter work necessary to be done other than alterations which are taken in charge by the Board of Works, as I have mentioned; hence there is no necessity for placing this man upon the staff of the Senate. If these new appointments are to be made, why is it that some of the senators have not the privilege of making a recommendation? Who puts these men on? We do not know; but we do know that the members representing the city of Ottawa have no little influence in the appointment of these men. Is it not a fact known to those who have paid any attention to these appointments, that whenever all the holes in the House of Commons are filled up with applicants for office, the residue is dumped upon the Senate? That may be strong language, but that is the conclusion I have come to, because I know that the members representing the city of Ottawa in the Commons have had more to do with the recommendation of parties to fill these different positions in the Senate than the senators themselves. The chairman of the committee frankly told us the other day that there was the greatest harmony prevailing in the committee in the making of these appointments. Was it not the fact that these men were put on the pay-list before the committee had ever met? If that is so, who put them on? And upon what authority? That the committee concurred in it afterwards, I am not prepared to dispute. I suggest that this report should be amended, if it is to be adopted in its present form, by adding words to this effect: 'That the committee recommend with the view of effecting economy in the expenditure of the Senate that Mr. Adamson be retired with a year's salary, and that Mr. Lambkin be retired in the same way.' I do not object to the retirement. What I would object to is that others should be appointed in their places. If the words which I have suggested are inserted—and these men are not required—we can justify the action of the Senate and in the House, and it would place the members representing the government in this House in a position to go before the treasury board and point out the reasons why this is being done. I was on the treasury board for ten or fifteen years, and when questions of this kind came up, if it could be pointed out that such action was being taken in order to effect economy, I have never known any difficulty arise in having the recommendations carried out. I should strongly recommend also that this man Berubé should not be continued as a carpenter, because I am convinced that he is not required, and it is only making an addition of $700 per annum to the expenditure for the time he is employed. We should endeavour as much as possible not to have a lot of barnacles fastened upon us particularly by those who have no right to make the recommendations. I make the suggestion to add the words which I have mentioned in order that

there may be no misunderstanding as to what may occur in the future.

Hon. Mr. WATSON—In reply to the very fair criticism of the hon. gentleman from Belleville, I would state that in the case of Mr. Adamson and Mr. Lambkin I see no reason why such a clause should be added to the report, because this action is being taken as a matter of fact for the purpose of effecting economy. Mr. Caron, who is in the accountant's office, has been performing the work done by Mr. Adamson, up to a few months ago—not years, as has been suggested, by my hon. friend. Mr. Adamson has been employed for sixteen years, and would be entitled to superannuation. The committee considered it would be much more economical for the government to give him a year's salary, which he himself suggested, rather than pay him superannuation. Mr. Lambkin has been 22 years in the service, and he also is willing to take a year's salary in lieu of superannuation. It was also considered by the committee that this would be a saving. In the case of Mr. Lambkin, what has been stated by the hon. gentleman from Belleville is perfectly correct. Mr. Lambkin for the last two or three years has not been giving us much service, for the reason that he was one of the unfortunates who went to South Africa and came back an invalid, and he has been presenting doctors' certificates as to the state of his health the last three years. He now feels that the time has come when he should put in his resignation. It is not intended that there should be any person appointed in his place. As far as Mr. Bérubé the carpenter is concerned, I do not want any misunderstanding. I do not know why we should thresh these matters out here, but of course the members of this House are entitled to an explanation. Mr. Gravelle applied for superannuation last year. At that time it was decided to superannuate him, and I, as chairman of the committee, was instructed—not in the report, but verbally by the committee—to select a carpenter in his place. Applications were made and the one which commended itself to me most is that of Mr. Bérubé. He was backed up by a petition signed by senators, not of one political party only, asking that he be appointed carpenter in the place of Gravelle. I fully appreciate the fact that we have not now the same necessity for a carpenter in this building that we used to have. Our furniture and fixtures are in much better condition than formerly, and there is not the same need for repairs to broken desks, &c. Two vacancies had occurred on the messenger staff since last session, and Mr. Dallaire was taken on subject to the approval of the committee. We had to have a messenger; we could not do without one until the committee should meet. Messengers have always been taken on in the same way in the early part of the session. Bérubé was taken on in reality as a messenger, and under my instructions, because I was authorized to instruct the clerk to appoint a carpenter. That authority was given a year ago, but he was not taken on until two or three weeks ago. In writing to the clerk, authorizing him to instruct Berubé to report for work, I said that it was to be distinctly understood that it was not simply carpenter work he was to do, but messenger work, or any other kind of work required by the clerk. And he is really appointed now as a messenger, to do any work as directed by the clerk. He is taken on temporarily, and he gets, as stated in the report, salary at the rate of $700 a year—not as the hon. gentleman from Belleville states, a salary of $700 a year. Now we pay ordinary messengers $650 and $700 a year. Surely it does not hurt a man to be a mechanic and to be able to do a mechanic's work, while he is only paid at the same rate as a messenger. As regards having work done by the Public Works Department, no doubt anything of importance can be done in that way, but there are often small pieces of carpenter work to be done about the building, and it is not practicable always to have to make a requisition and then wait a week or more before getting a mechanic from the department. It always has been found in the past much more profitable and economical to have a carpenter in connection with the Senate, because there is always a certain amount of work for him to do. As regards the reference which has been made to the increase which has taken place since 1896, I happen to know some of the reasons for the increase. Hon. gentlemen will remember that $12,000 a year

has been added to the expenditure in connection with the translation of 'Hansard.' The unrevised edition of 'Hansard' is published now as well, and that has to be paid for. There are more members in attendance in the Senate than formerly, and consequently the stationery bill is larger. When the hon. gentleman speaks of the expenditure of 1896, of course he does that with the object of comparing the Liberal administration with the Conservative administration, but he knows very well that the Liberals had little or no say in this chamber until about three years ago. The Liberals did not come into power in the Senate in 1896; the Conservatives controlled the expenditure until about three years ago. A good deal of the increased expenditure was incurred under the hon. gentlemen opposite. I do not think the Finance Minister of the day objected to the large expenditure for the investigation in connection with the Drummond County Railway, but surely the government should not be held responsible for that. I do not think the government had any part in bringing on the Cook investigation, which cost the Senate so large a sum. The hon. gentleman himself was largely responsible for that. We have had other extraordinary expenses since that time.

Hon. Mr. SCOTT—The Mutual Reserve was another.

Hon. Mr. WATSON—These things have grown up, and no doubt will account to a great extent for the increase. So far as the contingent accounts committee is concerned, it cannot be charged with spending more money than is necessary. I doubt, if members of the Senate were canvassed individually, if they would suggest a change in any particular. With the object of saving all we possibly can, and believing as members do that our bills for stationery are large, we appointed a sub-committee who sat to-day and will have other sittings and will report to the committee their findings and see if there is any chance of making a saving. They will also report as to the efficiency of the staff and the remuneration paid for the work done. I have no hesitation in saying that we have employees in the Senate who are not receiving sufficient remuneration for the work done. I have no hesitation in saying that we have employes in the Senate who are receiving more remuneration than their work is worth. The committee are making inquiries, and I suppose will shortly have some recommendation to make to the House. We do not wish to be extravagant, or to have people working here who are not properly paid for their services. With that object in view, we are trying to economize, and have good reasons for every dollar of expenditure that we are now making. We appointed a sub-committee to make an inquiry and we expect in a week or ten days to be able to submit a report which we hope will commend itself to the good judgment of the House.

Hon. Mr. McSWEENEY—What is the name of the law clerk's assistant ?

Hon. Mr. WATSON—The assistant to the law clerk is a young lady who has been in the employ of the Senate for four or five years at $40 a month, and it is proposed to increase the pay to $45 a month. She does her work well and deserves the increase. There is no other part of the report which has been referred to that requires explanation and I hope the House will adopt it.

Hon. Mr. YOUNG—I wish to say one word with reference to senators signing petitions for those who seek appointments or increase of salary in the Senate. It would be better in the interest of economy to leave the contingent accounts committee free to use their best judgment in dealing with such matters. It is not a proper course for any employee or applicant for employment to canvass senators for their signatures with a hope of influencing the committee against their better judgment. I have made it a rule to tell any man who asks for my signature to get out, that that is a bar, as far I am concerned, and if he requires that assistance I look upon him as one possibly who has some drawbacks that do not appear on the surface. We should have a clear cut understanding that no senator should sign a petition of the kind for any one applying for employment or for increased remuneration.

Hon. Mr. LOUGHEED—I always understood it was the unwritten law that no petition of the kind should be circulated, and I cannot recall any instance before the

present session in which such a petition was presented to me for signature. A case of the kind came to my notice this session and I expressed my strong disapproval. It should be the rule that the presentation of such a petition to a senator by an employee should be almost equivalent to censuring such employee.

Hon. Mr. YOUNG—If it has been the unwritten law in the past, let us renew for the future the unwritten law in that matter. There is another point to which I should like to direct the attention of the sub-committee, and that is the reading room. I understand a great many papers received there are practically of no interest to any one in the Senate at present, however interesting or useful they may have been in former years. It would be well if the sub-committee would take stock of the reading room and strike off some of these papers and perhaps add others—at all events see what papers should be on the list and what should be removed from it.

Hon. Mr. SULLIVAN—Another small grievance is this, that a large number of papers go direct to members; among them some of the most valuable and looked for magazines and papers. I have no objection to members of the Senate getting these, but they ought to be on file for a couple of days any way so that members could have access to them while they are still fresh. There is no doubt the list needs supervising, because there are many papers on it that are absolutely useless. Between the ones that are of no use and the better ones which are given away without any one seeing them the reading room has nothing like the merit it should have.

Hon. Mr. FERGUSON—It may be found that if the sub-committee undertake to cut off newspapers which are supposed to be useless, they might dispense with some which are useful.

Hon. Mr. YOUNG—I would not suggest that. I simply suggest that they should take stock.

Hon. Mr. FERGUSON—Some of these papers are valuable to those who come from the localities where they are published.

Hon. Mr. YOUNG—I am told that there are papers coming to the reading room which are never opened. There can be no question about them.

Hon. Mr. FERGUSON—That certainly should not be. Our staff is sufficiently strong to open every paper that comes and put it on file. I would not be understood as assenting at all to the idea that we have too many papers. We ought to have such a list that it would be almost possible to see in our reading room a paper published in every part of the Dominion of Canada. I have sometimes had occasion to make search for a paper belonging to a part of the country very far distant from where I reside myself but which for certain reasons I found desirable to procure, and found it difficult to get it. Of course we cannot have every paper published in Canada, but we ought to have at least one from every town in Canada.

Hon. Mr. POWER—With respect to this newsroom question, I quite sympathize with the hon. senator from Killarney, because I remember that when I was young and more or less enthusiastic, I thought there was a great waste of money in connection with the newsroom. But I found that a practice had prevailed almost from the beginning of taking in the Senate reading room, as they do in the House of Commons reading room, a copy of every paper published in Canada. The bill on the whole is not a very large one, and the unimportant papers generally cost only a dollar or a dollar and a half a year. I have been informed, in connection with this matter, that as a rule the newspapers taken in the House of Commons reading room are not available for permanent preservation. They are likely to be disfigured or destroyed and as a rule the files of newspapers which are to be found in the library are those which have come to the Senate. The economy would not be very large and we would probably have a large number of influential papers all through Canada condemning the Senate and asking for its abolition probably, if we were to discontinue taking these papers in our reading room. The hon. gentleman from Belleville had a notice on the paper, and I thought the discussion on the relative expenditures in 1896 and in 1904-05, would more properly come up when that motion was before the House. I do

not intend to discuss it now at any length, but the hon. gentleman has referred to the matter, and it is as well to mention on two or three circumstances which, perhaps, have not occurred to him. There are more senators now than there were in 1896. That accounts for a little; but I wish to direct attention to this circumstance, that the session of 1896 lasted for three months and fifteen days while the session of 1904-5 lasted for six months and nine days—the session was nearly twice as long, and that naturally entailed a larger expenditure for stationery and a much larger expenditure for pages, sessional messengers and other officers.

Hon. Mr. LANDRY—Were there not two sessions in 1896?

Hon. Mr. POWER—Not in 1895-96. There were two sessions in 1896, but not in the fiscal year. The session of '1896 lasted three months and fifteen or sixteen days. Hon. gentlemen will remember it could not last any longer.

Hon. Mr. LANDRY—That is the year the hon. gentleman made his speech on the school question. It could not last any longer.

Hon. Mr. POWER—Of course, at first sight, the difference between the expenditure for 1896 and last year seems very great, but when we come to examine it more carefully it does not seem so large. I have mentioned one or two circumstances, chiefly the length of the session, which go to account for the disparity. In the session of 1904-5, we had a special committee sitting which cost something like $4,000; but for the fiscal year 1904-5, the expenditure in connection with that committee investigating the New York Mutual Reserve Insurance Company was $2,269. Then, as the hon. gentleman from Belleville stated in moving for his return, the leather trunks had to be deducted, costing something over $2,000, and there were other sundries which were not properly chargeable, items which had run over from previous sessions. I find that the net amount chargeable to the session of 1904-5 was $90,111. The net amount for the same purpose charged to 1896 was $76,153. That is a total excess of $14,000. Looking at the way in which the expenses of every householder in the country have increased, I do not think the increase in the Senate expenditure is more than might naturally be expected. The officials are paid somewhat more than they were then, and it would only be reasonable that they should be. The cost of living is very much greater than it was then, out of all proportion to the increase in the pay of those employees. I do not propose to say anything more on the general question; the details can be discussed when the motion of the hon. member from Belleville comes up, but I wish to refer to two items in the report of the committee. The hon. member from Belleville made what was apparently a very good case against the appointment of this man Berubé, to act as carpenter, as he claimed that one carpenter was quite capable of doing all the work; but when Gravelle was carpenter and was capable of doing his work, it was thought necessary to appoint Whitmore as his assistant and no question was raised then as to its being extravagant.

Hon. Mr. McKAY—That was when Gravelle had become a very old man.

Hon. Mr. POWER—Gravelle was quite able to do his work when Whitmore was appointed to assist him. There is room now for a general utility man. The report proposes to get rid of two or three officers. One result of the adoption of the report will be that we diminish our staff of permanent messengers by two. With respect to the small increase to the young lady who acts as stenographer and typewriter in the law clerk's office, I may say that the lady has been there for between four and five years. She is a most efficient servant of the Senate and has been paid in the past considerably less than we pay our pages. I do not think any hon. gentleman would object to the increase—in fact, I feel rather ashamed that we should be paying her so little.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman object to the suggestion I made that the words should be added 'with a view to effecting economy.'

Hon. Mr. POWER—No, I think that was a very good suggestion.

Hon. Mr. WATSON—It is proposed to insert these words in items two and three.

Hon. Sir MACKENZIE BOWELL—Yes. The session to which the hon. member from Halifax called attention, as he very properly said, did not last longer at that time on account on the fact that the term of parliament expired. It is not my intention to go minutely into the expenditure for the reason I advanced when I rose, but the increase in the number of employees is from 53 to 65. Having heard the reasons given by the chairman of the committee for the increase in the number, we can understand how it happened. The Liberal party had been so long in opposition that they had had no opportunity of providing for their friends and, consequently, they had to add to the expenditure of the country whether it was required or not in order that some hangers on might be provided for. That is an admission from the chairman of the committee that I was very glad to hear, because it is a charge that some of us had been continually making against the party and it is seldom we have such honesty displayed in matters affecting the expenditure of the country. The total staff in 1895-6 numbered 53 and the expenditure was $65,210; in 1904-5, the number had increased to 65 and the expense to $91,780.66. Now what necessity was there for increasing the staff and the expenditure to that extent unless it was for the reason suggested by the hon. senator from Portage la Prairie? I have already pointed out that you could account for eight or ten thousand dollars of that increase for which the Senate is responsible, and not the committee, but the committee is equally responsible because it always approved of any suggestions which were made. I find also that in the matter of charwomen there is an increase from $972 to $1,227.20, and I do not know that the Senate is kept any cleaner now than it was ten years ago, and the total expenditure under the head of contingencies has swollen from $38,056 in 1895-6, to $52,630.46 in 1904-05.

Hon. Mr. ELLIS—Look at the number of rooms we have now.

Hon. Sir MACKENZIE BOWELL—The rooms existed then as they do now. I do not desire to say anything offensive, but the sub-committee appointed to take into consideration the expenditure of the Senate will find a number of people on the staff who never do anything, and they are in the same position as the two employees to whom I called attention who are being paid for doing nothing. Another point my hon. friend did not refer to is the fact that Bérubé is to act as carpenter and messenger; that is, when he has nothing to do in one position he is to be employed in the other. What I contend is, and what I think everyone who knows anything about the Senate will admit, that a carpenter is not required at all; that Whitmore can do the work as he has done it all along since Gravelle's illness. Further, the Board of Works has taken charge of the improvements made in the Senate. If you propose to dispense with the services of the Board of Works people, then there might be some reason for this appointment. However, the Senate seems to be satisfied and, I presume, as the majority is with the hon. gentleman now we will have to accept his reasons for increasing the expenditure. I move that the following words be added to the second and third paragraph: 'with the view of effecting economy.'

The amendment was agreed to.

Hon. Mr. BERNIER—I sympathize with the remarks of the hon. member from Belleville about Bérubé, but if that man is to be retained it seems to me that a few words should be struck out from the paragraph recommending his appointment, because it implies that he is appointed to replace Gravelle and to be 'paid at the rate of salary paid his predecessor.' That implies that he is to take the place of Gravelle. It seems to me it would be an injustice to Whitmore who was appointed assistant to Gravelle. Now that Gravelle is gone, Whitmore should take his place by virtue of promotion, which is the right principle, and the one which should prevail. I would suggest that if Mr. Bérubé is to be retained that these words be struck out—

Salary paid to his predecessor, namely.

leaving the question open, when it presents itself, whether Whitmore or Berubé should be the head of that service. As the chairman of the committee has told us, he has merely appointed Berubé temporarily, and really as a messenger. If we strike out these words, that would leave the whole question open for the future, for any one

who may take interest in it. For instance if that sub-committee lately appointed by the Contingent Committee, is to take cognizance of this, their hands will not be tied.

Hon. Mr. WATSON—We are not interfering with Mr. Whitmore at all. We have appointed Mr. Bérubé and we have to provide for his pay.

Hon. Mr. BERNIER—By leaving out these words it would read that Mr. Berubé be paid at the rate of $700 a year. The resolution as it reads now implies that Berubé is to take the place of Gravelle, the head carpenter.

Hon. Mr. LOUGHEED—The chairman of the committee will doubtless appreciate the point made by the hon. gentleman from St. Boniface. The chairman made the statement that it was not the intention to appoint Berubé as successor to Gravelle. I understand that to be the case, that he was appointed really as a messenger.

Hon. Mr. WATSON—Gravelle used to do carpenter work and nothing else. As far as Bérubé is concerned, he was appointed to do any kind of work.

Hon. Mr. LOUGHEED—Therefore he would not in that sense be the successor of Gravelle. We understand his duties are defined as indicated. My hon. friend from St. Boniface, takes the exception that he should not be described as the successor of Gravelle. That impliedly places him in the same position as that occupied by Gravelle, and inferentially he would be performing the same duties of head carpenter. I think the hon. gentleman from St. Boniface is quite reasonable in his view, and the suggestion he has made will carry out the intention of the committee, namely that Berubé shall receive $700 a year.

Hon. Mr. WATSON—The man he has referred to—Whitmore—is all right for the work he is doing, but I have no hesitation in saying I would not want him to be head carpenter over Berubé. Berubé is supposed to be, and is the better man of the two. Whitmore is not interfered with at all. He is a permanent employee, and the other man is only temporary.

Hon. Mr. MACDONALD (Cape Breton)—I do not see why the suggestion of the hon. gentleman from St. Boniface should be accepted. This situation is this; Gravelle is sick, he is not yet superannuated. During his illness, and until he is superannuated, Mr. Berubé has been appointed to do any carpenter work that may be required. He is in the line of succession to Mr. Gravelle; therefore, I see no reason why the amendment of the hon. gentleman from St. Boniface should be accepted.

The Senate divided on the amendment which was rejected on the following division; contents 12, non-contents, 19.

The main motion to concur in the report was then agreed to.

SECOND READINGS.

Bill (G) An Act for the relief of John Albert Peer.—(Hon. Mr. Kerr, Cobourg.)

Bill (99) An Act respecting the Mather Bridge and Power Company.—(Hon. Mr. Gibson.)

Bill (89) An Act to incorporate the Ashcroft, Barkerville and Fort George Railway Company.—(Hon. Mr. Riley.)

Bill (20) An Act to incorporate the Canadian Bible Society, Auxiliary to the British and Foreign Bible Society.—(Hon. Sir Mackenzie Bowell).

Bill (102) An Act respecting the Schomberg and Aurora Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (108) An Act respecting the Kettle River Valley Railway Company.—(Hon. Mr. Bostock.)

Bill (128) An Act respecting Puebla Light and Power Company, Limited, and to change its name to 'Puebla Tramway, Light and Power Company.'—(Hon. Mr. Frost.)

Bill (113) An Act respecting the Great Northern Railway of Canada.—(Hon. Mr. Legris.)

BILLS INTRODUCED.

Bill (86) An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railway and Steamboat Company.—(Hon. Mr. Kerr, Toronto.)

Bill (39) An Act respecting the Canada Atlantic Railway Company.—(Hon. Mr. Lougheed.)

Bill (84) An Act respecting the Grand Trunk Pacific Railway Company.—(Hon. Mr. Gibson.)

AN EXPLANATION.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to call attention to the summary report of our proceedings of yesterday. I was struck when one of the evening papers was put into my hands with the very large headline, 'Senator Ferguson modifies his view.' I at once went up to Mr. Soutter's room and got the report of yesterday. I am represented as having modified my view with regard to the propriety of judges sitting on commission. The summary reporter appears to have altogether misconceived my position with regard to that question. I did not modify my view at all, but I took another way of carrying it out, another way of accomplishing the same object. I read yesterday and read with approval, from the report of the remarks of the Minister of Justice in the House of Commons, wherein he entirely disapproved of judges sitting on political commission. I did not withdraw or change my position at all, with regard to the practice, but I thought a better way of carrying out my suggestion was to withdraw the pay, thus compelling the judges to do such extra-judicial work, if they were required to do it at all, without extra remuneration, which I thought would effect the object just as well as in any other way. I do not find very serious fault with the summary reporter, but the report certainly creates a wrong impression of my attitude on that question.

The Senate then adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Friday, May 11, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DUTY ON TIN PLATE.

INQUIRY.

The Order of the Day being called :

By the Honourable Mr. Macdonald, B.C.:

Will call the attention of the government to the following resolution of the Board of Trade of Victoria, British Columbia, and will ask if it is the intention of the government to place a duty on tin plate this session of parliament :

Whereas we have learned from eastern advices that the Canada Tin Plate and Sheet Stel Company, of Morrisburg, Ont., have petitioned the government for a protective duty of 33⅓ per cent on tin plate, and whereas, the granting of said petition, would, in the opinion of this board, cause considerable loss to manufacturers all over the Dominion, retard the development of certain canning industries, and cause a general advance in prices to the consumer : Be it therefore resolved that this board enters a strong and emphatic protest against any duty being placed on tin plate.

Hon. Mr. MACDONALD (B.C.)—I do not know whether the Minister of Trade and Commerce has taken note of this inquiry of mine with regard to the duty on tin plate. It may be asking him to betray a state secret before the budget comes down, but if the answer can be given now, I shall be glad to have it, because some of the canners are anxious about the purchase of tin plate. It is reported that there is a duty about to be placed on tin plate of 33⅓ per cent. The boards of trade in British Columbia have taken this matter up and would like to know if there is any truth in the report.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend that all the information on the subject in the possession of the government will be laid before the public when the budget speech is delivered.

CERTIFICATES OF COMMANDER SPAIN.

INQUIRY.

Hon. Mr. LANDRY inquired :

Are the certificates which Commander O. G. V. Spain holds, which were given him by the Royal Naval College of Portsmouth and Greenwich, for his knowledge, of pilotage seamanship navigation, management of torpedoes, gunnery and mathematics, certificates of competency, or are some of them certificates of service ?

Hon. Mr. SCOTT—All certificates of competency.

Hon. Mr. LANDRY—Was the Canadian certificate which was given to Captain Spain granted to him, in consideration of the preceding certificates, as a matter of grace, or did he obtain it after a special examination ?

Hon. Mr. SCOTT—After gaining the above certificates at the Royal Naval College, a commissioned naval officer is entitled by right, not only to a Canadian cer-

tificate, but also to a British board of trade certificate as master of a foreign-going ship, after passing special examination in eyesight.

Hon. Mr. LANDRY—In the latter case, when did this examination take place ?

Hon. Mr. SCOTT—February, 1893.

Hon. Mr. LANDRY—Who were the examiners ?

Hon. Mr. SCOTT—Chairman of board.

Hon. Mr. LANDRY—Was it an oral or written examination ? If a written examination, what are the questions which were put ?

Hon. Mr. SCOTT—Oral.

FRENCH VERSION OF MILITIA HANDBOOKS.

INQUIRY.

Hon. Mr. LANDRY inquired :

When it may be expected on behalf of the French officers of the Canadian militia that they will be put on a footing of equality with the other officers of the volunteer forces by providing them with the French version of the following works :—
Appendix to Infantry Training, 1905.
Combined Training, 1905.
Appendix to Training Manuals, 1905.
King's Regulations.
Army Act ?

Hon. Mr. SCOTT—This question is receiving the careful consideration of the department. The department is not in a position to say when the translations will be ready for distribution.

THE ROSS RIFLE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. How many of the Ross Rifle Company's rifles have been distributed—
(a) To the 3rd regiment of artillery.
(b) To the 6th regiment of artillery.
(c) To the 67th regiment?
2. How many to the other regiments, to which regiments, and how many to each regiment ?
3 Where are the balance of the rifles accepted by the government stored, and how many of Mark No. I, remain, and how many of Mark No. II?

Hon. Mr. SCOTT :

1. (a) 3rd Regiment, C.A., 330.
(b) 6th Regiment, C.A., 330.
(c) 67th Regiment, 268.
2. None.
3. (a) Rifle associations, 267.

Ordnance charge : London, 9 ; Toronto, 35 ; Kingston, 43 ; Ottawa, 514 ; Montreal, 60 ; Quebec, 3,901 ; St. John, 33 ; Halifax. 45 ; Winnipeg, 35 ; Charlottetown, 30.

(b) 4,705.

(c) At Halifax, N.S., 1,000 ; Victoria, B.C. 200 ; Quebec, 800.

VACANCY IN THE SUPREME COURT BENCH.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I would like to know whether the government could let us know if they have arrived at any decision concerning the cases from Quebec, which are to come before the Supreme Court on the 14th inst. The lawyers who are interested want to know whether they should come to Ottawa or not because of the uncertainty as to the appointment of a second judge from the province of Quebec.

Hon. Mr. SCOTT—I think the Minister of Justice was to see the members of the bar interested in the cases and have a consultation with them over the subject.

Hon. Mr. LANDRY—Is he going to Quebec.

Hon. Mr. SCOTT—I do not know, that is the answer he gave me. He informed me that under the constitution of the Supreme Court ad hoc judges could not be appointed, no provision having been made for doing so. He was going to see the members of the bar.

Hon. Mr. LANDRY—I know that there is no provision for the appointment of an ad hoc judge, but when we are here engaged in the passing of laws, and when we have the Governor General at our disposal to give assent to Bills, it would have been very easy to pass a law enabling the appointment of an ad hoc judge to be made. It would not take very long to do that, and when it is a pressing question, as in this case, I think the government should look after the interests of the public before the interests of a party, whoever he may be, even the Minister of Justice himself.

THIRD READINGS.

Bill (45) An Act respecting a patent of the Anderson Puffed Rice Company, as amended.—(Hon. Mr. Cox.)

Bill (106) An Act respecting applications for patents of Henry Wurts, Junior.—(Hon. Mr. Poirier.)

Bill (F) An Act for the relief of Mary Emeline Preston.—(Hon. Mr. Frost.)

Bill (G) An Act for the relief of John Albert Peer.—(Hon. Mr. Kerr, Cobourg.)

NORTH SYDNEY HARBOUR BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (74) An Act respecting the Harbour of North Sydney in Nova Scotia.

(In the Committee.)

Hon. Mr. LOUGHEED—In whom is this property vested ? Is it vested in trustees ?

Hon. Mr. SCOTT—In trustees as I understand.

Hon. Mr. LOUGHEED—As representing the Crown or the province ?

Hon. Mr. SCOTT—We had some discussion in the House recently on the subject. It was alleged by an hon. gentleman that there had been some misuse of the funds of the pilots belonging to Sydney, and I brought in a return, which is one of the published returns. The hon. senator from Cape Breton disputes the correctness of it. I have sent his letter making a statement to the minister and specially called his attention to it with a view of having an investigation made as to whether there has been misapplication of the funds—whether any have been misappropriated.

Hon. Mr. LOUGHEED—In what way would that be applicable to the Bill now before us ?

Hon. Mr. SCOTT—It is not applicable, except he says that in connection with the funds for the pilots there have been some hundreds of dollars—I do not know how much—misappropriated by some official, and that it has been covered up by a return made from Sydney. I have asked the minister to make a special inquiry into the subject.

Hon. Mr. LOUGHEED—Could my hon. friend say in whom the property is vested upon which the mortgage is to apply ? Is it vested in the Crown or in the trustees of the harbour ?

Hon. Mr. SCOTT—I think it is in the Crown. They cannot mortgage except by authority. This Bill gives them authority to borrow up to $6,000. The clause reads as follows :—

2. The Harbour Commissioners of North Sydney may, from time to time, borrow upon mortgage such sums of money as are required for the purchase of real or other property, or for the improvement of the harbour of North Sydney, or for such other works as the said commissioners are authorized to undertake ; and for such purpose the said commissioners may mortgage the real property, works, tolls or revenues of the said harbour : Provided that no money shall be so borrowed without the sanction of the Governor in Council, and provided also that the total indebtedness for moneys borrowed under the provisions of this section shall not at any one time exceed the sum of six thousand dollars.

It is evidently in the commissioners that the funds are supposed to be vested.

Hon. Mr. McDONALD (C.B.)—I should like to ask the hon. Secretary of State whether he has made particular inquiries as to the necessity for the purchase of property in addition to the land now owned by the Harbour Commissioners of North Sydney ? They acquired a piece of property and, I believe, redeemed from the ocean a piece of property some twenty years ago. I see by the return of the Harbour Commissioners that for the last two years they have collected an average of about $2,000 a year. The old mortgage must have been paid up by this time, because I see they paid $1,200 of the old mortgage last year. The old mortgage did not exceed $4,000. At the time this return was made they had on hand a large amount of money.

Hon. Mr. SCOTT—What return was that?

Hon. Mr. McDONALD (C.B.)—The return of 1905. The question is what necessity was there for buying another piece of land in addition to what they already had. Is that necessary ? Has the Department of Marine taken steps to investigate the matter and see whether the land is really necessary ? I am told that a piece of land has been bargained for, but I have no proof of it, without any report or approval from the Marine Department, of that particular piece of land, and it is expedient that the Minister should see that none of this money is paid on any mortgage until the government is assured that the security for the mortgage is neces-

sary. I see that the report of the Harbour Commissioners represents that 1,311,456 tons of coal were shipped from the harbour of North Sydney by the Dominion Coal Company, Ltd. The Department of Marine should take steps to get the authorities of North Sydney harbour to correct misrepresentations like that. The Dominion Coal Company shipped directly from the harbour of Sydney, about six miles from the harbour of North Sydney, across the water, and it is not fair to represent that 1,311,456 tons of coal was all shipped at North Sydney. If that was done by the authorities of North Sydney harbour with a view to attracting attention and getting the government to sanction the expenditure of moneys as provided for in this Bill, it is not right. I have no objection to the Bill if the money is properly expended.

Hon. Mr. LOUGHEED—May I ask my hon. friend what steps are taken by the government to ascertain the designs of the Harbour Commissioners in making this expenditure and the requirements of this loan ?

Hon. Mr. SCOTT—It is to be presumed that the local authorities are the best judges. I do not know them individually, but they are usually men connected with the trade of the port, and the fair assumption is that they are not interested in asking for anything that may not be absolutely necessary. Before the Bill goes through the last stage I will send the remarks made by the hon. member from Cape Breton to the minister and ask him to have the statement checked over, because if North Sydney is claiming shipments made at Sydney, six miles away, it is highly improper—it is a misrepresentation. Commissioners who would avail themselves of such a falsehood ought to be removed. I can scarcely believe that men interested in a port like North Sydney would include in the exports from that port the exports of another harbour. I had written the minister to make a special examination on other points.

My hon. friend some days ago brought forward a motion asking for a return of the moneys in the fund for the benefit of the retired pilots. I brought it down, and he then said he thought the return was not correct, that some of the money which the government claimed was invested, was not invested. It was only a small amount, still it was highly improper if it was an attempt to cover up any improper appropriation of moneys, and I will wait until I get the answer from the minister after he has made inquiries before proceeding further with the Bill. I will send the minister the remarks the hon. gentleman has given to this committee, which I think are quite important in connection with this Bill, before it reaches another stage, to have the minister make a full inquiry into the facts.

Hon. Mr. LOUGHEED—I asked the question because I observe the government is departing from the old established policy which has obtained for so many years, of administering harbours by what I might call ornamental commissioners. I noticed the hon. gentlemen are abandoning the Harbour Commission of Montreal, and appointing a business commission to administer the very important trade of that harbour on a business basis. I imagine the harbour of North Sydney is administered on very much the same lines that the Harbour Commission of Montreal administered that very important port. It seems to me that this system should be entirely over-hauled. It has given very great dissatisfaction generally to the shipping interests, and in all probability is very much in the same position as the Harbour Commission of Montreal, to which I have referred.

Hon. Mr. McDONALD (C.B.)—I agree with the leader of the opposition. There is this to be said about the harbour of North Sydney. It may yet become the terminus of the fast Atlantic mail steamers. I understand a contract has been made with the Allan line whereby their steamers may call at North Sydney with the approval of the government, and at the option of the Minister of Trade and Commerce, the tax on the shipping at North Sydney ought to be made as little as possible. If the harbour of Montreal is to be nationalized, I claim that the harbours of Sydney and North Sydney should also be nationalized. It is not right to allow the tax on shipping coming to North Sydney or Sydney now to be increased, or misappropriated in any way. I do not say it is misappropriated, but

it is wrong that the balance of the money collected at North Sydney should be put in a bank or anywhere else until that mortgage is paid, and I see by the return made last December, that there was a large amount of money on hand at that time. Instead of keeping it in bank it should have gone to pay off the mortgage. They cannot get interest on that from the bank, equal to the interest they have to pay on the mortgage.

Hon. Mr. SCOTT—I assume it would scarcely be warranted to appoint an official to look after it, because I see the expenditure is only $4,478.

Hon. Mr. McDONALD (C.B.)—It must be larger than that. They have been expending money for many years.

Hon. Mr. SCOTT—That is the receipts for last year. The amount involved would not jusify the appointment of an official to live there and take charge of it. There are three commissioners. I do not know how long they have been acting.

Hon. Mr. McDONALD (C.B.)—They were appointed about six years ago.

Hon. Mr. POWER—There is just one point with respect to these pilotage commissioners, which I hope the hon. Secretary of State will mention to his colleague the Minister of Marine and Fisheries, that it is desirable that the government should make it the duty of some officer to inspect the books of these various boards of pilot commissioners. I have no doubt but that as to Halifax everything is as it should be; still, as a matter of business, it would be a wise precaution to have all those accounts audited every year.

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

CANADA EVIDENCE ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONCURRED IN.

The Order of the Day being called :

Consideration of the amendments made by the House of Commons to Bill (B) An Act further to amend the Canada Evidence Act, 1893.

Hon. Mr. SCOTT—The Bill when it went down from this House read as follows, in subsection 2 : 'The failure of a person charged, or of the wife or husband of such person, to testify, shall not be made the subject of comment by the judge, or by counsel for the prosecution in addressing the jury.' The attention of Justice Osler, having been called to the Bill he thought that clause should be given full effect and not allow comments to be made at any stage of the trial, and therefore the words 'In addressing the jury' should be omitted.

Hon. Mr. LOUGHEED—Why are those words put in—'Subject to the provisions of subsection 1 of this Act' ? It seems to me the object of the Act is that no comment should be made by the judge or by counsel as to the refraining of the husband or wife from giving evidence. A limitation which is very ambiguous seems to be attached to that, namely 'Subject to the provisions of subsection 1.'

Hon. Mr. SCOTT—There is a mistake in that. It belongs to the next sentence, in subsection 3. Subsection 3 reads :

Subject to the provisions of subsection 1 of this Act, the wife or husband of a person charged with an offence against any of the sections of the Criminal Code, 1892, mentioned in schedule 'C' to this Act——

There are four words struck out there, and the words inserted in their place :

—shall be a competent and also a compellable witness either for the prosecution or defence.

Hon. Mr. LOUGHEED—The words 'for the' should be striken out. Either the Commons amendment is entirely wrong or the journals are incorrect, because as it reads it makes no sense.

Hon. Mr. POWER—I think the amendment makes good sense. You strike out 'either' and strike out 'or defence.'

Hon. Mr. LOUGHEED—The amendment from the Commons struck out the words, 'for the prosecution or defence' and left the other words in.

Hon. Mr. POWER—It leaves in the word 'prosecution'—'For the prosecution, without the consent of the person charged'. The first subsection provides that every person charged, and the wife or husband, shall be a competent witness for the defence, and this provides that he or she shall be a competent witness for the prosecution, subject to the provisions of the first subsection.

Hon. Mr. LOUGHEED—Turn to page 246 and you will observe that the amendment is to leave out 'either', at the beginning of line 21. The word either is to be left out, and also the words from 'prosecution' to 'without', leaving in the words 'for the'.

Hon. Mr. POWER—It does not strike out the word 'prosecution'. I wish to direct the attention of the minister to another slight error in the amendment which has been sent up from the Commons. Under that amendment subsection 3 will begin as follows :

Subject to the provisions of subsection 1 of this Act.

We have not a subsection of an Act; we may have a subsection of a section. It is important because there is no subsection 1 of an Act. The first section is only the short title, and the object is to make these provisions subject to the provisions of the first subsection. We strike out section 4 of the Canada Evidence Act and substitute the whole section for it. It should read 'subject to the provisions of subsection 1.'

Hon. Sir MACKENZIE BOWELL—A layman could scarcely understand this discussion. I hold in my hand the amendment sent down from the Commons to the Senate, and if you read it you will find the first amendment is page 1 line 16, leave out all after 'prosecution' and insert 'subject to the provisions of subsection 1 of this Act. That is the amendment which it is proposed to substitute for the words 'in addressing the jury'. Then, when you come to the second paragraph, it provides for leaving out in the 16th line the words, 'after prosecution in addressing the jury', and you add these words 'subject to the provisions of subsection 1 of this Act'. Then when you go down to the next paragraph of No. 3 it provides for leaving out 'either' in the first line. On page 1, line 21 leave out the word 'either' then on page 1 line 21 leave out from 'prosecution' to 'without', and substitute the words, 'shall be a competent and also a compellable witness'. If I remember rightly the effect of the discussion which took place in the Senate when the original Bill was passed, it was that the wife or husband should not be compellable witnesses. That was the general opinion held by senators at that time, but the Commons make the wife, or the husband as the case may be, not only a competent but also a compellable witness. As I understood the Secretary of State the manner in which he interpreted the amendments was not at all in accord with the Bill.

Hon. Mr. SCOTT—The error evidently is in preparing it in the House of Commons, because I presume the same person who prepared these amendments has prepared those which I have in my hand. I may say that I applied to the officer in the Department of Justice who takes charge of the criminal branch of that department, Mr. Power, a very competent official. The changes as I read them were those which he prepared; I hold his memo. in my hand and it is clearly an error in transcribing the amendments in the House of Commons. It is as I gave it to the House.

Hon. Mr. FERGUSON—I may say that I could not make head or tail of these amendments as they appear in our journals, but as explained by the hon. Secretary of State they are perfectly intelligible and will be all right except as regard the point made by the hon. gentleman from Halifax. We should say subsection 1 of some particular section, and not of the Act, otherwise we shall not know where to locate it.

Hon. Mr. SCOTT—As the Deputy of His Excellency the Governor General is without, I move that the order be discharged and that it be placed on the Orders of the Day for Tuesday next.

The motion was agreed to.

The Senate then adjourned during pleasure.

BILLS ASSENTED TO.

The Hon. Justice Sedgewick, acting as Deputy to His Excellency the Governor General, being seated on the Throne.

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

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

Who being come with their Speaker.

The Clerk of the Crown in Chancery read the titles of the Bills to be passed as follows :

An Act respecting the Kingston and Pembroke Railway Company.
An Act respecting the Atlantic, Quebec and Western Railway Company.
An Act respecting the White Horse and Alsek Railway Company.
An Act respecting the Nakusp and Slocan Railway Company.
An Act respecting the St. Clair and Erie Ship Canal Company.
An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company.
An Act respecting the Great Northwest Central Railway Company.
An Act respecting the Canadian Pacific Railway Company.
An Act respecting the South Ontario Pacific Railway Company.
An Act respecting the Campbellford, Lake Ontario and Western Railway Company.
An Act respecting the Kootenay and Arrowhead Railway Company.
An Act respecting the West Ontario Pacific Company.
An Act respecting the Esquimalt and Nanaimo Railway Company.
An Act respecting the Crawford Bay and St. Mary's Railway Company.
An Act to incorporate the Calgary and Fernie Railway Company.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :

In His Majesty's name, the Deputy of His Excellency the Governor General doth assent to these Bills.

After some time the House resumed.

PRINTING OF PARLIAMENT

COMMITTEE'S REPORT ADOPTED.

Hon. Mr. ELLIS moved concurrence in the first report of the joint committee of both Houses on the printing of parliament.

Hon. Mr. LOUGHEED—I understand from a perusal of the report that the committee has not recommended the publication of the evidence taken upon the tariff commission. May I ask my hon. friend if that was discussed in committee ?

Hon. Mr. ELLIS—My hon. friend refers to item 40, does he—page 237, second paragraph ?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. ELLIS—I might say that the committee gave it their best consideration, and they said : 'no' to that.

Hon. Mr. LOUGHEED—The reason I direct the attention of the House to the matter is this ; of course I can very well understand the desirability of keeping this report private until the government take some action upon the question of the tariff. But in the 'North American Review,' the April issue, I find an article written by one Edward Porritt, who apparently accompanied the commission and who undertakes to give the American reading public, not only the information obtained by the commission, but the intention of the government with respect to the tariff. Now it seems to me that if the government has communicated to a magazine writer on this important matter, what their intentions are respecting the revision of the tariff, it certainly would not be unreasonable——

Hon. Sir RICHARD CARTWRIGHT—I think I can relieve my hon. friend's mind when I say that there is not a particle of foundation for the statement.

Hon. Mr. LOUGHEED—I had a suspicion that probably those who undertook to enlighten the American public as to what the revision of the Canadian tariff would be were scarcely authorized in making the statements which they have done. But there is a semblance of authority in the statements which the writer has made in this magazine article and of truth in his assertions, inasmuch as he accompanied the commission, and it seems to me an extraordinary proceeding that the commission should permit a magazine writer for an American review to be one of its staff in obtaining this information for the public and that that writer should undertake to inform the public as to the intention of the government on this subject. My right hon. friend, will know from reading the article in question, whether the predictions of this gentleman are warranted or not. I find also in this magazine article that parliament is in fact to be eliminated from any decision that the commission arrive at and that the revision of the tariff will be confined entirely to the gentlemen constituting this commission. Mr. Porritt says :

It will be then presented to the House by Mr. Fielding and as the Liberal government has an overwhelming majority in the House the Bill will become law practically in the shape

determined by Messrs. Fielding, Brodeur and Paterson.

My hon. friend seems to be eliminated from this trinity which is to decide upon what the tariff will be, and at page 571 I find the following:

Remarks like those I have quoted dropped from time to time from the commissioners at these tariff hearings make it clear that in the new tariff the British preference is to be so rearranged as to make it obviously to the advantage of two distinct sets of Canadian business and industrial interests to buy in Great Britain rather than in the United States or Germany. Importers handling manufacturing goods which are not made in Canada and which are not likely to be made there for some time to come, are to be encouraged by low duties—duties which are likely to be on a basis of a tariff for revenue only—to obtain them in Great Britain; and the Canadian manufacturers engaged in secondary industries are to be similarly encouraged to import their raw material, which is often a finished product of other manufacturers, from England or Scotland rather than, as now, from the United States.

It would seem there that the gentleman speaks with a certain amount of authority as to the reduction of the tariff. Then again he says:

Changes in the free list as well as in the dutiable schedules will be necessary to these ends, and although for a little while these changes will dislocate many Canadian industries—

I would point out to my hon. friends present that for the time being Canadian industries will be dislocated. The article proceeds:

And throw certain lines of industry out of their accustomed channels, I feel that I am hazarding very little when I predict that these changes on the free list and in the schedule will be made in the tariff of 1906.

And again this gentleman undertakes to say what the revision of the tariff will be upon these branches. He proceeds:

There will be some agreeable surprises for Great Britain, in the preferential clauses of the new tariff and consequently a new and keen interest will be awakened in Great Britain in the extended trade opportunities which are soon to be offered in Canada. These clauses may also have some surprises for American ports and American railways—surprises which will be disturbing to some of these American interests.

Again, the gentleman speaks with seeming authority when he says:

While there are to be no Dingley rates and no retaliation against the United States, and while the Canadian Manufacturers Association as a whole is to gain little by the revision, there are some aggressive American industrial interests which are likely to find themselves hurt by the new tariff.

And again he says:

Three other features of the 1905-06 tariff hearings are of much significance for Canada, and not without present interest for the United States. The protective policy of Canada is to be permanent.

I congratulate my hon. friends on the other side on the fact that we are to have a permanency of tariff, to say the least of it. The article proceeds:

The commissioners made this clear at Chatham, Ont., when a farmers' deputation recalled the Liberal pledges of a 'tariff for revenue only'—the pledges of the years when the Liberals were in opposition—and pressed for the reason why these pledges had not been implemented when the Liberals were returned to power at Ottawa in 1896.

And finally let me direct the attention of the House to an utterance by this gentleman which seems to bear a semblance of authority. He says:

In thus attacking the preference, the Canadian manufacturers, consciously or unconsciously struck heavily and disastrously at Mr Chamberlain's idea of inter-imperial trade; and no one who travelled with the commission and day after day sat out its sessions, as was my great privilege, nor any one who will undertake the tremendous task of reading through the transcript of the notes of the commission, can come to any other conclusion than that the tariff hearings have demonstrated that Mr. Chamberlain's scheme is an impossibility.

It is fortunate for the government at Ottawa that this has been demonstrated and still more fortunate for Sir Wilfrid Laurier and his colleagues that the British electorate has so overwhelmingly repudiated Mr. Chamberlain's fiscal ideas.

Now the reason I direct attention to this fact is that in the report which my hon. friend has moved the adoption of, the committee in its wisdom has considered it advisable not to have the evidence taken by the commission printed. I am not now passing a criticism on the judgment of the committee, because I can very well appreciate the magnitude of the task of printing such a voluminous report; but if this article be true, if this Mr. Porritt had access to this information which we are precluded apparently, from possessing, it is a question for the consideration of parliament? Whether parliament, itself should not be placed in as good a position as this Mr. Porritt who, apparently, accompanied the commission and was hand in glove with the three commis-

sioners and who undertakes to reflect to the United States reading public the opinions which they hold as to what the revision of the Canadian tariff will be. I direct the attention of the House to this fact, because I scarcely give credence to the inference to be drawn from this article, that this Mr. Edward Porritt has been made the depository of what should be regarded as a state secret, what the revision of the tariff will be, and I desire further to point out the undesirability of a commission like the tariff commission having on its staff a gentleman taking the liberty of expressing publicly his views which at this stage are inimical to Canadian interests.

Hon. Sir RICHARD CARTWRIGHT—I have great pleasure in relieving the hon. gentleman's mind. So far as I know—and I ought to know, having been a member of the commission, although I was unable to attend many of its meetings—the gentleman to whom he alludes is in no sense, shape or way, a member of the tariff commission staff. He may have attended, as a dozen or score of other newspaper reporters did, the meetings of the commission.

Hon. Mr. LOUGHEED—Did the other newspaper reporters travel with the commission? He says he travelled with the commission.

Hon. Sir RICHARD CARTWRIGHT—They did, but they travelled at their own expense. They certainly were not on the staff of the commission, as far as I am advised. As regards the article—which I have not seen—any inferences that may have been drawn by that gentleman or any others are wholly unauthorized, drawn by themselves, evolved out of their own inner consciousness, and I shall be extremely surprised, knowing my friends on the commission, if anything was said by them to this person in the slightest degree authorizing him to make any such statements as he has made. The commissioners understood one thing at any rate, how to keep their own counsel. They listened to all the evidence submitted to them, but they were very cautious indeed, whenever I was in attendance, about giving any light as to what conclusions they had come to, and I can assure my hon. friends that neither Mr. Porritt nor any other man outside of the commission I believe—of course outside some members of council with whom we are entitled to confer—has the slightest or smallest ground for making any assertion, good, bad or indifferent, as to what conclusions the commission have arrived at.

The motion was agreed to.

HARBOUR COMMISSIONERS OF MONTREAL BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (124) An Act respecting the Harbour Commissioners of Montreal. He said: This proposes to supersede the present commission by three officers who will be appointed by the government and who will be paid officials. We will discuss the matter, I suppose more conveniently, when we get into Committee of the Whole.

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

DELAY IN PRINTING DIVORCE EVIDENCE.

The Orders of the Day being called:

Consideration of the eighth report of the Standing Committee on Divorce to whom was referred the petition of Charles William Holmes, together with the evidence.—(Hon. Mr. Lougheed.)

Consideration of the ninth report of the Standing Committe on Divorce to whom was referred the petition of Minnie Florence Irvine, together with the evidence.—(Hon. Mr. Lougheed.)

Hon. Mr. LOUGHEED—I have no desire to be censorious, but I would point out to the hon. Secretary of State that there has been most unreasonable delay in the printing of this evidence. Both reports were brought down by the committee on May 2, and, with the reports, the evidence in duplicate was brought down and one copy sent to the Printing Bureau—at least I assume it was sent when typewritten, and we are now on the 11th May without the printed report. That is a most unreasonable time to occupy in the printing of them. I direct my hon. friend's attention to it in the hope that he may make some inquiry as to the cause of the delay.

Hon. Mr. SCOTT—The Printing Bureau has no soul, and it has to take all the

blame for any omission to print. I shall be very glad to give my hon. friend an explanation.

The orders were allowed to stand until Tuesday next.

SECOND READINGS.

Bill (J) An Act respecting the St. Mary's River Bridge Company.—(Hon. Mr. Kerr, Toronto.)

Bill (K) An Act respecting the Pacific and Atlantic Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (96) An Act respecting the Mexican Consolidated Electric Company, Limited, and to change its name to 'Mexico Tramways Company.'—(Hon. Mr. Young.)

Bill (95) An Act respecting the Mexican Light and Power Company, Limited.—(Hon. Mr. Young.)

Bill (94) An Act respecting the Rio de Janeiro Tramway, Light and Power Company, Limited.—(Hon. Mr. Young.)

Bill (107) An Act respecting the Erie Ontario Power Company.—(Hon. Mr. Gibson.)

Bill (L) An Act respecting the James Bay Railway Company.—(Hon. Mr. Kerr, Toronto.)

VANCOUVER, WESTMINSTER AND YUKON RAILWAY COMPANY'S BILL.

NOTICE OF AMENDMENT.

Hon. Mr. SCOTT—When Bill (41) An Act respecting the Vancouver, Westminster and Yukon Railway Company, was up yesterday, I stated that the government proposed that there should be an amendment to it. I had the amendment, I thought, on my table, but have mislaid it for the moment. I presume the House will have no objection to its going in to be printed. It reads in this way, that any railway company desiring to pass through the Yellow Head Pass should have the right of way over this road, and, if the parties cannot agree, then it shall be on such terms and conditions as the Railway Commission may decide on. I presume the House will have no objection to my handing it in so that it may be printed, for Tuesday next.

SUSPENSION OF RULES.

MOTION.

Hon. Mr. KERR (Toronto)—With leave of the House, I desire to move that the rules be suspended with reference to Senate Bills J, K and L, as to posting, so that they may go before the Railway Committee at its next meeting. These are three railway Bills.

Hon. Mr. MACDONALD (P.E.I.)—Bill (L) is not printed yet.

The motion was agreed to.

BILLS INTRODUCED.

Bill (85) An Act for the enfranchisement of Jamieson Webster Lewis, an Indian of the Moravian Band of the Thames, in the province of Ontario.—(Hon. Mr. Young.)

Bill (154) An Act to amend the Unorganized Territories Game Preservation Act, 1894.—(Hon. Mr. Scott.)

The Senate adjourned until Monday next at 8 p.m.

SENATE.

OTTAWA, Monday, May 14, 1906.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

A POINT OF ORDER.

Hon. Mr. MILLER—Before the Orders of the Day are called as there is not likely to be much business before the House this evening, I desire to call the attention of the Senate to what I consider was an irregularity in the proceedings of the House on Friday last in connection with the giving of the Royal Assent to certain Bills by the Deputy Governor—an irregularity which, I am happy, however, to say is not of such a serious character as to affect the validity of these Bills. The irregularity I allude to refers to the position occupied by Mr. Justice Sedgewick on the vice-regal throne in this House in giving the Royal Assent to Bills on last Friday. It is an irregularity and an informality which I think should not have occurred, after the discussion that has already taken place on the subject, and

which I trust will not again occur in the future, after the light that this discussion will throw on it.

This matter, the House is aware, was once before under the notice of the Senate and it received some notoriety in the public press. I expressed then my opinion upon it, but I did not think it necessary to trouble the House on that occasion with any citation of the authorities on which I based my remarks. I shall do so now, and I shall leave it to the House afterwards to say whether or not the position I have taken upon this question, is or is not the correct one.

In the first place, however, I think I may complain that sufficient deference is not paid to both Houses of parliament in the time of notice of so important a function as the giving of the Royal Assent to the laws of the land. I think there is no reason why on ordinary occasions such as the present, twenty-four hours' notice should not be given to both Houses of parliament. The notice read to this House on last Friday from the Governor General's office is to the following effect :—

Office of the Governor General's Secretary,
Ottawa, May 10, 1906.

Sir,—I have the honour, by command of His Excellency the Governor General, to inform you that the Honourable Mr. Justice Sedgewick, acting in his capacity as deputy of the Governor General, will proceed to the Senate Chamber on Friday the 11th instant at 5 o'clock p.m., for the purpose of assenting in His Majesty's name to such Bills as have passed the Senate and House of Commons during the present session of parliament.

I have the honour to be, sir,
Your obedient servant,
C. J. JONES,
For the Governor General's Secretary.

The Honourable
The Speaker of the Senate.

Now, I want to say here, that in referring to the gentleman who was the Deputy Governor he is styled the Honourable Mr. Justice Sedgewick. This I contend is a misdescription. There is no warant or authority at the present day in Canada for giving the prefix honourable to any man as a right or consequence of his being a judge. There are several judges on the bench who are privy councillors and who have of right the title of honourable on that account, but I repeat there is no warrant or authority for the application of the title of honourable to any judge other than these, even the highest in the Dominion.

It is quite true before confederation a number of titles were enjoyed by right or courtesy by high office holders in the old provinces. But all these privileges in that respect were swept away at confederation, when a new order of things was inaugurated, and a new departure taken, in this as well as other respects.

In the year 1868, the year after the union of the provinces was consummated, the questions of rank or precedence, as well as the question of titles, were duly considered by the imperial authorities, as these subjects were matters connected with the royal prerogative and were decided according to the pleasure of the sovereign, of course, upon ministerial advice. In that year two despatches were sent to the Governor General of Canada by the Duke of Buckingham, then Colonial Secretary, conveying the pleasure of the Crown as the source or fountain of honour as to questions of precedence or titles in the new Dominion of Canada. These despatches, with the amendments, which have subsequently been made to both are now the only authority and guide on all questions of precedence or titles in this country. We have no other; everything before that was wiped out. A new order of things arose, and it had to be provided for as I have stated. In that table of titles with its amendments no title is given to any judge as such—whether through design or inadvertence, it is unnecesary for me to say. I have always thought, however, that it was an omission which should not have occurred, and that provision should have been made in the table of titles for giving the prefix of honourable to the judges of all the superior courts of record in the Dominion.

On several occasions I have brought the subject before several Ministers of Justice, and they have all agreed with me that the omission whether intentional or otherwise should be rectified, but none of them have so far taken practical steps to bring the subject under the notice of the imperial authorities. I think they have failed in their duty in this regard, but while the table of titles remains as it is, the title of honourable cannot properly be given to these high judicial functionaries,

and the mistake of employing it should not be committed in a formal document coming from the Governor General's office to Parliament as in the case in the letter I have just quoted.

With regard to the main point I wish to bring before the Senate that is, the position or seat which a Deputy Governor should occupy when he comes upon the floor of this House as the representative of the Governor General to give the Royal Assent to Bills. It appears to me the Deputy Governor on such occasions occupies an analogous position to that occupied by the lords commissioners under the Great Seal authorized by the King to discharge the same duties in the House of Lords. He occupies, I say, a similar position, and he discharges a similar duty. The lords commissioners appointed to give the Royal Assent to Bills in the imperial parliament are generally the Lord Chancellor and two or three other high dignitaries of the House of Lords. The Lord Chancellor is always one of them. They perform in England the same functions which the Deputy Governor is expected and intended to perform here, but we have no provision in our rules for the way in which the latter shall discharge his duties, or the seat or position he shall occupy in doing so, but we have a rule, rule 124 of this House, which reads as follows:

> In all unprovided cases the rules, usages, and forms of proceedings of the House of Lords are to be followed.

Now, I am going to show what the usages and proceedings in the House of Lords on such occasions are, and of course such usage must decide the question as to the formalities which should prevail in this House. I shall read from the 10th edition of May, at page 483, which says :

> The form in which the Royal Assent is signified by commission is as follows : Three or more of the Lords Commissioners seated on a form between the Throne and the woolsack in the House of Lords demand the usher of the black rod to signify to the Commons that their attendance is desired in the House of Peers to hear the commission read, upon which the Commons with the Speaker immediately come to the bar.

The woolsack in the House of Lords is situated with regard to the throne pretty much as is the clerk's table in this House, and the Lord Chancellor when presiding over the proceedings of the House occupies that seat. There is no obstruction between the woolsack and the throne, but when commissioners are appointed to assent to Bills a temporary form or seat is erected in front of the throne a short distance from the woolsack, and these high dignitaries occupy that form while giving the royal assent to Bills. They do not of course, occupy any seat upon the throne.

When I was Speaker, I had my attention directed to this matter, and I saw clearly that a practice had crept in that was irregular ; that is the practice of allowing the deputy governor to take the seat of the Governor General, on the throne. I satisfied myself that this practice was not justified by the rule of the House; that it was a violation, in fact of the rules of the House, under the authorities I have just now quoted, and looking for a practical and satisfactory way to meet the emergency I came to the conclusion that the Speaker's chair directly in front of the throne occupying pretty much the same position as the form on which the Lords Commissioners sit in the House of Lords, would be a compromise that the deputy governor would gladly accept. Having come to that conclusion, I supmitted my decision to Sir Alexander Campbell, then leader of the Senate, who was, as we all know, a very high authority upon parliamentary questions, and he completely approved of it. Chief Justice Ritchie was then at the head of the Supreme Court of this country, and he generally came down to give the royal assent to Bills, and discharge the other functions of a deputy governor. He was, I need not tell honourable gentlemen, an ornament to the bench ; one of the greatest judges we have had on the Supreme Court bench since its creation, and he was also a man of strong common sense. He practically coincided with the decision arrived at by the leader of the House, and myself as Speaker on this subject. He came here and took the Speaker's chair and discharged his duties as deputy governor and never made any objection or fuss about it, and we never heard a word of complaint from him. While I was Speaker, I did not therefore permit the deputy governor to occupy a seat on the throne, and I did not permit the Speaker's chair to be removed.

Hon. Mr. POIRIER—That is right.

Hon. Mr. MILLER.—I thought it was the most suitable place the deputy governor could occupy, and one of which he could not complain, because the deputy governor has no official rank in the table of precedence. His only rank has been his judicial rank which was that generally of the chief justice, and the official rank of the chief justice of this country is below that of the Speaker of this House. The Speaker of this House takes precedence over every judge or chief judge of this Dominion. The head of this House is the head of the high court of parliament, which is above all other courts, and that is the reason why his official rank is fixed by the table of precedence above that of the chief justice of Canada.

I considered and now consider, it would not be inconsistent with the dignity of any chief justice while giving assent to Bills or acting otherwise as deputy governor, to act as Chief Justice Ritchie always did. Having shown the Senate what the practice of the House of Lords is, and having also shown that under rule 124 of this House of the Standing Orders of the Senate, we are obliged to conform to that practice where the case is unprovided for by our own rules, I must repeat that it is a breach of the rules of this House, to allow the deputy governor to occupy the throne while discharging any official duty.

There is one way in which, if it is desired —I have no strong opinion on the matter— that the deputy governor should occupy the throne when he comes here to give assent to Bills, if it is a wish of the Governor General, because it is a matter involving more the royal prerogative than the privileges of either branch of Parliament. There is one way, I say, in which the difficulty can be overcome. I have no doubt if His Excellency expressed his desire that his deputy should on all occasions occupy a seat upon the throne, which, however, I do not consider very probable, this House would change the rules to meet His Excellency's wishes, but until the rules are changed I do not think a similar infraction should be permitted such as that which took place on Friday last. Having said this much, without desiring to say anything which may be considered unpleasant to any one connected with the regulation of the business of this House, I hope the Leader of the House and the Speaker of the House, if they agree with the views I have placed before it, and are not prepared to differ from or to have the rules altered, should see that no irregularity or informality such as occurred on Friday last will again be permitted to take place in the Senate.

Hon. Mr. SCOTT—In the various ceremonies incidental to the functions under our constitution I think we should invest the executive official with all the pomp and ceremony that can possibly belong to the office. My hon. friend commenced his observations by referring to the misappropriation of the word 'honourable' as applied to judges of our Superior Court. I beg to differ from my hon. friend in that respect. For over sixty or seventy years—my memory goes back sixty years—the judges of the Superior Court, at all events in Ontario, have always been designated 'honourable' and I have never heard the appellation challenged. They have been in the presence of royalty, and royalty has not taken exception to it.

Hon. Mr. MILLER—Does not the hon. gentleman think that every right, usage or courtesy of that kind was wiped out by the new order of things? At any rate no such right, usage or courtesy existing before confederation could apply to new appointments after confederation. I think any such right or usage was wiped out by the publication of the new order of things.

Hon. Mr. SCOTT—I do not. I think our own history is worth something, and unless it was wiped out, as my hon. friend puts it, I see no reason why we should have changed it. We did not change it at the time, and certainly when the Duke of Buckingham's instructions were received in Canada there was a good deal of—I will not say opposition to them, but hesitation about adopting them in the form in which they were first sent out, and, if my memory serves me, Sir John Macdonald called attention to some changes which had necessarily to be made, because the views in England and ours in this democratic country do not harmonize on those subjects. I should be sorry to see the term 'honourable' withdrawn from our judges. It adds very much to the status of the office, and it is our duty to preserve in the opinion of the

people all the essentials that command respect and lead to regard for the high position which judges occupy. No man is worthy of being on the higher bench who is not entitled to the word 'honourable' and I should be sorry to see it withdrawn. Coming to the other point, I was not aware that Justice Sedgewick took his seat on the Throne, and I do not know how he happened to do so; but he is a man of good sense and I am sure if he had had the Speaker's chair he would not have taken the Throne. I take very little stock in the whole subject. My memory is that when Justice Taschereau on one occasion was called upon to perform a similar duty he insisted on occupying the Throne, and that he would not attend unless he did occupy the Throne. I presume arrangements had been made to get the Bills assented to, and the public were more interested in having the Bills sanctioned on that particular day than in challenging the judge's view, and so he was allowed to have his way. Now it is a compliment to His Excellency for the Deputy Governor to attend; he is not paid for it, and I thought Justice Sedgewick showed good taste in coming in the garb he did. I have seen judges come here in the ordinary frock coat, not dressed in any ceremonial style, to give assent to the Bills. Justice Sedgewick came here as a gentleman of the old time, with frills on his breast and on his wrists, with knee breeches and stockings—I thought he was paying a high compliment to the Senate.

Hon. Mr. MILLER—That is one reason why I think it is unfair not to give us due notice of the coming of the Deputy Governor. We are here in our working clothes, and when he comes in the gorgeous attire he wore on Friday last it is only right that we should put on some of our good clothes to meet him But how can we do so without notice that he is coming? It is taking an unfair advantage.

Hon. Mr. SCOTT—I do not agree with my hon. friend. I see that Mr. Hardie and all the representatives of the labour element in England the other day attended in the House of Commons, even in the presence of royalty, with their caps and breeches just as they dress when they go to look after a contract, and they declined to conform to the fashion of the hour. It is as I said, a compliment for the judge to come here. On a former occasion I think he had to adjourn the Supreme Court because there would not have been a quorum if he left the bench, and if this question arose in the way my hon. friend puts it, I doubt whether you would get a judge to act as deputy here if his right to occupy the Throne as representative of the Governor General is challenged. I fancy the judge would have some respect for himself and would say: 'If I, as Deputy to the Governor General, am not to occupy the Throne, I decline to go.' It is a compliment on the part of the judge to come. Now as to the question of notice: my memory in the past has been that we never had a full day's notice. When an accumulation of Bills had arisen, there was always somebody who wanted a Bill, it may be a measure of public policy or a private Bill that had to be assented to, and the announcement was made on the very morning of the day the Bills were assented to. Up to three o'clock Justice Sedgewick did not know he was to be called here. I do not know how he managed to get home, in the short interval he had, and dress as he appeared here, but really that is the fact. Justice Sedgewick was only advised in the afternoon of the day he came here.

Hon. Mr. MILLER—That was not his fault. It was the fault of the government.

Hon. Mr. SCOTT—I do not think it was the government's fault. However, the government's shoulders are broad. You can say what you like against them and it does not hurt them at all. Such remarks are only entertaining to the House. His Excellency thought he would like Justice Sedgewick to attend, and he communicated with me through one of his officials in the morning. It was then suggested that Justice Sedgewick would be available if he were written to in time, and he was written to about two o'clock in the afternoon of the same day. I know he had not been made aware of it, up to one o'clock, and the usual practice was adopted of His Excellency, through one of his officials, sending notice to the two Speakers. I am quite sure that Justice Sedgewick is too much of a man, has too much respect for his own position, to challenge the right to take either the Throne or the chair.

Hon. Mr. MILLER—No one is attacking Justice Sedgewick.

Hon. Mr. SCOTT—On one occasion some observations were made on this subject about Justice Taschereau, and he declined to take the chair. There was a very awkward contretemps in consequence of that. His Excellency had to attend the following day as the result of it.

Hon. Mr. LOUGHEED—Without in any way dissenting from the constitutional practice laid down by the hon. gentleman from Richmond, and which is possibly warranted by the best authorities we have upon the subject, I may say, in justice to Mr. Justice Sedgewick, that since May 16, of last year, when the then Chief Justice in his capacity as Deputy Governor General attended in this Chamber to give assent to Bills, a new practice has grown up to which Mr. Justice Sedgewick, I venture to say, was bound to conform. The Deputy Governor on the occasion of last week had no other alternative than to take the Throne, his honour the Speaker having removed his chair from the dais to the floor of the Senate. I therefore think, in justice to the Deputy Governor, that this Chamber should be made aware of that fact so that it could not be thought for one moment that he was assuming a position which otherwise he might not be warranted in taking. I remember that on May 16 last year the Chief Justice of the Supreme Court in coming here to assent to Bills, according to the debate which then took place, apparently took the position that unless the Speaker's chair was removed to the floor of the House he would refuse to come into the Chamber to assent to Bills. My hon friend from Richmond, on May 17, 1905, directed the attention of the Senate to what he then contended was the unwarrantable position taken by the then Deputy Governor General. Since that time my memory recalls the fact that on two occasions his honour the Speaker did remove his chair from the dais to the floor of the House and, consequently, the Deputy Governor had no other alternative than to occupy the Throne. Consequently I think we are warranted in saying that Mr. Justice Sedgewick must be acquitted from the charge of presuming to occupy the Throne as such. It was the only chair which he could have occupied, and under the circumstances I suppose he had to use it.

Hon. Mr. MILLER—He will not do it again I suppose ?

Hon. Mr. LOUGHEED—Since the hon. senator from Richmond has directed the attention of the Chamber to the etiquette which should prevail on such occasions, I have no doubt, the Deputy Governor who may come here in future to assent to Bills will conform to that rigid practice and etiquette which has not only been enlarged on to-night, but on previous occasions, and I fancy any future Deputy Governor will scarcely care to take the risk of running the gauntlet of the censure and criticism which have found expression with reference to seating himself on the Throne.

Hon. Mr. POIRIER—The point is this, that while the dignitaries in England who give the Royal Assent to Bills are appointed pro tem or ad hoc, our Deputy Governor here performs as it were an official function. He is gazetted as Deputy to the Governor, and, as such, he participates to a certain extent in the privileges of royalty, and, therefore, the position of the dignitaries in England who assent to Bills is not exactly identical with the position of the chief justice here who assents to our Bills, after having been gazetted officially as Deputy of the Governor General. In such capacity I would submit that he has a right to occupy the seat of the high functionary he comes here to represent officially.

The SPEAKER—The hon. gentleman from Richmond has stated that we had no rules bearing on this question of the place where the Deputy Governor must sit, and he cited what purported to be a rule of the House of Lords. I have just read 'May', and I beg to differ, with all due deference, from the hon. gentleman as to there being a rule in the House of Lords. There is merely a statement as to the form of procedure in the assenting to Bills, which I take not to be a rule of the House of Lords, but to be a statement as to what does take place when Bills are assented to. As to the facts connected with the ceremony of assenting to the Bills on last Friday, I may state that Mr. Justice Sedgewick, representing His Excellency the Governor General, before enter-

ing this Chamber last session expressed his opinion to the gentleman Usher of the Black Rod that Mr. Justice Taschereau was right in his contention that he should sit in the Governor's chair. This statement having been communicated to me, I complied with the implied wish it seemed to convey, and had my chair removed. I may add that, in my opinion neither the Deputy Governor nor His Excellency the Governor General, come to the Senate to assent to Bills, but convoke parliament into the Senate Chamber, and I will agree with the hon. gentleman from Richmond that it is a matter between His Excellency the Governor General and his deputy as to what seat they should respectively occupy when calling together both branches of parliament in this Chamber.

Hon. Mr. LANDRY—I think that not only the rules of the House of Lords should be taken into consideration in this House, but also the usages of that body. Our rules require that in unprovided cases the rules, forms of proceedings and usages of the House of Lords shall govern. If the hon. Speaker did not find in 'May' any rule, he found what the usage is, and regarding the question from that point of view I think the contention of my hon. friend from Richmond is the right one. I do not know whether the contention of my hon. friend from Acadia (Hon. Mr. Poirier) is right. He says that the Deputy Governor has been gazetted. I never heard that the nomination of Mr. Justice Sedgewick as Deputy Governor had been gazetted.

Hon. Mr. MACDONALD (B.C.)—It was gazetted in the 'Gazette' of Saturday.

Hon. Mr. LANDRY—He acted as Deputy Governor on Friday. The hon. Secretary of State might be in a better position than any one else to tell us what the facts are as to this point. The deputy governor came here last year and he was not gazetted at all.

Hon. Mr. SCOTT—Sometimes a special 'Gazette' issues on the occasion. I really do not know whether one was issued on that occasion or not.

Hon. Mr. LANDRY—How could we be expected to know, if the hon. Secretary of State does not know?

Hon. Mr. SCOTT—I do not think it is a matter of very much consequence.

BILLS INTRODUCED.

Bill (37) An Act respecting the Montreal Park Island Railway Company.—(Hon. Mr. Beique.)

Bill (51) An Act respecting the patent of Henry Luther Houk.—(Hon. Mr. Kerr, Cobourg.)

Bill (87) An Act to incorporate the Vancouver, Fraser Valley and Southern Railway Company.—(Hon. Mr. Bostock.)

Bill (98) An Act respecting the Central Ontario Railway Company.—(Hon. Mr. McHugh.)

Bill (111) An Act respecting the Lake of the Woods Milling Company, Ltd., and the Keewatin Flour Mills Company, Ltd.—(Hon. Mr. Young.)

Bill (126) An Act respecting the Thorold & Lake Erie Railway Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (136) An Act respecting a patent of the Cyclone Woven Wire Fence Company, Ltd.—(Hon. Mr. Watson.)

VACANCY ON THE SUPREME COURT BENCH.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I would ask the hon. Secretary of State if any decision has been come to with regard to the nomination of a judge of the Supreme Court to deal with the cases from the province of Quebec?

Hon. Mr. SCOTT—I have heard nothing. The Minister of Justice is fully apprised of all the hon. gentleman has said on the subject. It rests with him entirely.

Hon. Mr. LANDRY—The hon. minister told us on Friday last that the Minister of Justice was to have an interview with the members of the Quebec bar.

Hon. Mr. SCOTT—So I understood.

Hon. Mr. LANDRY—Did that interview take place?

Hon. Mr. SCOTT—I really do not know. I do not know what occurred.

Hon. Mr. LANDRY—I think the government should know one thing—that the cases from the province of Quebec were set down for May 14—that is to-day, for hearing. Twice already these cases have been postponed to suit the convenience of the government, and I think the public interest re-

quires that the government should take a stand on this question and do justice to the province of Quebec.

Hon. Mr. SCOTT—The Hon. Mr. Fitzpatrick informed me that he was to see the leading members of the bar who were interested in these cases and discuss the matter with them. I did not hear the result of it.

COST OF INSPECTION OF INSURANCE COMPANIES.

DELAYED RETURN.

Hon. Mr. LOUGHEED—May I ask what progress is being made with reference to a return which I asked for on May 8 last, as to the cost of inspection of insurance companies, &c. ?

Hon. Mr. SCOTT—I would ask the hon. gentleman to drop me a note so that I may inquire about it. I do not keep track of these returns.

Hon. Mr. LOUGHEED—My hon. friend should have some systematic way of directing the attention of the different departments to the returns which are asked for.

Hon. Mr. SCOTT—The orders for returns go first to the Secretary of State office. Immediately after, without the delay of one day, they go to the particular department interested; and then from time to time an officer of the Secretary of State office is instructed, where any delay arises, to call attention to the matter. That is done periodically ; we have no way of doing any more than that. They are all entered in a book, and where it is evident that delay is taking place the official is instructed to communicate with the department in question and ask how soon the return may be expected. If the hon. gentleman will drop me a note, I shall be able to give instructions to call for an explanation.

Hon. Mr. LOUGHEED—The return which I have asked for relates to a matter of great public interest, and it seems to me that the public should be placed in possession of the information while the insurance commission is sitting. My hon. friend, no doubt, has had his attention directed to the position taken by the Superintendent of Life Insurance as well as the different members of his staff who have been examined before the Insurance Commission, that the staff was inadequate to a proper inspection, and a proper audit of the books of the different companies, and so on. Now, under the Insurance Act, provision is there made for a contribution by the companies to the maintenance of the inspection staff; and it would seem to me to be very inconsistent or very contradictory to say that the staff is inadequate, by reason of the government not being in a position to employ a sufficient number of clerks to make a proper inspection, inasmuch as the maintenance of the staff is practically supported by the insurance companies. Hence it seems to me that, while the commission is sitting, it would be of public interest and would contribute to a proper ventilation of the subject that this information should be forthcoming at once.

THE LEPROSY BILL.

IN COMMITTEE OF THE WHOLE.

The Order of the Day being called :

Committee of the Whole House on (Bill 115) an Act respecting Leprosy.—Hon. Mr. Scott.

Hon Mr. SCOTT moved that the House do now go into Committee of the Whole.

Hon. Mr. ROBERTSON—I notice that there are two sets of questions on the order paper, one by the hon. member from Kingston (Hon. Mr. Sullivan), and the other by the hon. member from Alexandria (Hon. Mr. McMillan), in reference to this Bill, and I think it would be well that these questions should be answered.

Hon. Mr. SCOTT—If any hon. gentleman desires information I shall be glad to give it to him. I have the answers to these questions already provided, and they may be asked when we are in committee.

Hon. Mr. SULLIVAN—It is a matter of astonishment to me that a Bill of so much consequence should be treated with so much indifference by the Senate and by the House of Commons also. I venture to say that not in the history of this country has a Bill been brought forward which upsets to such an extent the Habeas Corpus Act, one which is so contrary to humanity and so arbitrary and despotic in its provisions. It is, in my opinion, entirely uncalled for in this regard. Why such Draconian rules and regulations

as are promulgated under this Act should be permitted, I am at a loss to understand. Since the Bill has been brought to this House I have to thank the hon. Secretary of State for allowing it to be postponed, for a few days. That delay has only served to confirm me in my opinion of the very unnecessary enactments which are laid down in this Bill. As it pertains particularly to matters in which the medical profession are interested, I think one more effort ought to be made, and I would desire that all the physicians who have a seat in the Senate should meet and give joint expression to their view, because this Bill is very loosely constructed. Therefore, if the hon. Secretary of State would allow the matter to stand until say Wednesday next, it would be of great benefit and would facilitate matters very much.

Hon. Mr. SCOTT—I am always glad to meet any reasonable request made by my hon. friend. All I can say is that after the Bill has gone through committee, up to the last clause of it, we can afterwards go back into committee at any future day, say a week or ten days hence, and the whole subject can be gone into again ; but for the present I think we should try to make some progress. Possibly after the discussion which will arise on the various clauses, he will withdraw the charge which he has made that the Bill is in violation of the Habeas Corpus Act and interferes with the liberty of the subject. I do not agree with him on this point. As regards leprosy, the medical men of Canada have had little or no experience. Their knowledge on the subject is derived purely from the books they have read, because, happily, the disease itself has not existed in Canada to any appreciable extent. We have had one institution here, the number confined in which has been as a rule not exceeding fifteen. The management of that institution is regarded by those experts who have given attention to this subject as being conducted on the best lines. In the state of Louisiana they were establishing a lazaretto recently. Attention was called to the subject in the state legislature, and it was asked how that lazaretto ranked as compared with other lazarettos throughout the world. The answer given by those who had charge of that institution was that it was practically in advance of all the other lazarettos of the world. Attention was then called to a lazaretto existing in Canada; but the authorities in Louisiana stated that they did not profess to bring their institution up to the standard of the one in New Brunswick, because the latter was far in advance of any other institution of its kind in the world.

That was a very strong compliment coming from the United States. The reports from time to time show that several have been cured there, and it is the only lazaretto in the world where cures have been effected. As a rule no attempt has been made to cure them in any lazaretto. The object of this Bill is, as my hon. friends will see when I explain it, of the highest importance. At present there is no authority whatever for carrying on the lazaretto at Tracadie. It was taken over by the federal government at the time of confederation, but no legislation was adopted vesting the control and direction of it in the government or parliament of Canada. The expense has been paid from year to year regularly, and the administration has been under the control of the Department of Agriculture, but there has been no authority whatever for carrying it out. Now, this Bill proposes to vest in the Minister of Agriculture the jurisdiction over that lazaretto and also authority to construct another lazaretto. At the present time there are, I believe, six or seven unfortunate lepers confined on an island known as Darcy island on the Pacific coast of British Columbia. The management there is of the most primitive kind. The unfortunate creatures are sent to the island. No attempt is made to improve or benefit them. No one is allowed to go near them, nor are they allowed to leave the island, which is, of course, very proper. But no attempt at care or management exists. If a man is supposed to be afflicted with the disease he is simply shipped off there and no communication is had with him.

Hon. Mr. MACDONALD (B.C.)—They nurse each other as long as they can.

Hon. Mr. SCOTT—How many are there ?

Hon. Mr. MACDONALD (B.C.)—I do not know. There is no doctor and no nurse.

Hon. Mr. SCOTT—I won't classify the treatment, because my language might perhaps be too strong, but it is for the purpose

of improving and ameliorating the condition of these unfortunate people that this Bill is introduced. If the lazaretto is established and its management is up to the level of the one at Tracadie, then I think parliament is to be congratulated upon having performed a most benevolent act by this legislation. The Bill does not permit any one to be sent to a lazaretto unless the disease has really developed, and then, if the unfortunate subject has a home where he can be isolated, it is in the power of the minister to say that he may be left in his own home. So that hon. gentlemen will see that it is not carried out on the extreme principle that a lazaretto is a place where unfortunate men, when they are once pronounced lepers, are sent to and no attempt is made to relieve them.

Hon. Mr. McMILLAN—I think the whole proceedings are irregular. How can any person take advantage of these answers if we have not an opportunity to ask the questions?

Hon. Mr. SCOTT—I will answer them in committee.

The SPEAKER—Does the hon. gentleman object to the motion?

Hon. Mr. McMILLAN—I certainly think the course adopted is not regular. I have put a notice on the order paper and I wanted an answer. I put it down for Wednesday with the expectation that this Bill would not come up until I would get an answer to those questions. Is the Secretary of State willing to give an answer to those questions at present? They may answer the purpose, but I am very doubtful.

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

Hon. Mr. SCOTT—I shall answer my hon. friend's questions now. The first question is:

How many lazarettos are established in Canada at present?' The answer is, one under the Dominion government. There is no legislative authority for it. The management of that institution was taken over soon after confederation, and since that date up to the present time there has been no legislation about it. The second question is: 'Where are they situated?' The answer is, 'at Tracadie, New Brunswick, the only one.'

'How many persons are in each'? The answer is 'fifteen.'

'What number of patients have been discharged as cured, or discharged by a certificate of the medical superintendent or officer in charge as safe to be at large since the government of Canada has assumed control of these institutions'? The answer is 'five.'

'Is leprosy more prevalent in Canada now than heretofore, and if so, in what province or provinces?' The answer is: 'Little change, but tending towards decrease.'

The next question is, 'Does Canadian experience, where the disease was properly diagnosed, warrant the assumption that leprosy is curable, or can, under treatment in a lazaretto, be sufficiently overcome to warrant the discharge of the patient'? The answer is: 'In four of five cases mentioned, such cessation or cure took place spontaneously or followed treatment, as to warrant the dicharge of the patient.' I presume that is the only lazaretto in the world where it can be said that the condition of the patient has improved. Where such unfortunates have gone into a lazaretto it has been to die, some in two or three years, but all to die there.

In regard to the question put by the hon. gentleman from Kingston, what is the race and nationality of the lepers at present confined in the leper asylums of Canada? The answer is: French Canadians ten; English two; Icelanders three: total fifteen. The second question: How many of the present inmates have been admitted there voluntarily, and how many were compelled to do so by the authorities? The answer is: All voluntarily. All those that are now in Tracadie are there voluntarily.

Hon. Mr. DeBOUCHERVILLE—This lazaretto was established in New Brunswick before confederation, was it not?

Hon. Mr. SCOTT—Yes.

Hon. Mr. DeBOUCHEVILLE—Was there not a law passed in the province of New Brunswick?

Hon. Mr. SCOTT—There may have been in New Brunswick, but not by the parliament of Canada.

Hon. Mr. DeBOUCHERVILLE—If there was a law enacted in New Brunswick, I

think we will find that by the terms of the British North America Act, such law would continue in force, and it would be interesting to learn what laws on this subject were passed in those days. My hon. friend from Alexandria wanted to know if there was any law. There was one in New Brunswick, and I should like to know if we can get that law ?

Hon. Mr. SCOTT—I will look it up before the third reading of the Bill.

Hon. Mr. DOUGLAS—I would like to ask the hon. leader of the House, if it is not a fact that there is a lazaretto off the coast of British Columbia ?

Hon. Mr. SCOTT—Yes, on an island, where there are six or seven patients confined.

Hon. Mr. McMILLAN—The hon. gentleman has not answered question 5.

Hon. Mr. SCOTT—It does not exist except in the two provinces. The answer given was that there was little change, but tending towards decrease. The lepers in British Columbia on this island of Darcy are, I believe, either Japanese or Chinese. They are not Canadian.

Hon. Mr. MACDONALD (B.C.)—All Chinese.

Hon. Mr. McMILLAN—And in New Brunswick ?

Hon. Mr. SCOTT—Ten French Canadians and two Englishmen and three Icelanders.

Hon. Mr. ROBERTSON—I should like to ask the hon. Secretary of State if he has positive authority for stating that there were five cures at the lazaretto in Tracadie ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. SULLIVAN—During what period ?

Hon. Mr. SCOTT—I have here the statement of the authorities in charge in various years.

Hon. Mr. SULLIVAN—It is contrary to all medical statistics.

Hon. Mr. SCOTT—The memo I have was prepared by the Department of Agriculture, Dr. Montizambert being at the head of that particular branch ? He is the gentleman responsible for the statement.

Hon. Mr. ROBERTSON—I am afraid he is a little astray. We have been taught by the medical authorities that leprosy is incurable. I have in my hand a reference handbook of the medical society, by Albert Bucke, M.D., who says :

> Of all the diseases mentioned syphilis is most likely to be mistaken for leprosy. In leprous districts cases of syphilis are frequently treated as lepers. In the Tracadie lazaretto there was one undoubted case of syphilis.

I am inclined to think the cases reported as having been cured have not been leprosy at all.

Hon. Mr. SCOTT—Perhaps not.

Hon. Mr. ROBERTSON—Here is where the whole trouble comes in : it is the getting of medical men who are experts on leprosy, to send people to the lazaretto. Clause 5 of the Bill reads :

> The minister may cause any person as to whom it is suspected that he is afflicted with leprosy to be examined by a medical officer or officers to be designated by him, and upon a report of such medical officer or officers that there is reason to believe that such person is afflicted with leprosy he may authorize the admission of such person into a lazaretto, and in case of such person refusing to become an inmate of such lazaretto may cause proceedings to be taken for his apprehension and confinement therein as hereinafter provided.

Now, it is a very serious thing when this disease is so very much like syphillis, and so much like lupus, another disease of the same family. If an individual shows symptoms of syphillis, which may be mistaken for leprosy, he is taken into lazaretto, and our doctors are not very well versed in leprosy ; none of them are experts. I think the community should be protected. It is a terrible thing for a man who is not afflicted with leprosy to be taken to the lazaretto and confined there. I think we should be very careful in enacting such legislation as this. Another authority on this question is Dr. W. Tebb, who has had a very large experience on this matter ; and he writes as follows :—

> The health authorities in Hawaii, as well as the most experienced medical residents elsewhere, consider leprosy as practically incurable, though they acknowledge that life may be prolonged by good food, pure water, healthy habitations and other favourable sanitary conditions. On one occasion, referring to the reports of certain medical practitioners as to their alleged and officially reported cures, I was told by one of the responsible officials

that the cures were mythical, the particular cases cited having since exhibited further development of the disease.

It is alleged that the external manifestations of leprosy, like those of some other maladies, disappear for a time, either with or without treatment, and cures are noised abroad; but the disease invariably reappears, and shows itself when least expected.

So you can put down leprosy as an incurable disease, and I doubt very much about these alleged cures at Tracadie.

The SPEAKER—In answer to a question put to the hon. Secretary of State it was said that eight or ten of those people at Tracadie were French Canadians. I am assured by medical authorities in the province of Quebec that there has never been a case of leprosy in the province of Quebec, and that the disease at Tracadie originated from people who had travelled in India. I do not know the history of the disease at Tracadie but can vouch for the fact that not a single case of leprosy has been found in the province of Quebec.

Hon. Mr. POWER—This is the usual thing, the lower provinces will not get fair play here. His honour the Speaker objects to having a French Acadian described as a French Canadian. Even though those French inmates of the Tracadie lazaretto may not have been born in the province of Quebec—they may not have that good fortune—still they are French Canadians all the same, and the hon. Secretary of State was perfectly correct when he so described them.

Hon. Mr. DeBOUCHERVILLE—The general impression is that leprosy is incurable, and if there are some cases in the lazaretto in New Brunswick that have been cured, it shows that these French Canadians, or Acadians either have not had the same disease that is known under that name, or they have some peculiar virtue which enables them to be cured when others are incurable.

Hon. Mr. POIRIER—If we trace the origin of leprosy we shall have to go beyond either French Canadian or French Acadian.

Hon. Mr. ROBERTSON—We will have to go to the valley of the Nile.

Hon. Mr. POIRIER—At Tracadie it is traceable to Norwegian sailors who, it appears, landed at Caraquet and left the disease behind them. It matters very little whether they are French Canadians or French Acadians or English Canadians, they have this dreadful disease and are there confined for life. It is a sad but inevitable condition. What I object to is that any person may be cast into that lazaretto under suspicion of being afflicted with leprosy. Hon. gentlemen, just look at this Bill. If such a Bill had been framed and passed under any of the ancient kings for example, or even under the Czar of Russia it would have been deemed a horrible case of autocracy. You give the Minister of Agriculture, or certain officials under him, power to take hold of any one of us if we have a pimple on our face or anything which may be suspected as a symptom of leprosy, and to cast us into the lazaretto. We are retrograding. This resembles the letters of cachet by which, under the French monarch, any one suspected of being anti-royalist or not being in accord with the powers that be, could be thrown into the Bastille there to remain until he was taken out, and that very often at the will of people that simply took advantage of these lettres de cachet to injure persons against whom they had some grudge, women having, through nefarious influence, power to have innocent persons thrown into the dungeon. This Bill is equivalent, to a great extent to the letters of cachet, against which, as you know, the people of France rebelled, and on account of which the great French Revolution was brought about. I would very much desire to see the wording of clause 5 changed, especially that part which gives an official of the government power to apprehend any suspected person and send him to the lazaretto. The official, unless he has made a special study of leprosy, would be no more a judge of it than myself, and there should be an appeal to some medical authority on leprosy, before any one should be subjected to such treatment. I protest against clause 5 as it appears in the Bill.

Hon. Mr. SULLIVAN—With regard to the spread of leprosy I have here a map showing the portions of the world in which it prevails, and I find that it is prevalent in cold as well as in warm climates, but is more generally prevalent on the sea coast and on islands. In India disease is more prevalent than in any other part of the world. It is useless to discuss the manner in which the disease originated at Tracadie,

and I can find no reference in any of the works I have read on the subject to Norwegians having brought it to New Brunswick. The first time lepers were placed on Sheldrac Island was in 1844. It has not spread beyond that, there is no necessity for adopting such a very stringent measure. The disease is diminishing and none of those who are in attendance upon the lepers have taken it. With reference to the necessity of locking up every leper, I have here in the report of a commission appointed to investigate leprosy, the opinion of one of the most eminent surgeons in England on the subject. According to the statements of these men who were conversant with it in India, and whose accounts of it are published in this report, the disease is not of such a contagious nature as is generally supposed. The authority to which I have referred says :—

A certain number of lepers arrive every year in England from abroad. They usually remain in England and are allowed to mix freely with their friends. Children are permitted to go to schools, married couples continue cohabitation, inmates of hospitals and workhouses are, unless especially loathsome, placed in the general wards ; in brief, not a single precaution against contagion is ever taken, and yet the disease never spreads. Precisely the same statements are true of French practice. It is believed that there are sixty lepers in Paris at the present time, and I am told that two leading Paris surgeons have each a leper employed as a household servant. Yet the disease never spreads in Paris any more than in London.

2. A certain number of English persons of various ages going to reside in leprosy districts become the subjects of the disease. It scarcely ever happens in such cases that there has been any known exposure to risk of contagion. Almost invariably such sufferers will say that they have never seen a leper.

I do not object to the establishment of a lazaretto, and I think it ought to be established as soon as possible, and furnished with everything that can possibly conduce to the comfort or mitigate the sufferings of those persons. I notice that the debate on the subject in the House of Commons was replete with inaccuracy and that the disease is not so extremely contagious as it was there represented to be. The bacillus of leprosy was discovered by a Norwegian in 1889. There has been a great deal of leprosy on the coast of Norway. This has been attributed to the excessive use of fish; but the amount of disease there has been diminished in twenty or thirty years more than one-half, and the general tendency is towards a diminution of the evil. There are different degrees of contagion in different diseases. Small-pox is the most contagious, but there is a wide difference between small-pox contagion and leprosy. The authorities all agree that leprosy cannot be contracted except by inoculation.

Hon. Mr. POIRIER—Does the hon. gentleman consider leprosy more contagious than pneumonia ?

Hon. Mr. SULLIVAN—No, I do not. Leprosy has a long stage of incubation. Some diseases take only a few hours, some take days, some weeks ; but leprosy takes years. Like hydrophobia it sometimes takes two or three years from the time of the admission of the virus into the system until the manifestation of the disease. It is the same with leprosy. It is only infectious in an acute case. There is not so much suffering accompanying it on account of the loss of feeling, which is generated by its attacking the nerves. I object to the Bill because there is no necessity to give any official power to go into a man's house and search for a supposed leper. There is no necessity to take the man away from his family when he cannot possibly be a source of menace or danger to any body. If one were to judge from the statements made in the House of Commons when the subject was being debated there, leprosy is so highly contagious that it is only necessary to look at a man afflicted with the disease and one will contract it. I have studied up the matter in the last three or four days, and would reply to the hon. Secretary of State when he says that the doctors cannot be expected to know much about the disease since they seldom or never have any occasion to see a leper, that the spectator often sees more of the game than the player, and so a man may get a more thorough knowledge of the subject by study than he would even if he had seen or treated a few cases. However, the authorities I have looked up on the subject all go to show that the disease is not extremely contagious. I go strongly for the lazaretto, but I draw the line at giving any one power such as is conferred by this 5th clause. The doctor who takes charge of this lazaretto should be one who has studied the disease and has passed an examination

on it as specialist. No ordinary man without special knowledge of the subject should be put in there. These are the reasons why I thought the objectionable portions of this Bill should be eliminated. They are contrary to humanity and entirely unnecessary, but I approve of the Bill with these objectionable features eliminated.

Hon. Mr. POWER—The better way would be to follow the usual course in dealing with a Bill in committee, and not anticipate any clause until we come to it.

Hon. Mr. ROBERTSON—There are some points with reference to this question which we should speak about now, before dealing with any particular clause. I want to read from the same authority I cited before, to endorse what the hon. senator from Kingston has said.

Hon. Mr. SCOTT—What is the date of it?

Hon. Mr. ROBERTSON—Quite a late work, 1893. He says :

> Whilst the opinion of medical authorities and experts varies considerably on the subject of the contagiousness of leprosy, the preponderance of authority is in favour of the theory that it is not contagious in the ordinary sense of the term, but is communicable by means of a cut, sore, or abraded surface ; and this view is confirmed by my own personal investigations.

Hon. Mr. POWER—I gather from the remarks made by the medical gentlemen in this House that there really is not any necessity for passing a Bill of this kind. The hon. gentleman from Kingston informed the committee that leprosy died out when it was not in the climate to which it properly belonged, and apparently our own experience in Canada goes to show that he is right, for I understand that the disease, instead of increasing at Tracadie, is diminishing ; and I submit that if the views of the hon. gentlemen who are also members of the medical profession are correct, the better way would be simply not to pass the first clause of the Bill, as it would appear that we do not require any machinery to stamp out a disease which is dying out of itself.

Hon. Mr. BEIQUE—I think this discussion is very important, because the Bill involves an interference with the liberty of the subject, and the question which has been raised is as to whether there is any necessity for a law of this kind. That is a very important point, and we should, I think, consider that point as the first thing. So far as the remarks which were made by the hon. gentleman from Acadia are concerned, I think he has lost sight of clause 8 of the Bill which provides that all the minister can do is to appoint a medical man to examine the patient to see whether there is any serious suspicion of his being afflicted with the malady. If the person so examined refuses to be committed, he is brought before a judge and investigation is made before the judge. It is then open to the person to adduce whatever evidence he may desire for the purpose of showing that there is no occasion for his being confined. It, therefore, seems to me that the Bill is in the right direction, if the malady is such as is claimed—that is to say contagious and very dangerously so.

Hon. Mr. SULLIVAN—We contend that it is not.

Hon. Mr. BEIQUE—There is another point to which I call the attention of the House. It has been stated that there was an institution in New Brunswick, at the time of confederation, where patients of this class have been secluded. There must have been legislation by the province of New Brunswick on the subject, and it seems to me we should, before considering this Bill, ascertain what the effect of that legislation is, because it is in force in virtue of the Confederation Act and it will have to be repealed if this Bill is to come into force. I think it would be very important that we should have this legislation before us, and I therefore invite the hon. Secretary of State, if he does not see too much objection to such a course, to defer consideration of the Bill in committee for a short time.

Hon. Mr. POIRIER—I agree with the suggestion of my hon. friend that the consideration of this Bill should be postponed for a little time. I know that legislation has been enacted by the province of New Brunswick concerning this question, but I am not prepared to say what the effect of it is. I think, therefore, that it would be proper that the consideration of this Bill should be postponed until we are cognizant of the rules and regulations which obtain in New Brunswick so that we may make our legislation here accord with that of the province if necessary—at all events until we gather

as much information as possible on the subject, because, after all, this Bill is one which deals with the liberty of the citizen. I perfectly agree that society has a right to be protected against the spread of the awful disease known as leprosy; but on the other hand I desire to insist, as far as I can, that the individual liberty of the citizen should not be rashly interfered with. It is possible that under this Bill a man who is not actually a leper might be thrown into a lazaretto, with the consequences which we can all appreciate. If a man is improperly confined in a place of that kind, it is a worse mistake than if a man were to be improperly confined in jail for some offence of which he is guiltless. Referring to what the hon. gentlemen from Kingston has said, about leprosy not being infectious, I have been told of instances where children born of a father and mother who were both lepers, have grown to manhood and attained old age without any indication of leprosy on their person. These instances go to confirm what both of our hon. colleagues of the medical profession have here asserted. In view of these considerations I would suggest that the leader of the government should allow this Bill to stand for a few days until some further consideration can be given to the matter.

Hon. Mr. ROBERTSON—The hon. senator from Halifax has misunderstood us on this side of the House. We do not pretend to say that leprosy is not infectious at all times. We say that leprosy is not infectious in its first stages, perhaps for years, and that a leper will not infect another individual until such time as abrasions and ulcerations appear on his body, and then if they touch the body of any individual where there is an abrasion, that other individual will contract the disease. But that is not likely to happen for many years, and the disease in its first stages is so much like syphilis and lupus that the very best medical men are liable to make mistakes.

Hon. Mr. LANDRY—There is a difference between infectious and contagious diseases.

Hon. Mr. ROBERTSON—Certainly there is. It is infectious and endemic. It does not spread over the whole country as smallpox or typhus fever would do, but confines itself to certain small sections of the country.

Hon. Mr. POWER—It appears to me that there is no point about which any difference of opinion arises until we reach clause 4. I think we might pass the clauses up to that point, and when we reach it some hon. gentleman might move that the committee rise, report progress and ask leave to sit again; but we ought to do something because we cannot very well report progress if we have not done anything. Surely there is no objection to the first clause of the Bill.

Hon. Mr. SULLIVAN—Not the slightest.

Hon. Mr. POWER—Let the clauses be passed then, and let us not leap before we come to the stile.

The clause was adopted.

On clause 2,

Hon. Mr. ROBERTSON—I should like to see that clause amended to this effect, that the Governor in Council may appoint a medical superintendent who is a thoroughly educated expert in leprosy. I should like these latter words included.

Hon. Mr. POWER—Where are we going to get such a man in Canada?

Hon. Mr. SULLIVAN—One who is duly qualified by experience.

Hon. Mr. POWER—You cannot get such a man in this country, where there is no leprosy.

Hon. Mr. ROBERTSON—I think otherwise there will be some danger that people who are not affected with the disease may be confined in the lazaretto.

Hon. Mr. SCOTT—I think there is a good deal of misunderstanding on this question. I wish to read what an authority in the United States says about the lazaretto at Tracadie, the only one we have in Canada. The medical man at the head of that institution has certainly had more experience than any other man in Canada, probably more than any other man on this continent. He surely is the best judge as to whether or not any man whom it is proposed to confine in the lazaretto is really a leper. I think hon. gentlemen are inclined to urge objections to this Bill which have no real

foundation. To show the reputation which that institution possesses in New Brunswick I wish to read a part of a report.

Hon. Mr. DeBOUCHERVILLE—From what is the hon. gentleman reading ?

Hon. Mr. SCOTT—From the official Report of the Minister of Agriculture, 1904.

Hon. Mr. DeBOUCHERVILLE—Is this the Canadian Minister of Agriculture ?

Hon. Mr. SCOTT—It is the Minister of Agriculture of Canada.

Hon. Mr. LANDRY—Is he speaking as a doctor or as a farmer ?

Hon. Mr. SCOTT—Speaking of the lazaretto at Tracadie, the Report of the Minister of Agriculture quotes an extract from a report of the lazaretto in Louisiana, in which they admit that the institution in New Brunswick is superior to any other known. I may say that we have never heard any complaints against that institution. It is not administered under the laws of New Brunswick, but is administered by the health bureau of the Department of Agriculture and has been so administered from 1867 downward—38 years—during which time I am not aware that any fault has been found with it, and, therefore, it is not open to the criticisms to which my hon. friends have given expression. I stated in the introduction of this measure that the best medical opinion was that in the earlier stages the disease was not contagious. In 1878 and 1888 the College of Physicians and Surgeons in London, when asked by the government of Great Britain to say whether the disease was contagious, reported that it was not. In 1898, which is the latest report I have been able to find, the British government again submitted the question to the Royal College of Physicians. I shall read a letter written from Downing Street on the question :

Downing Street.
25th October, 1898.

Sir,—

With reference to your letter of the 16th August, 1887, communicating to this department the opinion of the Royal College of Physicians on the subject of leprosy, I am directed by Mr. Secretary Chamberlain to request you to be good enough to move the college to consider and report whether in view of the report of the conference on leprosy held at Berlin in October last, they have found reason materially to change their previously expressed opinions, or to modify the advice which they have given the Secretary of State, either as regards the question of segregating lepers, or on any other point which is of practical importance in the regulation of the disease in colonies where leprosy is endemic.

I am, Sir,
Your obedient servant,
C. P. LUCAS.

The Registrar to the
Royal College of Physicians.

The members of the committee were :—
Sir Dyce Duckworth, M.D.,
Dr. Robert Liveing,
Dr. Payne,
Dr. Heron,
Dr. Hebb,
Dr. John Anderson.

Their report was as follows :—

Your committee beg leave to report as follows:—

That the communicability of leprosy by direct or indirect means from lepers to the healthy must now be accepted as an established fact, the evidence in support of this belief being conclusive, and there is no evidence of the disease arising or spreading in any other way.

Your committee are therefore of opinion that the conclusions stated in a resolution unanimously adopted by the International Conference on Leprosy held at Berlin in October, 1897, and set forth at page 194 of the official report of the conference, ought to be accepted in their entirety and acted upon where leprosy is endemic, or occurs under the conditions indicated in the first paragraph of the resolution.

Hon. Mr. LANDRY—That does not settle the question at all.

Hon. Mr. SCOTT—That may be the hon. gentleman's opinion. The point raised was, is leprosy contagious. They report that it is contagious.

Hon. Mr. LANDRY—I do not see that.

Hon. Mr. SULLIVAN—It is, in a minor degree. That cannot be denied for a moment.

Hon. Mr. SCOTT—I will repeat what I have read :

That the communicability of leprosy by direct or indirect means from lepers to the healthy must now be accepted as an established fact, the evidence in support of this belief being conclusive, and there is no evidence of the disease arising or spreading in any other way.

Hon. Mr. POWER—Is the second clause of the Bill agreed to ?

Hon. Mr. ROBERTSON—I do not see what injury it would do to the Bill to have the words which I have suggested inserted after the words 'medical superintendent.'—'A duly qualified expert in leprosy.' It might happen that some person would report that a man in British Columbia, for instance, is affected with leprosy. Word is sent to the Minister of Agriculture and he orders some local doctor, who is no expert at all, to make an examination, and perhaps an innocent man who is utterly devoid of the disease might be shut up in the lazaretto, in which he will become infected.

Hon. Mr. SCOTT—Surely the hon. gentleman must give the government credit for common sense. They have had a good man at Tracadie all along, because, by common consent, that seems to be ahead of any other lazaretto in the world, and the only place where they have ever been known to have effected a cure. That is the most conclusive evidence that the government feels its responsibility in this matter.

Hon. Mr. DOUGLAS—I must say that it is the very fact that they have reported cures at Tracadie which excites our suspicion. I am satisfied that no case of a true cure of leprosy has ever been reported. I spent seven years amongst the native states of India. Under Hindoo laws they compel these people to live apart from the moment that the skin loses its colour, and its sensation. From that moment, those who are affected must be separated from their families, and grouped together as a distinct community. The very fact that this statement has been made in reference to our lazaretto is the reason why we feel anxious about the authority to be given to the superintendent, and the authority to be given to the minister. I am thoroughly in favour of this Bill, and very much interested in it. I may say that some few years ago, upon my report to the government, an individual was sent to this institution in Tracadie. I had an Icelandic woman under my charge for two years, and when the disease declared itself, I reported to the government and she was removed to Tracadie, where she died. There is a vast difference between the leprosy of the Baltic coast or Norway, such leprosy as is found among people engaged in fishing, who live upon tainted fish and the refuse and offal from fish. They in due time acquire a taint in the blood that produces what I stated the other day to be 'button' leprosy.

Hon. Mr. POIRIER—Is it elephantiasis?

Hon. Mr. DOUGLAS—No, it is an entirely different thing from Asiatic leprosy; but I am satisfied that it needs just as much care, and in no case would I accept any superintendent's statement that a person can reach that condition in which he may be safely set at liberty. I know of cases in India where an individual might have fairly good health perhaps for 17 years after he is known to be a leper, and I have used a vegetable oil in this country which has the power of retarding the progress of the disease, keeping it back for many years. I have also used the same in connection with cases of syphilis with very great effect. So that the reason I ask for delaying the progress of this Bill is just because it seems to me that we ought to be very careful about the powers that we give to the superintendent, and also the powers given to the minister in connection with this matter.

Hon. Mr. SCOTT—The conditions in Canada would be very different from the conditions in India. In the first place the climate and the mode of life and the treatment would be absolutely different. I presume in India the disease is regarded as hopeless. The superintendent, Dr. Montizambert, who is recognized as a very high authority, sends me an extract from the report of Dr. Smith, who has been in charge. It is as follows:—

> One patient, a man of forty, is so apparently cured of all symptoms of the disease that I felt justified at my last inspection of the lazaretto in approving of his going home, on the condition of his reporting himself from time to time for examination by the physician of the institution. He has been in the lazaretto for five years.
>
> Previous to his being thus released, all the ulcerations on his body and limbs had completely healed and repeated microscopic examinations of the mucus from his mouth, throat and nostrils, had for some time failed to reveal the presence of the leprosy bacillus.

Whether this apparent cure will prove permanent or not the future, of course, alone can show. With regard to this question of cures it is well known that spontaneous cures do take place sometimes in leprosy, or rather spontaneous cessations of the disease. Thus,

in the history of the lazaretto, Dr. Smith reports the following cases :—

M. Judith Beniot entered in 1879, discharged in 1889. Augustin Losier, entered in 1879, discharged in 1885. Louis Manzerell entered in 1882, discharged in 1890. Maurice Benoir, the man spoken of in my last report, entered in 1878, discharged in 1889.

So that the disease is probably not the same as what is known as leprosy in India, probably not the same as in China or Japan.

Hon. Mr. DOUGLAS—It is the same disease. It comes from China. We have lazarettos in India and under the best medical care ; and the experience there is that there is no cure. It sometimes will cease so that there may be tolerably good health enjoyed, but it is still in the system and it will appear again. There are cases where it skips one generation and appears in the second. It is still in the blood ; and we certainly ought to be exceedingly careful about doing anything that would permit the officials to discharge these individuals and allow them to live with their families.

Hon. Mr. BEIQUE—If we are on clause 2, we must bear in mind that the Governor in Council of necessity must be the judge of the qualification of the man appointed, otherwise it would be open to have his qualification brought in question by anybody, and therefore it might go to the root of the efficient working of the Bill. If the suggestion which has been made of having a qualified medical superintendent was adopted, then we would have to go further and say 'of which the Governor in Council shall be the only judge.' It will be the duty of the Governor in Council to appoint a qualified person ; and the Governor in Council will be responsible to parliament in the discharge of that duty ; therefore it seems to me that this is sufficient and should be accepted.

Hon. Mr. ROBERTSON—I think for the safety of the Bill and for the safety of the people of the Dominion of Canada, that these words should be inserted. If the Senate is not willing to do it, the responsibility is off our shoulders. I move that after the words 'medical superintendent' we add the words 'Duly qualified expert in leprosy' ?

Hon. Mr. SCOTT.

The amendment was lost on a division.

The clause was adopted.

On clause 3,

Hon. Mr. LANDRY—I think it is time to object to that clause. If there is a law in force now we should know what it is. The hon. gentleman from DeSalaberry objected to the passing of the Bill before we were acquainted with the laws of New Brunswick on that subject.

Hon. Mr. SCOTT—I have already explained that the administration of this lazaretto has been under the government of Canada and not under the law of New Brunswick in any sense. It has been under the direction of the Minister of Agriculture for the last thirty years.

Hon. Mr. LANDRY—Is there really a law ?

Hon. Mr. SCOTT—Well, it has not been observed.

Hon. Mr. LANDRY—If there is a law, it may be observed.

Hon. Mr. SCOTT—No. The government of Canada took over the lazaretto and have administered it as best they could.

Hon. Mr. DeBOUCHERVILLE—They had certain laws which had either to be followed or be repealed. This law has not been repealed that I know of.

Hon. Mr. SCOTT—We will look up that law. But this lazaretto has been administered by the department.

Hon. Mr. LANDRY—It may have been administered under the department for the last ten or twenty or thirty or forty years, but it may be so administered without authority of law.

Hon. Mr. SCOTT—It was superseded by the Dominion government, if there was a law.

Hon. Mr. LANDRY—Can an hon. minister supersede the law?

Hon. Mr. SCOTT—I stated before, that the persons confined there were purely voluntary patients. They go in there to better their condition. Their friends think it better for them and for their families. Great care is taken. The kindest nurses have been

engaged—nuns. It is only in view of its success that one would feel that it would be undesirable to make any change in the administration of the lazaretto.

Hon. Mr. POWER—The hon. gentleman from Stadacona is remarkable for propounding conundrums which it is sometimes difficult to answer. This clause has not any of the effects it is supposed to have. It says simply that this lazaretto shall be subject to the control of the Minister of Agriculture. It must be under some minister, and we simply say that it shall continue to be under the minister who has had charge of it for 30 years.

The clause was adopted.

Hon. Mr. TESSIER, from thh committee, reported that they had made some progress with the Bill and asked leave to sit again on Wednesday next.

VACANCY ON THE SUPREME COURT BENCH.

Hon. Mr. LANDRY—Before the House adjourns, I wish to ask the hon. Secretary of State if there is any truth in the rumour that Sir Henri Joly, the ex-Lieutenant Governor of British Columbia, has been named to the Supreme Court Bench?

Hon. Mr. SCOTT—I have not heard anything about it.

The Senate adjourned till 3 p.m. tomorrow.

SENATE.

OTTAWA, Tuesday, May 15, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

The House sat with closed doors until six p.m.

After Recess.

PURCHASE OF CANADIAN EASTERN IN NEW BRUNSWICK.

MOTION.

Hon. Sir MACKENZIE BOWELL, K.C.M.G., inquired of the government:

1st. The amount paid for the railway known as the Canada Eastern in New Brunswick, and the name of the person or persons to whom the purchase money was paid.

2nd. The amount of money expended on said railway since its purchase by the government to the 1st of April, 1906, on buildings, repairs, grading, culverts, bridges, ties, rails and all other expenditures incurred in the improvement of said railway.

3rd. The total amount earned and received from the passengers, and for freights, separately to the 1st of April, 1906.

4th. The total expenditure for operating said road, as a branch of the Intercolonial, from the date of purchase to the 1st of April, 1906.

Hon. Mr. SCOTT—The department have informed me that the information asked for in this notice is rather diffuse and that it could be brought down better if a return was moved for. I have given them notice to prepare it so that no time will be lost.

Hon. Sir MACKENZIE BOWELL—Then the hon. minister will accept this inquiry as a motion for a return. With that understanding I will make the motion now.

The motion was agreed to.

FRENCH TRANSLATION OF MILITARY INSTRUCTIONS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Can the military authorities order the translation into French of the programmes of instruction as published in English on the 7th of April last in the Militia Orders under the number 81, and the distribution thereof to all officers commanding units in the regiments of the province of Qubebec ?

Can the government give the assurance that such translation and such distribution will take place as soon as possible, before the holding of the next camps for training ?

Hon. Mr. SCOTT—It has not been customary to publish the camp regulations, or such programmes as are referred to above, in the French language, as it has not been considered necessary in the public interest. Inquiry is being made, and if it should be found to be desirable, the syllabus for the ensuing training will be published in the French language.

Hon. Mr. LANDRY—I think that the answer given by the hon. minister is merely a defiance of public opinion in the province of Quebec. We make this request, not as a favour, but we ask it as a right. If we desired to go further we would ask that all the militia orders should be printed in French. We are not asking that; we are only asking that the syllabus for the next

camp, where most of the French regiments will be ordered for drill, shall be printed in French and we are denied that right, according to this answer of the department. I think that is not a fair answer, and the French population of the province of Quebec are not being fairly treated. I claim this as a right, and I do not think the government will take upon themselves to refuse that for the province of Quebec. It is merely four or five pages altogether, published under order number 81 in the militia orders. It is giving all the routine of the camp, a distribution not only to the officers but to the men; so that they may know all the routine business of the camp. I think that the government should treat our population fairly and permit them to be on the same footing as the other regiments in this Dominion.

Hon. Mr. SCOTT—I shall be glad to call the attention of the minister to my hon. friend's remarks. I will obtain a copy of the statement which he has just made and forward it to the department.

RESOURCES OF THE MACKENZIE BASIN AND NORTHWEST.

MOTION.

Hon. Mr. DAVIS moved :

That a select committee composed of the Honourable Messrs. Talbot, Lougheed, Douglas, DeVeber, Landry, Tessier, Wilson, McMullen, Young, Ferguson, Ross (Moosejaw), McGregor, Power, Robertson, Watson, Bernier, Kirchhoffer, Ellis, Thompson, Perley, Riley, Bostock and the mover, be appointed to inquire and report from time to time as to the value of that part of the Dominion lying north of the Saskatchewan watershed, east of the Rocky Mountains and west of the Hudson's bay; comprising the north parts of the provinces of Alberta and Saskatchewan and the Mackenzie territory, its extent of navigable waters, rivers, lakes and sea coast, of agricultural and pastural lands, its fisheries, forests and mines; five to be a quorum; the said committee to have power to appoint shorthand writers and to send for persons, papers and records.

He said: The reason I have moved for this committee is the fact that we have that large territory lying north of the Saskatchewan river which extends down to the old district of Athabasca and through the Mackenzie river territory. Very little is known of this vast district by the people of this country or the world at large. We have devoted all our time and attention to the settlement of our agricultural lands, and we have, I must say, been very successful in that respect; but we have not devoted the same interest and attention to the development of the mineral resources of that western country. It is true that in 1888 the Honourable Sir H. John Schultz, moved for the appointment of a committee of this House to inquire into the extent and resources of the great Mackenzie river basin. That committee went into the matter extensively, and a large amount of information was collected which has been of great value to the people of this country. Before becoming a member of this House I took great pleasure in reading that report, and although a resident of that country for 27 years I derived from it a great deal of valuable information which I could not have otherwise obtained. The people of the Northwest know from reports of traders, trappers and others who have travelled in that northern country that it contains vast mineral wealth, and I am certain if steps were taken to find out just what we have in that part of the Northwest an inducement would be offered to people in the older countries to come here and invest their capital. There are many capitalists looking for investments. If they knew that capital could be profitably invested there would be no difficulty in getting money to develop those natural resources. I have myself seen splendid samples of hard white mica, a foot square, brought in by an Indian from the north country, and he said there was any amount of it there. I have seen samples of coal, copper and other minerals from the Mackenzie and Peace rivers, but we have no reliable information about that country. It has never been thoroughly explored, and the government should do something to ascertain its resources. Some years ago, I understand, the Ontario government sent exploring parties to find out what they had in the northwestern part of the province of Ontario. The reports of those parties can be found in the library. If to-day the mineral resources of the northern part of Ontario are being developed it is mainly due to the explorations made by those parties sent out by the government.

Another reason why I think we ought to appoint this committee is the fact that two years ago—I think it is about two years ago—the Department of the Interior saw

fit to send Professor Macoun out into the Peace river district, and the northern part of Alberta. Mr. Macoun is a young man; he went into that country and stayed there two and a half months. In two and a half months he explored a territory which is larger than practically the whole of the arable portion of the province of Ontario. He rode around on a pony—there is no other way of getting through that district unless it be riding on a pony or in a cart, because there are no railways. He got off his pony and examined the soil with a jack knife and came home with a report condemning the whole northern part of the country. That is very serious matter. His report is still uncontradicted as far as I know. The minister in charge of the Interior Department at that time was going to take the matter up and send another party out to make a more thorough investigation, giving the party any amount of time to go over the territory and make a proper report; but that has not been done. Mr. Macoun, as I have said, is a young man, and he drew very large conclusions from small premises. He could not have seen much of the country, and I think he went a little out of his way to condemn the whole of the district. Now, from the knowledge I have, having talked over the subject with gentlemen who have been all through the country, one of whom is Bishop Pascal, the Roman Catholic bishop in my town, who passed the greater part of his life in that territory, I have come to the conclusion that we have a magnificent country there, equal to anything in Alberta, perhaps better, and equal to anything in Saskatchewan; and I think it is the duty of the government to investigate and to obtain accurate detailed reports for the information of the public. I was travelling recently in the United States and not three weeks ago I was talking to a gentleman from New York about the Peace river country, its resources and the amount of fine arable land which it possesses. He told me he had read this report of Macoun's. He said that is an official sent out by your own government; surely you have confidence in your own officials. 'As far as I know,' he said 'that report has never been contradicted.' From reading the report he had come to the conclusion that the Peace river country was not very much good. Another reason why we should have a committee to inquire into the present condition and resources of that country is that great changes have taken place in the eighteen years that have elapsed since the committee of Sir John Schultz sat. At that time the Mackenzie basin was an unknown wilderness, inhabited only by trappers and the Hudson Bay officials. During that eighteen years there has been quite an influx of immigration into that country, and, at the present time, around Vermilion and Lesser Slave lakes the settlers and traders have grist mills and roller mills, and they are growing wheat and one hundred and one other things that were unknown in that country at the time the Schultz committee were carrying on their investigation. Another thing is, that while some people might have thought that country very little good on account of the climate eighteen years ago, they may have changed their minds to-day. A great many people not only outside of the Dominion, but people within the Dominion thought eighteen years ago that northern or what is now known as New Ontario was very little good. Our own people were afraid eighteen years ago to invest their money in Manitoba.

Agriculture there had not passed the experimental stage; and as for Saskatchewan and Alberta no one would invest his money there at that time. To-day everything is changed. From my own knowledge of the country—I have lived there for 27 years—there has been a great change not only in the way of development and settlement, but a change in the climate. The winters to-day in the Northwest are not the same severe winters that we had there seven years ago. The winters to-day are as mild or milder than in any other part of the Dominion. Twenty-seven years ago the winter set in early in November and we had continual cold weather for two, three and four months, with the thermometer going down to fifty below zero. Of late years the thermometer may go down to fifty below a couple times during the winter, but it would be about daylight in the morning, and it is right up again to zero before twelve o'clock. We now have thaws in the winter, something that was

almost unknown 27 years ago—regular thaws, so that the climate has changed, and while gentlemen may have conscientiously made pessimistic reports on that country 27 years ago, I fancy the same gentlemen to-day, after the experience which they have had since, would report very differently. There would be a great difference in the evidence they would give now as compared with what they did before. Take the northern part of Saskatchewan. I suppose we have from the line of the North Saskatchewan river, for a hundred miles north of Prince Albert a good agricultural country. After that it is practically an unknown land. No person knows much about it except from the stories we hear from the trappers, traders, &c. For five hundred miles extending inland from the North Saskatchewan river there is a lot of good agricultural land. For a couple of hundred miles there is any amount of timber. I think something should be done to find out exactly what we have in that line. The timber in this country is very valuable on account of the vast amount of territory we have in the western provinces in which there is no timber. The timber in the other provinces of the east is about used up. I suppose there is a large supply yet on the new line through the northern parts of Ontario and Quebec, but taken altogether the timber supply in the Dominion to-day is very limited compared with the increasing demands of the population that we expect to inhabit the great western plains in the next twenty-five years. We have to ascertain what there is in the way of timber in that northern country, and protect what we have there. Settlers are going into the country and we must remember that when people get away into an unorganized district they become more careless about fires than if they were living in the older settled provinces.

And it does not take long to clean off a nice strip of forest. I remember travelling through a heavy piece of forest in Saskatchewan about twenty-four years ago. To-day if any person travels over that same tract of country he will find it is all under cultivation. He will find farm houses, roads, bridges, schools and everything else to be found in a prosperous farming community. About twenty years ago there was a large fire which cleared off the timber and scrub. It is a good thing to have the land under cultivation, but we have still an enormous quantity of land in its primitive condition and very little timber. The timber should be protected, but I do not think we can adopt a system of protection until we know what we have got to protect. Another question of importance is the fisheries in the northern parts of Saskatchewan and Alberta. We have Great Bear lake, Great Slave lake and Lake Athabasca all teeming with fish. North of the city of Prince Albert, twenty-five or thirty miles, we have lakes all teeming with fish. Some of these lakes have not been explored and we do not know exactly the varieties of fish they contain. These fisheries are going to be a great source of wealth when the country comes to be opened up, and I think the time has arrived when we should make some effort to ascertain the extent of our resources in this new country. If we had a committee they could get from the officers of the Interior Department, the Geological Survey staff, explorers and others valuable information on which to base a report at the end of the session, asking the government to appoint a couple of parties to make a thorough exploration of that northern country. Appoint a man at the head of that department, whose report would be reliable and when he appended his signature to his report everybody would have confidence in it. I think it would be a step in the right direction. This is a very important matter, at least as far as Peace River country is concerned, considering the report that Mr. Macoun made with reference to that country. I think that something should be done to counteract the wrong impression created by his report. I was present at the committee when he made that report. I was there several days and took part in the discussion, and also took some part in cross-examining him upon it, and this gentleman, as I said before, went a long distance out of his way. He went so far, when he could not conjure up anything else, and some person in the committee asked him if the country was subject to hail, as to acknowledge that although he had not seen any hail himself, he had made up his mind that the country was subject to hail from the fact

that he saw spots on the fallen timber. I have been a good while in that country, and although I do not claim to have the same amount of scientific knowledge that that gentleman possesses, as I have never given it that much study, still I could tell him what made the spots on the fallen timber. I am sure it was not hail, because I never heard that the Peace River country was subject to hail storms. Still it has gone out to the world that the Peace River country is not only subject to drought and frost but to hail and everything else. I am sure it would be very easy for a committee such as I am asking for to obtain evidence from gentlemen at present occupied in farming, ranching, lumbering and fishing in that country to establish the fact that there is not a better agricultural country in the Dominion to-day than the Peace River valley. It is equal in extent, or larger than the whole arable portion of Ontario. If it costs something to establish that fact and counteract the evil and the injury done by Mr. Macoun's report, the money will be well spent.

Hon. Mr. SCOTT—I fully appreciate the importance of giving the widest possible publicity to the vast resources of the Northwest Territories. We have on several occasions had similar committees formed in this chamber, and very valuable evidence has been secured and circulated from time to time. The first committee was in 1870, when it was moved by Mr. McCully, seconded by Mr. Botsford :

That a committee be appointed on the subject of Rupert's Land, Red river, and Northwest Territories, with a view of collecting information respecting its general capabilities, and means of access thereto, with power to send for persons and papers.

Then again, in 1886, Mr. Schultz moved the appointment of a committee for a similar purpose. After being discussed in the House by a number of gentlemen, it was decided that it was too late a period of the session to commence so important an investigation as, necessarily, the inquiry would have to be somewhat exhaustive, wholly apart from the cost attending it, and so it was deferred that session. However, in the following session, 1887, the hon. Mr. Schultz brought the subject again to the notice of the Senate and moved this resolution:

The Honourable Mr. Schultz moved, seconded by the Honourable Mr. Girard, that a select committee composed of the Honourable Messieurs Allan, Almon, Bolduc, Botsford, Carvell, Chaffers, Ferrier, Girard, Howlan, Kaulbach, Leonard, McCallum, McClelan, McInnes (British Columbia), McDonald (British Columbia), McPherson (Sir David Lewis), Mernier, Millar, Ogilvie, Pelletier, Reesor, Robitaille, Sanford, Sénécal, Sutherland, Thibaudeau, Turner, and the mover, be appointed a committee for the purpose of collecting information regarding the existing natural food products of the Northwest Territories and the best means of conserving and increasing them, and that the said committee have leave to send for persons, papers and records.

That committee sat for a month, and was attended with very considerable expense, but the result of the investigation was very satisfactory. The report occupied about 170 pages. It will be found in the Journals of the Senate for 1887. I do not know that you could read a more beautiful description of the Northwest and its resources, and particularly that section of the country north of the Saskatchewan than you will find in parts of this report. I will just read portions of it in order that the House may understand the scope of the committee. I shall take one paragraph.

Your committee cannot conclude their report without expressing to your hon. House their sense of the great value of these Northwest Territories to the Dominion of Canada, and from the evidence taken, which incidentally extends beyond the scope of your instructions, they are forced to the conclusion that nowhere has nature showered blessings with a more bountiful hand than in the Canadian Northwest. About 600,000 square miles of arable and pastoral land seem prepared by the hand of God for the homes of civilized men. No rock or stump prevents the immediate cultivation of the soil, while beneath the surface are vast stores of fuel from former forests, side by side with the extensive deposits of iron ore. A region, which, situated as it is on the highest table land of this continent, enjoys equality of mean temperature, freedom from many forms of epidemic and malarial diseases, and immunity from the cyclones which have become from their frequency the terror of the inhabitants of less elevated regions south of our border ; navigable rivers traverse its length, and a great and growing system of railways carries its produce to the shores of the Atlantic and Pacific. It is a land of interest and profit to the tourists, the angler, and the hunter. Great waterways drain it to the Pacific, to the Atlantic, to Hudson's bay and the Arctic sea ; in its bosom is found coal, gold, silver, iron, copper, salt, sulphur, petroleum and asphaltum, and most of the granites, marbles, clays, lime and sand-stones which are of constructive use, while on and near its surface amber and some of the precious stones have been found. The well-known climatic law 'that the nearer we approach the limit of

possible cultivation of all cereal plants the greater will be the yield and the finer the quality,' also ordains that the frost of winter, accompanied, as it is, by an absence of moisture and by light snowfall, shall make it pleasant and healthful for man, while aiding him in his work by its deep penetration, pulverizing the soil as it thaws, and giving gradually back to the upper crust the imprisoned moisture.

It is worth while calling attention to the names of some of the witnesses, who were leading men at that time in the Northwest. They are:

Samuel L. Bedson, Esq., warden Manitoba Penitentiary; Amedee Forget, Esq., clerk of the Northwest council; J. H. E. Secretan, Esq., C.E., of Winnipeg, Man.; Thomas McKay, Esq., Prince Albert, Saskatchewan; D. W. Davis, Esq., M.P., district of Alberta; D. H. McDowall, Esq., M.P. for Saskatchewan; Nicholas Flood Davin, Esq., M.P. for West Assiniboia; W. D. Perley, Esq., M.P. for East Assiniboia; The Hon. J. Royal, Q.C., M.P. for Provencher, Man.; W. W. Ross, Esq., M.P. for Lisgar, Man.; W. B. Scarth, Esq., M.P. for Winnipeg, Man.; T. M. Daly, Esq., M.P. for Selkirk, Man.; R. Watson, Esq., M.P. for Marquette, Man.; The Hon. Walter R. Brown, ex-member of the first Northwest council; the Hon. Colin Inkster, President, Fish and Game Protective Society, Man.; Acton Burrows, Esq., Secretary, Fish and Game Protective Society, Man.; Alderman George Ham, Winnipeg, Man.; Molyneaux St. John, Esq., Montreal, Que.; Venerable Archdeacon Cowley, Dynevor, Man.; Alderman Stewart Mulvey, Winnipeg, Man.; the Rev. Father Hugonnard, Principal of the Industrial School, Fort Qu'Appelle; Prof. Saunders, Director of Central Experimental Farm Station; Rev. John McDougall, Morleyville, Alberta; Lieut.-Col. J. Vance Gravely, Cobourg, Ont.; Alexander Neisson, Esq., Bad Throat River, Lake Winnipeg; J. Gilchrist, Esq., Harwood, Rice Lake, Ont.; Rev. Jas. Settee, St. Peter's Indian Reserve, Man.; Jas. Taylor, Esq., Chairman Old Settlers' Society, Man.; Chas. Mair, Esq., Prince Albert; the Rev. Father Lacombe, St. Joseph Industrial School, Alberta; the Rev. Father Leduc, Prince Albert, Saskatchewan; the Rev. Henry Cochrane, Peguis, Man.; Jos. Menkman, Esq., Peguis, Man.; the Hon. M. A. Girard, Senator, St. Boniface, Man.; the Hon. W. J. Almon, M.D., Senator, Halifax, N.S.; the Hon. Jas. Turner, Senator, Hamilton, Ont.; the Hon. David Reesor, Senator, Yorkville, Ont.; the Hon. John Sutherland, Senator, Kildonan, Man.; the Hon. W. H. Chaffers, Senator, St. Césaire, Que.; the Hon. W. A. Sanford, Senator, Hamilton, Ont.; the Hon. H. A. N. Kaulbach, Senator, Lunenburg, N.S.; the Hon. C. A. P. Pelletier, Senator, Que., Que.; the Hon. G. W. Allen, Senator, Toronto, Ont.; the Hon. W. J. Macdonald, B.C., Senator, Victoria, B.C.; the Hon. J. S. Carvell, Senator, Charlottetown, P.E.I.; the Hon. G. W. Howlan, Senator, Charlottetown, P.E.I.; the Hon. T. R. McInnes, M.P., Senator, New Westminster, B.C.; the Hon. A. W. Ogilvie, Senator, Montreal, Que.; the Hon. Dr. Robitaille, Senator, Que.; the Hon. Wm. Miller, Senator. Major J. Cotton, N.W.M.P., Fort McLeod, Alberta; Lt.-Col. Irvine, N.W.T., Alta.; Chas. N. L. Bell, Esq., Sec. Board of Trade, Winnipeg; John Gunn, Esq., Gona, Man.

The inquiry was a very exhaustive one, and the report might be republished with very great advantage at this time. I do not think that Mr. Macoun's report was taken as a correct statement of the condition of things in that country. I think it was not generally credited. It came rather as a shock to public opinion. It was different from the roseate reports we had had in former years, and my own impression is that it was very generally discredited. I doubt very much whether it did the harm that my hon. friend ascribes to it. I have no desire to oppose the motion, if the opinion of the House is that at this period of the session it would be of value that we should have another committee. Of course the cost would be considerable, because gentlemen would have to be brought from remote distances, and it would take time. I would advise my hon. friend to postpone this motion until the beginning of next session. There will probably be very little for this House to do at the beginning of next session as the tariff question will be before the other Chamber, and, therefore, it might be quite appropriate that an inquiry of this kind should be held here then. I therefore advise my hon. friend to postpone the committee, and I would suggest also that when a committee is named it can take up the report of the Schultz Committee which may probably aid them in coming to a conclusion as to the best witnesses to call before

them. It may not be necessary to call so large a number of gentlemen as appeared as witnesses on the former inquiry, which, as I said, extended over a considerable period. In 1886 it was thought that it was too late in the session; it happened to be about this time in 1886 that the motion was made, about the 6th or 8th May. The opinion of the Senate at that time was that it was undesirable at so late a period of the session to pursue the matter, and the motion was postponed until the next session. For these reasons, I think, it is undesirable at this period of the present session to undertake so important an inquiry. It is proposed now to have an adjournment for ten days, and after that, I think, the House will be pretty well occupied with the legislation coming up from the other Chamber. For these reasons I would suggest that my hon. friend, having made his statement, should give this report made in 1887 the fullest consideration, and direct his inquiry to points that are not covered directly by it.

Hon. Mr. SULLIVAN—Does the hon. minister recollect how much the investigation of Dr. Schultz's committee cost?

Hon. Mr. SCOTT—I do not recollect. It cost a great deal, because travelling at that time was more expensive than it is to-day. I do not suppose the cost would be as large now as it was then, for the reason that now we have railway facilities coming and going, and the time occupied would be considerably less than it required in that year; but it would cost a considerable penny. I may add also that a good deal of the information that would be required is to be found in the reports of the Minister of the Interior. Since that time annual reports have been published of the condition of the various sections of the country, more particularly the Peace river. That has received a great deal of attention, and from other sources, the Geological reports and so on, a great deal of information can be obtained that would be of value in the inquiry.

Hon. Mr. FERGUSON—I desire to add my tribute to the remarks of the hon. Secretary of State in a complimentary way with reference to the investigation that was made in 1887 under the direction of the late Senator Schultz. I have had occasion frequently since I have been in this parliament to consult that document, and I was amazed when I first made the acquaintance of it to find what a vast amount of information was there collected at that time and how thorough the investigation was, and the amount of labour the committee went through in collecting that information. I never knew the chairman of the committee personally, but he must have been a man of great industry and ability. I do think also, with my hon. friend who moved this motion, that the time has come when we should push our investigation still further. The difficulties, as my hon. friend the Secretary of State has pointed out, of travelling and getting witnesses from that country in earlier years were almost insuperable. To-day they are largely removed and the difficulty and expense will not be anything like as great as they were then. I am one of those who felt a strong regret that the Grand Trunk Pacific Railway did not pursue that course, north of Lake Winnipeg, as Sir Sandford Fleming recommended, entering the Peace river district in that way. Of course there were strong influences of every character to locate the line via Winnipeg, but Winnipeg could have been connected by a branch, and ultimately that city would have been as well off, because by a branch running north it would have been a comparatively easy matter to reach Hudson Bay, which would have been of great value to Winnipeg. My opinion was that if the railway pursued that northerly course it would have opened a route from Quebec to the Peace River Pass through the northern belt for exploration, and that many minerals and other riches would have been discovered, and we would have added greatly to the depth of our Dominion if we had pursued that course. However, that was not done, but in view of the rich mineral discoveries in the Yukon and in Cobalt, minerals which we believe exist in other places that are already more or less explored, we should look forward to the time when we may not only press the investigation into the Saskatchewan district, but prepare for opening it in some way by railways. My hon. friend deserves credit for bringing this matter before the

House. It is a duty this House should enter upon, and I am glad that my hon. friend has taken the initiative to bring a matter of such great importance as this before the attention of the country. I think we should embrace that opportunity and proceed with the investigation, but in the conversations which I have had with my hon. friend on the subject, I said to him, as the hon. Secretary of State has now said to the House, that I thought we were too far advanced in this session to enter on that work. The witnesses would have to be brought from very long distances. A great deal of preliminary work would have to be done by the chairman or some one else before any witnesses could appear at all and before the committee could take evidence. A reference to the report of the Schultz Committee will show that a vast amount of preliminary work was done by Senator Schultz and others before the committee commenced to hear evidence at all. If this is going to be a valuable inquiry, the same thing will have to be done now, and I warn my hon. friend that he has entered upon a task which will involve a great deal of work if it is done properly, and it is not worth doing at all if it is not done rightly. I do not think the cost ought to stand in the way. It would be a mere bagatelle compared to the importance of that northern country and I warmly support the suggestion that we should have the investigation. I agree, however, with the hon. Secretary of State that the better way would be for my hon. friend, with such assistance as he can procure, to lay out his plans and prepare for the work, and move for his committee at the beginning of the next session of parliament.

Hon. Mr. CASGRAIN (deLanaudière)—If I understood the hon. gentleman from Marshfield aright he said that the Grand Trunk Pacific should pass north of Lake Winnipeg and from there enter the Peace River district.

Hon. Mr. FERGUSON—That was Sir Sandford Fleming's plan.

Hon. Mr. LANDRY—That is the Trans-Canadian Railway route

Hon. Mr. CASGRAIN—Or the Grand Trunk Pacific, which? If it is meant for the Grand Trunk Pacific, I would remind my hon. friend that there is a very great distance, some 1,100 miles between Lake Winnipeg and the Peace River district. Would it not be the intention with such a location that the railway should pass through the city of Edmonton? I understood my hon. friend to say that the location of the Grand Trunk Pacific should have been north of Lake Winnipeg and from there that it should enter the Peace River district.

Hon. Mr. FERGUSON—Yes, in a north-westerly direction.

Hon. Mr. CASGRAIN—If my hon. friend would examine the map again he would find that coming eastward from the north of Lake Winnipeg towards Quebec, the line would have to go through a very poor country indeed. There is very little arable land coming from Lake Winnipeg eastward; he would also see that if he tried to make a straight line starting from Quebec as he said and going towards Edmonton, as he admits this line should have gone, he would see that Winnipeg is very nearly on a straight line between those two points. A straight line would pass perhaps about the middle of Lake Winnipeg. The construction of a branch from north of Lake Winnipeg down to Winnipeg, on either side of that lake, would be very difficult and very unproductive, and a very crooked line at best. I think the location was a wise one in going through Winnipeg, and in going from Winnipeg almost due east as far as Lake Seul, bending a little bit to the south passing north of Lake Nipigon and north of Lake Abitibi, and going to the sources of the St. Maurice river. I may say that is exactly the line that has been adopted and I am glad to have this opportunity to say also, that it is the very line that I described three years ago in this House, and I then marked that location in red ink on a map. That map is now hung up in room 17 of this Senate.

Hon. Mr. LANDRY—Where is that room?

Hon. Mr. CASGRAIN—Room number 17 in the Senate Chambers, and that same map and that same location are there to-day, and you will find the location with very little change, and you will see also that Quebec, Winnipeg and Edmonton are almost on a straight line. From Winni-

peg eastward the line is about a straight line, as it is also westward from Winnipeg to Edmonton, inclining a little to the south of the direct line passing through settled territory as far as Portage la Prairie, then through to Touchwood hills, then straight through to Edmonton. I think that was the proper location; I do not believe that the location north of Lake Winnipeg would have been as good, because on both sides of the lake—and especially on the eastern side, as I have said, it is a very poor country indeed.

Hon. Mr. FERGUSON—Perhaps my hon. friend will allow me to offer a word of explanation. I was not saying whether it was a better route or not. That is not what I was discussing. I was pointing out to the House that it was Sir Sandford Fleming's plan—and I had strong hopes at the time that it would have been adopted—to keep that northerly route, north of Lake Winnipeg and going in the direction of the Peace River Pass. I was pointing out what Sir Sandford Fleming's scheme was; I only brought it in incidentally, and said that if it had been carried out that country would have been opened up—and that I hope before very long some plan will be set on foot to open up that district by a railway.

Hon. Mr. WATSON—Sir Sandford Fleming's report was south of Lake Winnipeg.

Hon. Mr. FERGUSON—No.

Hon. Mr. WATSON—Yes, crossing the Red river at Selkirk, and the Narrows of Lake Manitoba, and from that point practically following the route of the Grand Trunk Pacific. I think the hon. gentleman from Belleville will agree to that.

Hon. Mr. FERGUSON—The hon. gentleman pits his word against mine, but I will undertake before the House adjourns to put evidence before him that Sir Sandford Fleming recommended a line north of Lake Winnipeg.

Hon. Mr. WATSON—Never.

Hon. Mr. LANDRY—I think we should go and examine the map in room 17.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Portage la Prairie knows very well that Selkirk is north of Winnipeg.

Hon. Mr. WATSON—South of Lake Winnipeg—north of the city of Winnipeg. The hon. gentleman from Marshfield says that Sir Sandford Fleming recommended a route north of Lake Winnipeg ; I say it was south of Lake Winnipeg.

Hon. Sir MACKENZIE BOWELL—I am inclined to think the hon. gentleman from Marshfield is correct. My hon. friend seems to have misunderstood the argument of the senator from Marshfield; he did not refer at all to the route east of Winnipeg or east of Lake Manitoba. What I understood him to call attention to was the necessity for opening up that northern portion of the arable part of the Northwest Territories, and that would have been done had the Grand Trunk Pacific line run north of Lake Winnipeg westward to Prince Albert, and north of the Saskatchewan until it reached Edmonton. That was the route that was contemplated when the scheme was first devised in reference to the construction of the Grand Trunk Pacific. My hon. friend from Portage la Prairie knows very well that the road north of Winnipeg and north of Lake Manitoba and north to a certain extent—though it might have to cross it in certain places—of the North Saskatchewan river up to Edmonton, runs through an arable section of country fit for grazing, for settlement and for cultivation of all that you produce south of Lake Manitoba. That is the route that I think ought to have been taken. That would have been a much shorter route to the Peace river district than the road now being built through the middle of Manitoba verging towards the section of country which the hon. gentleman referred to as being desirous of having opened up for settlement. The present route of the Grand Trunk Pacific never could have been contemplated when the scheme was first devised. It runs from Winnipeg westward through the best settled portions of Manitoba and in fact of Saskatchewan, until it reaches Alberta where the country is not so well settled. I know the tendency of settlement is in the direction which I have indicated, and had the road been built on that route there might have been some excuse for the enormous expenditure to which this country is being committed in order to open up that

part of the country. By the Grand Trunk Pacific scheme, after you leave Winnipeg, no portion of the country is being developed. They are running almost parallel with the Canadian Pacific Railway, and in some places alongside the Canadian Northern. I am speaking from personal knowledge of that section. I drove from Edmonton down to Prince Albert, and I formed a very high opinion of the country and its fitness for settlement. There is room there for hundreds of thousands of people; and I only regret, that since we have to bear the expenditure in connection with the construction of the Grand Trunk Pacific it has not been located further north, in order to open up and develop a portion of the country which will not be benefited by the route which has been taken. That is the argument which I advanced when the scheme was before the Senate, and I repeat that I think my hon. friend misunderstood the argument of the senator from Marshfield. He did not say, as I understood, that the construction of the road north of the North Saskatchewan river was intended to reach, or that he advocated that route as going through the Peace river country. You would have had to go vastly north of the Yellow Head pass. The supposition was that the Yellow Head Pass would have been selected or a pass still further to the north, which is represented to be a very easy pass through which to build a road. I am only expressing the opinion which I expressed at the time the scheme was before the Senate. I am still strongly of the conviction that the location of the Grand Trunk Pacific through Manitoba and the portions of the Northwest through which it is going, is not the route that should have been adopted, nor is it the route to which we should have given such immense aid and support, because it will not accomplish the object which I believe the government had originally in view in aiding the construction of that road. I give no opinion upon the country running eastward from Lake Winnipeg. From my quite limited knowledge of that section of the country I have come to the conclusion, as my hon. friend has, that through that portion of the route the country is not particularly adapted for settlement; but there is no telling what may develop when the country has been opened up for settlement. We have been staggered and astonished at what is being done by the construction of the road from North Bay into the Cobalt district; and it is to be hoped that similar benefits may result from the large expenditure which is to be made in connection with the Grand Trunk Pacific. However that is in the future. I am not a prophet in this respect, but from the experience we have had so far there is every reason to hope that something of the same kind would follow the opening up of the northern lands, making Canada richer and more popular than it is at present.

I have a very strong conviction that the Grand Trunk Pacific line through Manitoba westward to Edmonton, is being constructed through a section which, I repeat, is tolerably well supplied with railway facilities. What I should like to have seen and what I am satisfied the country in the future will be desirous of seeing, is that that portion of the country lying immediately to the south of the North Saskatchewan river supplied with railway facilities, which will enable immigrants to settle in that region as well as in other parts. Any one who has read the reports of Sir Sandford Fleming and others on that section of the country, must have observed that it was that portion of the Northwest which was originally supposed to be the wheat growing area—what is known as the fertile belt. We have all a distinct recollection when the southern portion of the Northwest Territories west of Manitoba was looked upon as a desert. In fact if you read the reports of the early explorers of that country, or Sir George Simpson's route from Montreal to the Pacific, you will find that southern portion to which I have referred designated as a desert.

Hon. Mr. WATSON—Not Manitoba.

Hon. Sir MACKENZIE BOWELL—No, not Manitoba. I have driven from Deloraine along the southern border of Manitoba to the Rocky Mountains, and I am safe in saying that there is not fifty miles in that whole stretch of the southern portion of the new provinces that is not fit for cultivation or for grazing. Having been over it personally, I speak with some authority, and it was a source of the greatest gratification to me to learn from personal experience something of the value

of that portion of our country. I need not say that in some seasons there are droughts, which might interfere with the cultivation of grain, but I may mention one little incident which will show that it is not by any means a dry desert. Our wagon broke down and we thought we would have to walk five or six miles in order to water our horses, but we had not gone twenty-five yards before we found a depression containing plenty of water. I give that as an illustration of the character of that country and as a reply to those who say that it is unfit for cultivation. We have not yet discovered half its value, nor have we learned yet of the resources in water and fuel to be found in that section of the country that was at one time thought to be valueless. To return to the subject, however, I am sorry that the Grand Trunk Pacific has gone by the route selected. I would have preferred to see it built further north.

Hon. Mr. ROY—In supporting the resolution of my hon. friend from Prince Albert, I wish to give one reason why I approve of it. The hon. Secretary of State said that Mr. Macoun's report was not taken seriously. If the hon. gentleman had been in the west during the last general election he would have found that the Conservative party credited that report, and that the press made quite a point of it; and that very bad feelings were created in the west. The people of that country do not like to see anybody, especially an official of the government, discrediting our country, and that is why very likely my hon. friend from Prince Albert has brought up this resolution to-day for the appointment of a committee to ascertain the facts about that territory. I am sure that when the facts are known it will be found that Mr. Macoun's report was not altogether exact. That is why I am so strongly in favour of the resolution of my hon. friend from Prince Albert.

Hon. Mr. McMULLEN—I am sure most of us who live in the older portions of Canada have been deeply interested in the remarks to which we have listened from the mover of the resolution, the hon. Secretary of State and the hon. member from Belleville. The subject of the resolution is undoubtedly a very important one. The report quoted from by the hon. Secretary of State referred rather to the more southern portion of Rupert's Land, than to the section intended to be covered by the investigation now sought. It took us a great many years to impress upon the people of the old world, even of England, the value and enormous resources of our western country. It was only after many years of exploration and publication of reports that we succeeded in opening the eyes of the civilized world to the fact that we possess a territory which will eventually support many millions of people. If we have other territory north of that which is capable of cultivation, such as the Peace river district of which I have heard a great deal—and I regret very much that I have never had the pleasure of visiting that section of our Dominion—if we have there a territory susceptible of being cultivated and producing fairly good crops of the kind for which it is best adapted, it is well that that information should be carefully, thoroughly and reliably compiled, so that immigrants might know it. I have no doubt it will be found to possess vast mineral resources, equal to those discovered in North Ontario. I have no doubt it is rich also in timber, fish, and other natural resources. However, I agree with what the hon. Secretary of State has said that it is now too late in the session to take up this important question. Parliament may prorogue in five or six weeks, or perhaps sooner, and if so there will not be time enough to make a successful investigation this session. However, the discussion which has taken place to-night and the information furnished and the reference to the report of 1887 will justify us in taking prompt action at the next meeting of parliament, and appointing a committee to investigate the resources of our northern territories and collecting information of a reliable character to be distributed throughout the civilized world. It is desirable in view of the enormous influx of population that the world should know that we possess other lands capable of being cultivated besides those already known; that we have unoccupied fields almost without limit, and that we are prepared to comfortably settle all the surplus population that may come to us for many years in the

future. We certainly must have a vast area, because it must be remembered that Canada possesses 40 acres out of every hundred of the entire empire. We possess an extensive and valuable territory, and we have only touched the crust of it. It is well that we should go on, and gain a knowledge of what is yet to be opened up in order that it may be made known to the world that we have homes to offer for all who come.

Hon. Mr. FERGUSON—If the House will allow me we will have this matter between my hon. friend from Portage la Prairie settled. I have before me the Senate debates of 1903, and if my hon. friend will turn to page 1500 he will find these words quoted by myself on that occasion—a very long quotation from Sir Sandford Fleming—which my hon. friend will see entirely sustains what I said about a route for the Grand Trunk Pacific north of Lake Winnipeg. He says:

> The rich prairies of the Dominion are in the heart of the continent. They may be said to be bounded on the east by Lake Winnipeg. The illimitable grain region of central Canada practically extends from that lake to the foothills of the Rocky Mountains, and from the international boundary away north to an undefined line of 400 miles or more distant. It embraces the greater part of the four provinces of Manitoba, Assiniboia, Saskatchewan and Alberta, to which may be added the western portion of Athabasca. This immense territory, now being rapidly occupied by settlers, is so situated that it can be reached from the east by two possible routes. One passes to the south of Lake Winnipeg, the other to the north. These may be regarded as the only two avenues open to Canadian railway service between the great west and the Atlantic seaboard. If we look forward but a few years, we must see that both routes are of great, perhaps equal importance, and that there are two gateways through which the products of the prairies must pass on their way to the east.

Then turning to page 13 he further discusses the same point. He says:

> There is one point which appears to a large extent to have escaped the attention of parliament. If we look forward a few years we may anticipate great changes. The inhabitants of the great prairie region will not remain centred in Manitoba. While we are aware that the fertility of the country around Winnipeg, the Red river valley, cannot be surpassed, we must at the same time recognize that the area of the fertile plains of the whole province of Manitoba is only about one-eighth of the vast fertile region of the Northwest. If we add to Manitoba, Assiniboia and every acre directly west of Assiniboia to the Rocky Mountains, we have but the southern and much the smaller half of the prairie and the habitable region. This southern half is already fairly served by railways. It has the Canadian Pacific throughout its whole length. It has the Canadian Northern from Lake Superior. It has the Northern Pacific from the United States, and many branches for these lines. It is not the southern half, so much as the northern and by far the larger and generally more cultivable half of the prairie region, which is in need of new railways. The southern half has the advantage of three great lines to collect and transport its products to market. Should not the people of the northern and more improtant half of the fertile plains be provided with one trunk line direct to the seaboard, instead of being obliged to use the longer route by way of Winnipeg?

Hon. Mr. CASGRAIN (de Lanaudière)—In what year did Sir Sandford Fleming make that report?

Hon. Mr. FERGUSON—Oct. 5th, 1903, and it was before every hon. gentleman in this House when we were discussing the question in 1903. Sir Sandford Fleming's proposition was that the better way to carry that railway was north of Lake Winnipeg, and thence westward to the Peace river or some other northern pass.

Hon. Mr. WATSON—I have been interested in Manitoba some 30 years, and I know the route laid out by Sir Sandford Fleming. It was by way of Selkirk, crossing Lake Manitoba at the narrows and proceeding west by Battleford and Edmonton, to the Yellow Head pass. That was the route laid out and recommended by Sir Sandford Fleming for the government railway and approved by the Liberal party. With reference to the Grand Trunk Pacific route at the present time, for the first hundred miles west of Portage la Prairie, the route lies in close proximity to the Canadian Pacific Railway and the Canadian Northern. After that it is practically a colonization road through to the Pacific. It passes about midway between the Canadian Pacific Railway and Canadian Northern to Battleford and Edmonton. One of the most important questions to be considered in the construction of the Grand Trunk Pacific was the question of grades, and a route has been secured with grades of five-tenths of one per cent going west and four-tenths of one per cent coming east. Those who had been concerned in the

construction of the older road through that country said such grades could not be secured, but as a matter of fact the Grand Trunk Pacific has secured such grades as far west as Edmonton. The Canadian Pacific Railway was built with good judgment through the country at the time it was constructed. At that time the success of the enterprise was somewhat problematical. It was not known that you could grow wheat in Manitoba or the Northwest Territories, but the richness of that country having been established, the Grand Trunk Pacific Company are endeavoring to secure the best possible grades. There is no doubt about the character of the country referred to by the hon. senator from Belleville as lying south of the Canadian Pacific Railway. At one time it was considered a desert, fit for nothing but grazing, but it has been demonstrated that it is capable of producing wheat of the very finest quality, 40 or 50 bushels to the acre. The early settlers of Saskatchewan and Alberta had no idea what that country would produce, but time and experience have demonstrated its capabilities. I have no hesitation in saying that at no time did Sir Sandford Fleming or the people of Canada consider seriously the construction of a road north of Lake Winnipeg, because while we say our country is good we have to admit that some portions of it are bad, and I do not think that any person in Manitoba or the Northwest Territories to-day believes that a railroad could be built through northern Manitoba or Keewatin Territory north of Lake Winnipeg with any idea of settlement, because that is not a country which any person claims is a wheat growing country or a country attractive to settlers. The result is that Sir Sanford Fleming recommended the crossing of the Red River at Selkirk, and proceeding in a northwest direction, crossing Lake Manitoba at the narrows. The Grand Trunk Pacific Company have diverged from that location so far as crossing the narrows of Lake Manitoba, but they have located a line by the route I have described, all the way to Edmonton, and further on. They have not decided what pass they will adopt through the Rocky Mountains. They are making surveys and no one can tell whether the Pine, the Peace, the Yellow Head, or some other pass will be adopted. No fault is found with the route selected through Manitoba, Alberta or Saskatchewan by the people of those provinces. I do not know why this question should come up on this particular motion, but it has come up, and I have seen fit to give my views upon it. With regard to the appointment of a committee to make a report on the resources of that country described in the motion, I have no doubt that valuable information can be secured, but I doubt if, at this stage of the session, it would be possible to get people here who are in a position to give us the information desired. The hon. gentleman from Prince Albert ought to be complimented on his zeal in wishing to collect information about the northern country in which he is so deeply interested, but unless we are to sit here all summer it would be impossible to get information concerning that vast region which would be of benefit to the people of Canada. Consequently I must agree with the leader of the House who suggests that this matter might be taken up early next session and a valuable report placed before the country.

Hon. Mr. CLORAN—I scarcely feel able to agree with the last speaker from the west, and I am surprised at the stand he has taken on this matter. I am one of those Canadians who like to see every part of this country developed if not simultaneously at least as fast as possible, and I do not believe in putting off till to-morrow what should be done to-day, no matter what anybody thinks about it. My hon. friend from Prince Albert has asked this honourable House to accord him a select committee to examine into certain things which are of interest to his part of the country and, therefore, to my part of the country. As I go to Quebec on Saturday night to tell the people of Quebec, I wish them all God speed in developing their port, so do I wish my hon. friend from Alberta God speed in developing that part of the country, and I think there should be no hesitation in this House, or in any branch of parliament, to investigate the conditions which are necessary to develop the prosperity and progress of this Dominion. The hon. gentleman is simply asking for a select committee to investigate into these conditions, and I am prepared to stand by him. I was very sorry

to hear the hon. gentleman from Manitoba state that he could afford to wait. This country cannot afford to wait. Whether this session lasts one month two months or three months longer, the hon. senator from Alberta is entitled to have his committee in order to get information that will be of advantage to this country. It is not proper for any hon. senator from the east or the west to say that the session is too far advanced, that it is too late to do the work. It is never too late. For that reason I am prepared to stand by the motion of the hon. senator from Alberta in asking for the committee.

Hon. Mr. MACDONALD (B.C.)—Just a few words on this subject. I think we ought to be practical before we are sentimental in a matter of this kind. I take it that a report like that of the Schultz Committee is not for the people of Canada, but for people outside of Canada, in England and in Europe.

Hon. Mr. CLORAN—Who are they ?

Hon. Mr. MACDONALD (B.C.)—The people of the world outside of Canada, because you want to get those men into this country to invest their money and occupy our lands. I do not suppose there are five men in England who have seen that report or who know anything from that report about the great Northwest country. The proper thing to do is to disseminate those reports, send them broadcast over Europe, where they can be seen. What is the use of them here? They are perfectly useless. If the hon. gentleman from Prince Albert to-morrow had his report, it would be just pigeonholed and who would see it ? No one. We know a great deal about the Northwest country now, and there are millions of acres ready for people to occupy. The best report we could send to Europe is the products of our country, our wheat and our cattle, our cheese and our butter. These are what will open the eyes of Europe, and not the reports. The people would then see a practical illustration before them of what the country can produce, and what is bringing the people to this country to-day are those products of the soil, not any report that my hon. friend will bring in. I am not opposing that inquiry being made, but I know that the people of this country now have all the information of unsettled lands that will be open for settlement for years and years. The House, I think, is entirely out of order in discussing railway routes, on this motion, but we will forget all that. We have been out of order all session, members speaking a dozen times, which is against the proper conduct of business, and if every one is to speak a dozen times where will the House be ? I hope members will see that that order is kept in the House and not speak as frequently as they do.

Hon. Mr. LOUGHEED—I am sure my hon. friend from Prince Albert, who moved this resolution, will feel highly gratified at the very wide range this discussion has taken, all the way from the important visit which my hon. friend from Victoria division (Hon. Mr. Cloran) proposes to pay to the port of Quebec next Saturday, up to the discussion of the Sandford Fleming route shortly after confederation, and the subsequent location of the present route of the Canadian National Trans-Atlantic Railway, better known as the Grand Trunk Pacific. Now, if, in the preliminary stages of the discussion of a resolution of this nature, such wide territory can be so readily traversed as has been done to-night, I am very apprehensive as to what the scope of this investigation will be if entered upon during the present session. I must confess to a little impatience towards getting to my home at mid-summer at least, but if we start a very enterprising gentleman like my hon. friend from Prince Albert upon an investigation of this kind, almost at the approach of the dog days, I feel satisfied that this session will merge itself into the proposed November session, and I should be very sorry that it should have a result of that character. I was very much pleased at the way my hon. friend presented his resolution to the House, and equally gratified at the probable results that his proposed investigation will have. Those of us who come from the west cannot fail to be deeply interested in any investigation which may take place as to the resources of the magnificent heritage which belongs to all of us, but which we are more closely in contact with, than those who come from the eastern provinces. But I was somewhat disappointed that my hon. friend did not

enter more largely, or in more detail, into the scope of the examination which he proposed to make. As my hon. friend is the mover of this resolution, I apprehend that the scope of examination will largely be determined by him, and it certainly would have been gratifying to the House if that scope had been outlined in greater detail so that we might be able to more intelligently discuss the desirability of entering upon it during the present session. One thing is certain, and that is to have an adequate examination into the resources of the country will involve considerable expenditure. That, of course, should be an insignificant matter in comparison with the very important results which are to be derived from the examination, but I have my eye upon the leader of the government at the present moment and I did rather infer from what he said, that such an appropriation would not be forthcoming at the present session were we to enter upon it. I therefore hope that the suggestion will be accepted by my hon. friend from Prince Albert that this investigation should not be entered upon during the present session, but that an outline should be determined upon by himself as to the scope which it would take, and that we should enter with energy and enthusiasm upon the investigation next session. I think the suggestion made by the hon. leader of the government in the House is a desirable one and it certainly should be adopted by the mover of the resolution.

Hon. Mr. WILSON—As the seconder of the motion of my hon. friend from Prince Albert I have a very few words to say, but if there ever was a reason why a committee should be appointed, it is shown by the wide range and various foreign subjects that have been taken into consideration by the speakers on this occasion. I, of course, sympathize very strongly with my hon. friend the leader of the opposition. I hope he may not be delayed here all summer. I hope he may have an opportunity of visiting those green fields of the Northwest, and if our committee had the opportunity of holding a session perhaps they would be enabled to give him some satisfaction and information in reference to those lands, but I may say to my hon. friend who moved this resolution that he is in a serious dilemma. The hon. leader of the House is opposed to his resolution being adopted, and the hon. leader of the opposition endorses the view expressed by the hon. leader of the government; he therefore must exercise patience, forebearance and hope. Perhaps at the coming session it will be hope deferred, poor satisfaction to him, but yet we may claim to have a hope that this committee will be granted to us. Now is there any necessity for this committee? Is there any necessity for the House to know where the Grand Trunk Pacific road is going to run? The discussion to-night has been entirely whether it was right and proper—the ex-leader of the opposition sounded that note—whether it was right and proper to know where the transcontinental road should run. If we had all the information we desire—if we had an opportunity of examining witnesses and had this committee appointed early so that the information could be handed down, the ex-leader of the opposition would not be in the difficult position of not knowing what the motive or the object of this inquiry is and what is the nature of the country through which the railway is to be constructed. We all fully concur that it is very important that we should know full well what our inheritance in the Northwest is. We all feel grateful that we have such a territory. We know that other committees have been appointed and investigations held, and perhaps had it not been for the committee appointed in another House we would not have known that we have New Ontario, which is developing a source of much wealth to the province. Therefore, I may say to the leader of the House that if he would only feel satisfied to remain here a little longer we would do our utmost to expedite the work of this committee, and get it through as rapidly as possible. I may say again that I fear the chances of realizing the object of the resolution which my hon. friend moved so ably are very poor. We require that information. Every member of this House must admit that that information would be of great utility. I therefore am in favour of the committee being appointed—we need not occupy a very long time—and get all information we can, and at another session of parliament, with the promise of the leader of the House, with the hopes that he has created in reference to this matter, we may resume with

renewed energy and obtain all the information possible in reference to this territory. I therefore would feel grateful if the House will grant us our committee.

Hon. Mr. KERR, (Cobourg)—As an enthusiastic supporter of the motion now before the House, I desire to offer a few observations. It occurred to me while the hon. gentleman was giving us so full and interesting an account of that western territory that the motion was not premature, but rather fifty or one hundred years late in coming. According to my view that country of which he speaks has been kept hermetically sealed from the people of Canada for the last hundred years, and I think the fullness of time has now come when we should know where it is and what it is. I am greatly pleased that the information given by the hon. gentleman who has made this motion corroborates to the fullest extent the information which I received not more than six months ago from an intelligent gentleman, one who knows whereof he spoke. His statement to me was that the Peace River country will some day—and he thinks the sooner the better—become a grand revelation to the people of Canada. He says the quantity and quality of the arable land in that country will be a surprise to the people of Canada when the facts are made known. He also spoke of the grain that could be raised there, saying that as good wheat could be raised, nay, has already been raised, in the Peace river country as in any other part of the Dominion. The information I have corroborates to the full what the hon. gentleman has said of the waters in that region of the Dominion, teeming with valuable fish, and he spoke particularly and enthusiastically about the wealth of the fisheries in the Hudson bay. He says neither the people of Canada nor those of the United States have any idea of the value of the fish with which the waters of the Hudson bay are stocked; and this man knew all about it. I may say that he was a superintending engineer engaged in the construction of the American Soo canal, he had also to do with the originating and success of the elevated railways in New York. Although a native of the United States, he has spent most of his life in and about Canada; and his statements so filled my imagination with the greatness and grandeur of our Peace river country, that I was delighted when I saw this motion on the paper. My informant said that if that territory was south of the international boundary it would be developed in a very short time, and all would be known about it. He said: 'You Canadians are too slow in your movements.' I believe that. But perhaps there is a wise Providence in it. Perhaps Providence has kept that part of the Dominion sealed for some wise purpose and now when immigration is setting in from the old world, especially from Great Britain and Ireland, and from parts of the United States, it is now the fulness of time when that country is to be settled. Let us get this information, and let us get it as speedily as possible. I never hear the word 'delay' used without becoming impatient, someone has said, and I think there is a great truth in the adage that art is long, but time is fleeting. The report which was quoted from by the Secretary of State is a very valuable one, but it would have been much more valuable if the information furnished there had been spread broadcast over Great Britain and the continent of Europe, and if there is another inquiry such as this motion contemplates, I hope the information elicited will not be locked up in the Parliamentary Library; I hope the people of the United States and Great Britain will be deluged with it. The trouble with Canada is that we do not advertise ourselves. People do not know half enough about this country, but the signs of the times seem to indicate that they soon will know more about it; and this report will help to bring about that consummation. I know it will cost something, but the expense should not cause us to hesitate one moment. It is a mere bagatelle compared with the great value it will be to this Dominion and to the human race to know that they can find homes in that western world, hitherto supposed to be inhospitable, where they can work out their social regeneration as they could never do in any of the older parts of the globe. Let us have this committee; it may not be convenient to have it this session. I do not understand that my hon. friend who made the motion is anxious to have it this session; but I see from the

remarks of the hon. Secretary of State that he is rather inclined to encourage the idea of postponing it until next session. Let us have this committee and after we have got the information let us make the best possible use of it, and send it broadcast all over the world, not 'burying it in a napkin' as was the case with that other report. I had forgotten about that report, although, I do recollect that the committee sat; but I think a great deal more use could have been made of its contents. If I had a dozen votes I would give them all for this motion, and let the world know that the half about this great Dominion of Canada, and especially about that great western section has not yet been known, but let it be known soon.

Hon. Mr. DAVIS—I am sure that I am pleased at the wide scope which this discussion has taken in connection with the resolution. I am also pleased with the support which the resolution has received from the House. I am sorry that the leader of the House has seen fit to ask to have the committee delayed for another year.

Hon. Mr. SCOTT—It will only be for six months—the House meets in November.

Hon. Mr. DAVIS—Because like my hon. friend who spoke last I am not in favour of delay. However, as my hon. friend the leader of opposition, seems to have joined with the leader of the House in this request, I am placed in a very peculiar position. My hon. friend the leader of the opposition appears to be anxious to get home to the green fields and running brooks; but I want to tell him that his friends in the other House are apparently not as anxious to get home as he is, and we have to stay here until such time as these gentlemen see fit to let us go home. My hon. friend the leader of the opposition says that I did not explain the scope of this committee. If he will read the resolution I think he will be able to come to a conclusion as to what I am asking for. However, this is a very large territory something of 1,000 miles. by 600 or 700 miles deep, perhaps 1,000 miles deep; and the resolution extends farther than that, because we run down to the shore of Hudson bay and the Arctic ocean. We want to investigate the extent of sea coast we have, and the mileage of navigable streams in that country. We want to find out the acerage of arable land fit for growing wheat, and the amount of land fit for raising hay and for the raising of cattle, and also the extent of and quality of minerals contained in that great area. We want also to find out the amount of timber we have in that country, and we want to find out the wealth which the people of Canada have in the fisheries, not only throughout the inland waters of Northern Saskatchewan and Alberta, but also in the Hudson bay. Now my hon. friend, the leader of the opposition, is aware of the fact that an agitation is going on all through that western country for the construction of the Hudson Bay road, so that we may have the products of the southern portion of that country, the wheat and the cattle and so on which we produce, sent by the shortest route to the markets of the world. I think my hon. friend will agree with me that if we had investigated the resources of that northern country, through which a portion of this Hudson Bay road is going to run, it would be much easier for us to have the road financed. We hear of parties coming here and asking for subsidies for railways. Now that this country has been opened up and developed to a certain extent, other gentlemen are saying that they will build railways without subsidies. Perhaps if this investigation had been completed, if we could show the vast resources of iron, copper, gold, petroleum, &c., which exist on both sides of the proposed Hudson bay road, it would be very easy for any railway corporation to finance a scheme of that kind. Therefore, I say that it would be a good thing for us to investigate this region as quickly as possible. I am very much pleased that my hon. friend the ex-leader of the opposition has to a certain extent approved of this proposition. He has perhaps a greater knowledge of that western country than a great many others who are sitting in this House. While he was Prime Minister he paid us a visit, and travelled by wagon throughout the whole country from the foot of the Rocky Mountains to Manitoba. He made it his business to become acquainted with the country, and he knows whereof he speaks; and that is

the reason I suppose, why he approves of this proposition. I want to say to my hon. friend the leader of the House that if he will turn to the report of the Schultz committee of 1888 he will find that a series of questions were prepared by the committee and sent out to parties all over the country. These parties sent their answers in and it did not necessitate the expense of bringing witnesses to be examined before the committee. I think that if we were to appoint the committee this year, and get it thoroughly organized and prepare a list of questions such as we have in this book which I hold in my hand, and send them out to people in all parts of the northern country, people from whom we want information, there would be ample time between now and next November, when this House is to meet again, as the leader of the House has just told us, to obtain a great deal of this information, without it costing the people of this country one cent. We may be here until the middle of July. It is true that we are going to have an adjournment in a few days, but I hope we will be back again to our labours in the course of ten or twelve days. If we could have this committee appointed, get it organized, and in shape to allow it to go to work and prepare a list of questions, that would not necessitate any expense, or at least very little. If the questions were sent out now, then next autumn, when the House meets, the answers would be here and we could proceed with the investigation. I find on going over the report of the Schultz committee, of 1887-8, that the list of questions which was sent out was very full. It says here:

> Your committee determined at the outset that the best means of systematically collecting information upon the subject of their investigation would be to frame a list of questions indicating the nature of the inquiries to be made by the committee. This was accordingly done, and copies of this list, which is hereto appended, were sent to such senators, members of parliament, clergymen, government officials, officers of the Hudson's Bay Company, leading business men and others, as from residence, travel in or other acquaintance with the Northwest would be the best qualified to furnish information. In each case a written reply was requested to the question or those of them with the subjects of which the recipient might be most familiar. In this manner much very valuable information was collected. The reply was received up to the date of this report are appended hereto, and doubtless a number of them will yet be forthcoming.

In the back of the report a number of these replies are to be found. The questions sent out are arranged in such a way that the committee practically got all the information that was necessary without having the witnesses here in person. For instance, they were asked what area of agricultural land fit for the growing of wheat was to be found in the locality in which the person lived. They were asked the area of land which was fit for the raising of cattle, or for the production of the wild hay which we have in the west, the amount of timber, the minerals if any, and the extent of the fisheries. All these questions were asked, and, when the answers were gone over, a great deal of reliable information was obtained. Hon. gentlemen in the House have complained that they never saw this report, and hardly knew that it was in existence. I suppose hon. gentlemen coming into the House since 1888 have not had the same opportunity because I read it at the time. I remember quite well at the time that committee sat, three or four leading citizens of my town were asked to come down here and give information. Mr. McKay, mentioned by the leader of the House, was one of them, and there were some other gentlemen who were well qualified to give information with reference to the country, Hudson Bay officers who had lived in the country all their lives. Men who had travelled from one end of it to the other, who had been living there, and had raised vegetables in their gardens and were thus able to give valuable information. We got that information at the time, and I expect we will get more valuable information at the present time. We know what happened in the Yukon. When the Yukon was first opened up every one thought that nothing could be grown there. People told me that if you were to scrape the moss off the ground three inches in depth you would find nothing but ice and frozen ground. To-day they are raising vegetables—I have seen them at exhibitions,—and they are raising grain as well. That is what settlement and investigation will do, and I think if we are to fully inquire into the resources of that northern country, there is wealth enough in the northern portion of the provinces of Sas-

katchewan and Alberta and Mackenzie district, to pay off the national debt of the country ten times over. If that is the case, it is nothing but right that we should establish the fact and let the investing public all over the world know what we have. If the House grants the committee, I should not propose to have the report pigeon-holed. I would not for one moment entertain any proposition of that kind. Such a report would be the very best immigration literature you could have. Is there anything better in the world to send out to immigration officers than a report which goes to show that we have any amount of mineral wealth, petroleum, gold mines, silver, copper—all the different things that I know we have in that northern country—vast forests and rich fisheries. That would make the very best immigration literature we could have, and it would be easy to send it out through the Immigration Department. If the committee found, after gathering all the information possible, that they had not sufficient details as far as the mineral wealth of the country was concerned, that they had not been able through the Geological Survey and from the testimony of the officers of the department who have visited that part of the country, and of prospectors and others, to obtain the information they require, then I would suggest that the committee in their report should ask the government to send out competent men to ascertain exactly what we have—something in the same way as the government of Ontario did some years ago ; and then we would be able to place that report, signed by men whose names would be taken as reliable—in the hands of capitalists all over the world. I think we would find then that there would be no trouble in developing the mineral wealth of this country. We have it there, all we need is the capital to develop it. That country will shortly be opened up by railways. We have projected lines all over the country. We have the charters for the roads, we have not the roads yet, but we expect to have them soon. It would be easier to build the roads if the people holding the charters were in a position to show those who have money to invest that the building of the railway would be a profitable proposition, and that the interest on the bonds would be paid and that the road would pay from the start. I am sorry that the leader of the House has seen fit to ask me to have this matter stand over until next session. I would ask him to reconsider the proposition which I have made with reference to getting the committee organized. We need not incur any expense. If the committee were organized and we were to send out questions such as were sent out at the time of the Schultz Committee, I am sure we would get a lot of work done in that way and it would cut down the expense a good deal in the way of bringing witnesses before the committee at the present time. I should like to hear what the leader of the House has to say. If he insists of course, I must bow to his decision.

Hon. Mr. SCOTT—The most valuable testimony which was given before the Schultz Committee was viva voce. Gentlemen were summoned here and gave evidence under examination by members of the committee. I can see no advantage whatever in forming the committee now. It would necessarily involve some expense and there is no appropriation for it. There are no contingencies of the Senate to which it could be charged, and the supplementary estimates both for the current year and for the coming year have been brought down. I do not think my colleagues would approve of any proposition that another estimate should be presented to the House of Commons for the purpose of meeting the expenses of the investigation. I should therefore prefer that my hon. friend would drop the matter for the present, and I should be glad to favour it at the coming session. The House will meet in November, probably in the early part of the month, and, therefore, it is only six months away.

Hon. Mr. LANDRY—If that committee is named in November next the same difficulty will arise about the appropriation.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—If the estimate is not brought down now, when will the money be provided ? There will be none.

Hon. Mr. DAVIS—That is one of the difficulties I fancy. I am glad that the leader of the House has seen fit to look favourably upon this proposition and say he will support it at the coming session. The people

of the western country feel that this is a very important matter, not only from the standpoint of having an investigation into the mineral wealth of the district, but also to counteract the influence of the Macoun report on the Peace River. I withdraw the motion.

THE STRIKE AT SYDNEY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Whether the Sydney 17th field battery and its officers have been paid for their services in preserving order during 'the strike' at the steel works in 1905 at Sydney ?
2. To whom was the money paid, who disbursed it ?
3. Was any amount of it retained pending any difficulties ?
4. Have those difficulties been settled, and in what way ?

Hon. Mr. SCOTT—

1. Yes.

2. $865.29 was paid to Major W. Crowe, and $58.80 was paid to Surgeon-Major T. P. O'Neill.

3 and 4. No, not so far as known in the Department of Militia and Defence.

VACANCY ON THE SUPREME COURT BENCH.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I would like to ask the hon. leader of the House if he has any information concerning the cases from the province of Quebec coming up in the Supreme Court. If any arrangements have been made.

Hon. Mr. SCOTT—Not that I have heard.

Hon. Mr. LANDRY—Nothing has been done ?

Hon. Mr. SCOTT—Not unless the Minister of Justice has made an arrangement.

Hon. Mr. LANDRY—The Minister of Justice is not ready yet.

Hon. Mr. SCOTT—He has not advised me at all events.

Hon. Sir MACKENZIE BOWELL—I understood the hon. Secretary of State to inform the House the other night that he would make inquiry as to whether there were any cases that required the immediate attention of the court, and if it were necessary to have an extra judge from the province of Quebec. So far as the hon. member from Stadacona is concerned, I think he is very cruel to torment the hon. Secretary of State as he is doing. He should know at least, if rumour be correct, that the government are saving the plum until after the prorogation of parliament in order that they may not be obliged to appoint another Minister of Justice. It is important that the present Minister of Justice should remain in the House of Commons until the end of the session, and I would suggest to my hon. friend not continue inflicting cruelty on the Secretary of State by asking him questions to which the hon. gentleman must know he cannot get a reply.

BILLS INTRODUCED.

Bill (M) An Act respecting the Monarch Bank of Canada.—(Hon. Mr. Kerr, Toronto.)

Bill (N) An Act to incorporate the Pacific and Eastern Railway Company.—(Hon. Mr. Bostock.)

Bill (O) An Act for the relief of William Napoleon Vaughan.—(Hon. Mr. Perley.)

SECOND READINGS.

Bill (86) An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.—(Hon. Mr. Kerr, Toronto.)

Bill (39) An Act respecting the Canada Atlantic Railway Company.—(Hon. Mr. Lougheed.)

Bill (84) An Act respecting the Grand Trunk Pacific Railway Company.—(Hon. Mr. Gibson.)

CANADA EVIDENCE ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONSIDERED.

The Order of the Day being called :

Consideration of the amendments made by the House of Commons to Bill (B) An Act further to amend the Canada Evidence Act, 1903.

Hon. Mr. SCOTT—When this Bill came up the other day from the House of Commons, hon. gentlemen found some difficulty in applying the supposed changes that were endorsed on the original blue print, with the Bill as it existed before it went down to the Commons. I explained then that an error had been committed in the law clerk's office

of the House of Commons, because the endorsations did not give the conclusions reached by the House of Commons, and therefore it was thought better to postpone the Bill, and I requested Mr. Power of the Department of Justice to see the law clerk and have the Bill properly prepared to come before the Senate. That has now been done. The first change in the Bill made by the House of Commons is in subsection 2 of section 4. As it read when it left here, it provided that 'the failure of a person charged, or of the wife or husband, or such person to testify, shall not be made the subject of comment by the judge or by counsel for the prosecution in addressing the jury.' The attention of Justice Osler was called to this paragraph, and he remarked, very properly, that not alone when addressing the jury should counsel abstain entirely from making any comment on the fact of the person not testifying, but all through the conduct of the case the counsel should be silent on that subject, and therefore wrote the words 'in addressing the jury' are struck out. I move the adoption of the amendment.

Hon. Sir MACKENZIE BOWELL—We will have to take some course in order to correct our minutes. The amendments now proposed by the hon. Secretary of State are not the amendments which are reported as made by the House of Commons to the Senate, nor are they as they appear upon our minutes. The amendments made in the Bill introduced in this House in reference to evidence, as amended by the House of Commons, read as follows:

Page 1, line 16.—Leave out all after 'prosecution' and insert 'subject to the provisions of subsection 1 of this Act.'

Page 1, line 20.—Leave out from 'Act' to 'witness' and insert 'shall be a competent and also a compellable.'

Page 1, line 21.—Leave out 'either' at the beginning of the line.

Page 1, line 21.—Leave out from 'prosecution' to 'without.'

Now, the amendment moved by my hon. friend is to strike out simply the words 'in addressing the jury.' The next amendment which he proposes is not at all in accord with the Bill as amended by the House of Commons. The third paragraph as amended by the Commons reads as follows:

'The wife or husband of the person charged with an offence against any section of the Criminal Code of 1892, mentioned in schedule 'C' of this Act shall be a competent witness and also a compellable witness.' The word 'either' is struck out, and the words 'defence and,' are struck out. Now the proposition is, without any further reference from the House of Commons to the Senate, to amend in the manner proposed by the hon. gentleman. The amendments may have the same effect, but they are not the amendments contained in the message from the House of Commons. If we adopt them, on what principle do we adopt them? We have a Bill passed by this House and sent to the House of Commons, amended there, and returned to us for acceptance or rejection of the amendments. instead of accepting or rejecting the amendments, the hon. Secretary of State asks us to amend the Bill in another direction altogether. It seems to me that the reference should be withdrawn by the House of Commons and a new reference sent to the Senate, or in order to keep our record right we should reject the amendments made by the House of Commons and amend the Bill in the direction desired. There is another blunder here that we are asked to amend. It says 'subject to the provisions of said subsection of this Act.' Now, I am informed that was not the intention. The intention was to use the words 'section of this Act'; that is what it is desired to amend and not the Act itself. It refers exclusively to the section, and the law clerk of the House of Commons informs me that the word 'Act' should be struck out and the word 'section' inserted therein. What right has the law clerk, or any clerk, to change the wording of an Act, in any particular, as it comes from the Commons? It is a material change to strike out the word 'Act' and substitute the word 'section' therefor. It cannot be considered a clerical error. Either the Commons did not know what they were doing, when they inserted the word "Act' instead of 'section,' or they intended it to apply to the whole Act, and not to the section. It is clear enough to my mind, if the suggestion made by the hon. Secretary of State is to be carried out, that he must

adopt some plan by which the records can be placed right; otherwise we shall have upon the records amendments made to a Bill diametrically opposed to the amendments made by the Commons with which we are asked to concur.

Hon. Mr. SCOTT—I am sorry I did not make myself understood. I tried the experiment the other day and failed then also. What I said was that the endorsation on the Bill was not the result of the decision of the House of Commons; that it was a blunder of the law clerk after the Bill had left the Commons chamber in preparing the endorsement for the Senate, and I called the attention of the Senate to it. However, it was very difficult then to understand. I said I would have that rectified, and so I instructed Mr. Power, who is familiar with the Bill and he probably had drawn it in the first instance, to see the law clerk and point out his mistake. He did not endorse what the House of Commons decided. I gave to the Senate at that time, as I give now, the conclusion the House of Commons reached, and Mr. Power, at my suggestion, took the Bill back to the law clerk and made him correct it to agree with the decision of the House of Commons.

Hon. Sir MACKENZIE BOWELL—There has been no message from the Commons nor anything to indicate that that was the case. How are you going to get rid of the records of the House?

Hon. Mr. SCOTT—The records of the House of Commons are correct.

Hon. Sir MACKENZIE BOWELL—But our own records?

Hon. Mr. SCOTT—We can change that in conformity with the correct statement. This is not the endorsement that came up the other day. Mr. Power went to the law clerk and showed him where the mistake was. The law clerk is ill, and the gentleman acting is not as familiar with the mode in which those endorsements are made, and he muddled it. The endorsement, as I have read it, is correct. He put in the wrong numbers of the lines. It was carelessly corrected.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. FERGUSON—It is perfectly obvious there is no question about that, but it does not come to us in a regular way. We received a message and that message has been entered upon the journals of our House, and now we are receiving what every hon. gentleman sees are the correct amendments, but they are coming to us irregularly. How are we going to have the message and the journals corrected? We will perpetuate an error there which is very serious.

Hon. Mr. ELLIS—Could we not, by general consent, strike out the whole of the motion which appears on the minutes of the former sitting?

Hon. Mr. FERGUSON—The message must be corrected.

Hon. Mr. SCOTT—It has been corrected.

Hon. Mr. FERGUSON—But it does not come to us from the Chair?

Hon. Mr. SCOTT—No, because it did not come to us from the House of Commons.

Hon. Mr. FERGUSON—We cannot receive a message from an hon. member.

Hon. Mr. SCOTT—The House directed their messenger to send the message to us as it is now before us. He made a mistake and didn't send it up that way. The practical way to correct it was not to reopen the matter in the House. It was correct on their records and proceedings. The only way was to call the attention of the clerk who made the blunder and ask him to make the endorsation conform to the conclusion of the House. He did so, and we have it now in the proper form. Surely it is a matter of common sense to enter on our records the correct amendments. They were obviously incorrect before. Then also the lines were not properly quoted in two instances; '20' appeared for '21' and '19' for '20.'

Hon. Mr. FERGUSON—I think we had a case last year analogous to this, and our clerk was directed to confer with the clerk of the Commons and correct the message. I think we should do that now.

Hon. Mr. SCOTT—I thought the proper way was to call the attention of the clerk

to it as I have done, and have it amended. There was no reason to call the attention of the House of Commons to it. It was simply to carry out the will of the House of Commons that we had to adopt the plan I suggested, which was the only way to do it.

Hon. Sir MACKENZIE BOWELL—The whole proceeding is irregular and it is very questionable whether it is the fault of the law clerk. If the hon. gentleman had looked at the Bill as it came amended from the committee and seen where the mark was put for the amendments to be made, he would not be so ready to condemn the clerks. If there was any one to blame for placing the amendments in the wrong place it was the clerk of the House of Commons rather than the law clerk. I have examined the Bill, and I know that taking it in my own hands as that clerk did I would put it in just where it is marked in the original Bill as it came to us. Now, apart from that, there is a serious change made in the amendment which the hon. Secretary of State asks us to acquiesce in. In the first place the argument when the Bill was before the Senate was that the wife and the husband should not be made compellable witnesses for the prosecution. Why should the wife or husband of a prisoner be made a compellable witness for the prosecution and not for the defence ?

Hon. Mr. KERR (Toronto)—Do I understand the hon. gentleman to ask why the wife should be a competent or compellable witness for the defence as well as the prosecution?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. KERR (Toronto)—Subsection four provides that the wife or husband shall be a competent witness for the defence.

Hon. Sir MACKENZIE BOWELL—But the amendment in the third section makes such person a compellable witness.

Hon. Mr. KERR (Toronto)—The clause provides that, subject to the provision in the former section, the wife or husband shall be a competent or compellable witness.

Hon. Mr. SCOTT—The House of Commons has disposed of this matter and we want to carry out the will of that House ; the former record on our minutes is not the will of the House of Commons.

Hon. Sir MACKENZIE BOWELL—Supposing we pass it as it is amended, then we will have both messages on our votes and proceedings, and if they are referred to hereafter what will be our position?

Hon. Mr. LOUGHEED—It seems to me the only authoritative reference is the Bill which comes from the House of Commons, and I understand that is correct?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—The endorsement has nothing to do with the Bill?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—But our proceedings will be corrected when they are put in permanent form?

Hon. Mr. SCOTT—Yes we can authorize the clerk to enter the correct minutes.

Hon. Mr. KERR (Toronto)—As soon as the Bill is passed, the difficulty will be avoided by the Secretary of State moving that the minutes be corrected.

Hon. Sir MACKENZIE BOWELL—Directly contrary to the message of the House of Commons.

Hon. Mr. KERR—The message was wrong.

Hon. Mr. LANDRY—Should the amendments not be read twice before we concur in them?

Hon. Sir MACKENZIE BOWELL—You have not the amendments ; all that you have is what appears in the journal.

Hon. Mr. SCOTT—Then I move the adoption of the first amendment.

Hon. Mr. LANDRY—I think that is not the proper way. Rule 23 of the Commons provides that the amendments made by the Senate to the Bills originating in the Commons shall be placed on the Orders of the Day next after the Bill is reported to the committee. Bourinot says :

> The practice in both Houses with respect to the amendments is the same. When the amendments are of an unimportant character, or there is no objection to their passage,

they are generally read twice and agreed to forthwith.

But we must have the reading the same as a Bill is read. Bourinot proceeds :

But if they are important their consideration is deferred until a future day.

That is the rule. We have something of the kind in our own rules. Rule 72 reads as follows :

When any private Bill is returned from the House of Commons with amendments the same not being merely verbal or unimportant, such amendments are, previous to their second reading, referred to a committee of the whole or to a standing committee.

This is as regards a public Bill. It is not referred to a standing committee or a committee of the whole but they must be read twice.

Hon. Mr. SCOTT—This is the second time it has been before the Senate and I explained it on the former occasion as fully as I possibly could, but I quite appreciate hon. gentlemen who took part in the discussion not understanding it, because our own minutes were misleading. Our own minutes were printed from the message received from the clerk of the House of Commons ; then when his attention was called to it, it was taken back to him and he corrected it.

Hon. Mr. LANDRY—It was corrected in one place and not in the other.

Hon. Mr. SCOTT—Not corrected in our minutes ? If we pass the Bill now as corrected, then I should move that the entries made on that particular day in our own minutes shall be corrected by the clerk inserting the actual amendments as made by the House of Commons.

The motion was agreed to.

Hon. Mr. SCOTT—Then the words in line nineteen 'May be called as a,' are struck out and the words 'Shall be a competent and also compellable witness for the prosecution without consent of the person so charged' are added. The word 'either' is struck out. I move that this amendment be concurred in.

Hon. Mr. LANDRY—I contend that an amendment brought from the House of Commons to this House should be read twice at the table. The clerk has not given the first or second reading of the amendments.

The SPEAKER—I think the hon. gentleman is too late in raising the point. The amendments were concurred in. There is one reason why we should have proceeded differently to-day : these amendments were set down by resolutions of this House for the consideration of this House ; so that it is by the decision of the House that we have proceeded in another form.

Hon. Mr. LANDRY—All right I just call attention to it.

The SPEAKER—I noticed that we had departed in the first place from what has been a rule of the Commons that has been followed here.

The motion was adopted.

Hon. Sir MACKENZIE BOWELL—I want to enter my protest ; we have not adopted the amendments that were sent in the message from the Commons, but we have adopted other amendments which have been substituted by the hon. Secretary of State, as he says, at the instance of the Clerk in the Commons.

Hon. Mr. SCOTT—I decline to accept that charge. I have not substituted anything. I am taking the amendments as proposed by the House of Commons, and those are what we ought to take.

Hon. Sir MACKENZIE BOWELL—They are not the amendments contained in the message which came from the House of Commons.

Hon. Mr. SCOTT—The message was wrong.

Hon. Sir MACKENZIE BOWELL—That may be.

Hon. Mr. SCOTT—How else would it be corrected ? You could not bring it up in the House of Commons because they would say we had passed it in such a form. There was no other way of doing it except this. I move that an entry be made on our minutes calling attention to the error at page 247, and that the amendment we have just passed be substituted for the amendments therein contained.

The motion was agreed to.

BILLS INTRODUCED.

Bill (P) An Act for the relief of Charles William Holmes.—(Hon. Mr. Lougheed.)

Bill (Q) An Act for the relief of Minnie Florence Irvine.—(Hon. Mr. Lougheed.)

Bill (R) An Act for the relief of Harriett Wesley Baker.—(Hon. Mr. Kerr, Cobourg.)

JAMIESON WEBSTER LEWIS ENFRANCHISEMENT BILL.

SECOND READING.

Hon. Mr. WATSON—in the absence of Mr. Young, moved the second reading of Bill (85) An Act for the enfranchisement of Jamieson Webster Lewis, an Indian of the Moravian Band of the Thames, in the province of Ontario.

He said: this is really a government measure; it has been introduced by Mr. Oliver in the House of Commons.

Hon. Mr. LOUGHEED—I understand that this Bill is to give an Indian his civil rights, not political rights.

Hon. Mr. WATSON—Owing to an omission by the Indian agent, the application could not be made under the Indian Act, and, therefore, it is necessary to have special legislation. In 1899 this Indian made application to be enfranchised, but on account of some irregularity in connection with the application at that time, he was not enfranchised. He has now made application, and the Minister of the Interior has introduced this Bill for the purpose of enabling him to hold property.

Hon. Mr. WILSON—I do not know whether that explanation is quite sufficient. This Bill interferes with the Ontario Franchise Act and with the rules upon which we hold our elections.

Hon. Mr. WATSON—The Indian Act provides that an Indian can be enfranchised and qualified to hold property in his own right if the wishes to withdraw from the reserve. This Indian applied in 1899, but there was something irregular about the application at that time, and this Bill is introduced to allow the Indian to hold property the same as a white man. He is withdrawing from the band and from the treaty. He is not enfranchised to be an elector, but in order to enable him to hold property the same as a white man.

Hon. Mr. WILSON—An enfranchised Indian has the right to vote. If he has the right to hold property in his own right, he has the right to come to the poll and vote. In enfranchising this indian you are nullifying the Act of the province of Ontario controlling the franchise. You are assuming the control of the voting powers of these indians.

Hon. Mr. WATSON—It is true that a man who holds property is entitled to vote, at the same time this Bill does not provide for that at all. It simply provides that this Indian shall have the right to hold property in his own name.

Hon Mr. LOUGHEED—The Indian Act promits him to obtain these rights, but owing to an omission, he cannot avail himself of the provisions of that Act.

The motion was agreed to.

UNORGANIZED TERRITORIES GAME PRESERVATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (154) An Act to amend the unorganized Territories Game Preservation Act, 1894.

He said: In the year 1894 an Act was passed, making it unlawful to kill buffalo for a period up till 1900. In 1899 that period was extended for two years longer. In 1902 it was extended up to the 1st January, 1907. This Bill professes to extend it to 1912, to prevent the killing of buffalo till that time. There are very few of them left I believe.

The motion was agreed to.

The Senate adjourned until to-morrow afternoon at three o'clock.

SENATE.

OTTAWA, Wednesday, May 16, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SCHOMBERG AND AURORA RAILWAY COMPANY BILL.

AMENDMENT CONCURRED IN.

Hon. Mr. CASGRAIN (de Lanaudière), from the Committee on Railways, Tele-

graphs and Harbours, reported Bill (102) An Act respecting the Schomberg and Aurora Railway Company with one amendment. He said: The amendment consists in adding subsection (c) to clause 2, and it reads as follows:—

A branch or extension of this railway from a point at or near Bond lake along the shores of Cook's bay and Lake Simcoe to Fig Bay Point and to Barrie and to Sutton.

This amendment was accepted by the promoters of the Bill and would have been incorporated in the Bill in the other House but by some mistake it was omitted. It was unanimously adopted in the Railway Committee this morning. I move concurrence in the amendment.

The motion was agreed to .

BILL INTRODUCED.

Bill (S) An Act to amend the Criminal Code, 1892, as respects lotteries.—(Hon. Mr. Ellis.)

TIME LIMIT FOR PRIVATE BILLS.

REPORT OF STANDING ORDERS COMMITTEE ADOPTED.

Hon. Mr. YOUNG, from the Committee on Standing Orders, presented the 14th report of the committee, recommending that the time for presenting private Bills be extended to the 5th day of June next, and also that the time limit for receiving reports from any standing or select committee on private Bills be extended to Tuesday, the 19th day of the same month, and moved that the report be now concurred in.

Hon. Mr. LANDRY—Before the report is adopted. I wish to call the attention of the House to this practice which has obtained during the past year or two of adopting a report from a committee the same day it is brought in. No one knows what it contains, and I think it should be printed in the Minutes so that every member may see what it contains. Then afterwards we would have opportunity, to adopt it, or to bring in any amendment which might be desired. As it is now, we cannot. I would ask that the consideration of the report be postponed.

Hon. Mr. YOUNG—The time for presenting private Bills to the Senate expires to-day, and it was thought wise, on behalf of the Standing Orders Committee, to recommend that the time for the presentation of private Bills be extended to the 5th of June and that the time for presenting the reports from Standing and Select Committees, be correspondingly extended. That is the whole extent of the report. It is a matter of routine and one which, of course, is in the judgment of the House to be rejected or not; but inasmuch as the time expires to-day I thought I would ask the leniency of the House to consider the report at once. It only contains this provision.

Hon. Mr. LANDRY—With the explanation given by my hon. friend I have no objection to the report being concurred in to-day. I put it in a general way that when reports come from a committee they should be laid on the Table and printed, so that we may have ample time to see what they contain before being asked to pronounce on their merits.

The motion was agreed to.

IRREGULAR PETITIONS FOR PRIVATE BILLS.

Hon. Mr. YOUNG, from the Committee on Standing Orders and Private Bills presented the sixteenth report recommending the suspension of the 49th rule in so far as it relates to the petitions of the Northwest Commercial Travellers Association, the Colonial Bank of Canada, and the General Accident Insurance Company. He said: In the case of the Northwest Commercial Travellers Association, it was purely a petition relating to the domestic affairs of an association incorporated under the laws of Manitoba. The association desire to extend their operations over the whole Dominion. They were short in time of notice very little, and as they have undertaken with the committee to continue the notice until the necessary time is completed, and from the nature of the application, your committee decided to recommend the suspension of the rule. In the case of the petition of the Colonial Bank of Canada the application was late because of circumstances which have arisen very recently, making it advisable for them to seek this legislation, and inasmuch as it is one of those applications in which the public will be carefully protected by the Banking and Commerce Committee, we felt that it

was in the public interest to recommend a suspension of the rule. The same thing applies to the General Accident Insurance Company. Another reason applies to these three cases which is this: these three Bills originate in the Senate and will therefore have to go the full course through both Houses yet, and your committee felt, under the circumstances, that they were justified in recommending leniency.

NORTH SYDNEY HARBOUR COMMISSION.

MOTION.

Hon. Mr. McDONALD (C.B.), moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of the North Sydney Harbour Commissioners Report for the calendar years 1897, 1899 and 1901, showing collections and disbursements of the said harbour commissioners during those years. Also correspondence, if any, respecting purchase of land for harbour commissioners' purposes, with plans of the said land and harbour.

He said : In view of the third reading of the Bill, giving power to the North Sydney Board of Harbour Commissioners, for the 5th of June next, and in view of the fact that the hon. Secretary of State was kind enough to tell us the other day that he would place the few remarks I made on that occasion before the Minister of Marine so that he might consider what should be done on the third reading of the Bill, I wish to supplement the few remarks I made then with some additional remarks today. In 1879 the Harbour Commissioners of North Sydney were incorporated, and they acted as such for 17 years until they were dismissed, about the beginning of the year 1897. During their term of office they made returns regularly as required by the Act incorporating them, every year during that time. The Act incorporating them required them to make returns to the Department of Marine on the 31st of December of every year, or as soon afterwards as possible. The old commissioners, before going out of office, made a return on December 31, 1896, which I find in the blue-book for the year 1897. They collected that year harbour dues amounting to $2,510.41. A report that is attached to the return, made by the late Henry F. Perley, dated December 31, 1895, shows what works had been done to that harbour, and that the extension of the work to deep water was about completed and would not require any further extension. At that time there was very little debt on the harbour commission of North Sydney. By the Act of 1882, amending the Act of 1879, they obtained power to borrow four thousand dollars, and in 1896, when they went out of office, they had reduced the amount of four thousand dollars to six hundred dollars. Before they went out of office on December 31, 1896, they paid off the mortgage, with the exception of six hundred dollars. The next report made by their successors is dated 1898, for the calender year 1897. It was made on January 12, which was prompt enough, according to law. Their report reads as follows :—

The harbour commissioners beg to submit herewith a report of the shipping entering the harbour during the year ending December 31, 1897. The present commissioners are responsible for the figures relating to the last month only.

That is all that they say, that they are only responsible for the last month of the year 1897. What became of the return for the other eleven months ? The old board evidently made no return as they were dismissed from office. They handed over their accounts and books to the new board when they went out and they left a balance to the credit of the Harbour Commissioners of $143.05. What has become of the collections for the eleven months of the year 1897 ? There is no return, and there is no accounting for the expenditure, and all the commissioners say is that they are only responsible for the one month of the year 1897. Even this month's receipts are not accounted for. Why ? It will be seen from that whether the commissioners have been performing their duty according to law. In the succeeding years we find the following state of things. They did not account for the collections of 1897, not a dollar, although it is presumed that they collected on the average every year about $2,800, and there was a balance of $143.05 on hand at the time the old commissioners went out of office. In 1898 there was a balance on hand of $413.20 according to the return. The returns also show that the new commissioners collected $2,762.44, leaving a balance on hand of $1,682.69 on December 31st of that year.

In 1899 they made no return at all, as far as I can ascertain. I inquired in the distribution office of the House of Commons, and also at the Department of Marine and Fisheries, as well as the parliamentary library, but was unable to find any trace of a return for those years. The return may have been made and the department may have neglected to print it. If so, the return is in manuscript and the Department of Marine will have no difficulty in furnishing a copy of it to this House. In 1900 there was a return made showing the collections to have been $2,932.07, leaving a balance on hand on December 31st of $2,680. There is no return for 1901. No account is given of the collections of that year, assumed to be a similar amount. The return for 1902, although required to be made in January of the following year, was not made until the following June. What can be the reason of that? It looks to me very suspicious that the return for the year should not have been made until five months after the proper time. According to that return there was then a balance in hand of $1,282. The collections amounted to $2,744.89. For 1903 the return was dated June 1st, 1904, five months after it should have been made, the balance on hand was $1,197.87; the collections amounted to $3,153.51. Why is it the department do not hold these harbour commissioners to making the return promptly on the 1st of January? By neglecting to do it for five months that left them time enough to expend the money or to manipulate things to suit themselves. For 1904 the return was made more promptly. It was dated February 16, 1905. The balance on hand was $1,565.80. There were dues collected $2,912.72.

Now, during all these years, no reference, whatever, in any of the reports, has been made to the mortgage on that property, and I assume that nothing was paid. Again I wish to call the attention of the House to the fact that that money must have remained in the hands of the commissioners at least five or six months, because no expenditures are accounted for, speaking generally, sooner than June and July, and extending until the months of October and November. That money, therefore, in hand at the end of each year, must have remained in the hands of the commissioners for an average of at least six months in each year without producing any interest. That is a state of affairs, I think, the government should have corrected. As I said the other day, the returns that they have made show that they are taking credit to the harbour of North Sydney for all the coal shipped by the Dominion Coal Company from the Whitney pier section of Sydney harbour, also for the importations of the Dominion Coal Company of iron ore which the company bring from Waubana, Newfoundland, not a pound of which is landed at North Sydney. What motive can the commissioners have for misrepresenting the trade of the port in that manner? Now they ask parliament for authority to borrow six thousand dollars. I ask what is this six thousand dollars for? They now have authority to borrow four thousand dollars. Do they propose by this Bill to ask authority to borrow six thousand dollars more?

Hon. Mr. SCOTT—No, the Bill is specific. That is the total amount.

Hon. Mr. McDONALD (C.B.)—The Bill does not provide for repealing the Act of 1882, which gives them authority to borrow four thousand dollars, and until that Act of 1882 is repealed, I think it is very likely they have the power to borrow four thousand dollars under it and six thousand dollars under the legislation which they are now asking for. What is this money required for? Have they made representations to the government that more land is necessary to be acquired in connection with the works of the harbour of North Sydney? Have they estimated the value of that land? I consider that the commissioners of North Sydney harbour should not have the power to buy any more land without an investigation by an officer from the Public Works Department, and that that land should be valued by a man who is not interested in selling or in buying, or in lending money on such a property, or any harbour commissioner who may have been formerly interested in one side of the deal. It behooves the Marine Department to see that nothing improper is done in this respect. We have examples of great corporations manipulating statistics and money matters. There is the York County Loan

Company, and wrongs are being exposed with regard to the management of the great insurance companies of the country. The little harbour board of North Sydney are capable perhaps of manipulating matters just as skilfully as these other corporations I have mentioned. North Sydney harbour is one of the most important harbours in the Dominion, and I look forward to the time when we may have the fast line of steamers making that harbour their terminus. The experiment which was made last year, I think, fully proves the feasibility of North Sydney becoming the terminus of the fast Atlantic service. The hon. Minister of Trade and Commerce stated last year in this House that mails from Sydney could be carried to Montreal well within twenty-four hours. If we only take the difference in time between going by rail from Sydney and the time which any of the fastest steamers would take to go from Sydney to Montreal, it is evident that there must be a considerable saving by rail from that port. In Sydney, last summer, during the visit of His Excellency the Governor General, I heard him say in reply to an address, that he hoped to see the mails from Europe delivered before long in the city of Ottawa at least forty hours sooner than they are now received at the capital through a foreign country.

I believe North Sydney harbour should be patronized and taken under the protection of the Dominion government as well as the harbour of the port of Montreal or of the port of Quebec. I observe that the Minister of Marine the other day introduced a resolution in the House of Commons giving power to the government to lend $150,000 to the people of Quebec for the improvement of their harbour, and it would be better I think for the Dominion government to lend five, six or ten thousand dollars to the Harbour Commissioners of North Sydney, for works required in that harbour rather than give borrowing power to the Harbour Commissioners of that port. In that case it will give the control to the Dominion government in that harbour, and their money would be perfectly safe and the commissioners of that harbour, perhaps to a large extent irresponsible men, would be relieved from any responsibility in that regard. The government would then be in a position always to see that they got their rights, and that the money was properly expended on that harbour. I move this resolution in order that the Minister of Marine may ascertain whether what I say ought to have any weight with him. If the hon. Secretary of State will permit me, I should like to include in that motion the report of the commissioners for 1905.

Hon. Mr. SCOTT—Certainly, no objection.

Hon. Mr. McDONALD (C.B.)—There is a further point to which I wish to call the attention of the government. I find that for the first year under the present commissioners, 1898, the salaries amounted to $1,250. In 1900 the salaries amounted to $1,373 ; in 1902, $1,475 ; in 1903, $2,032 ; in 1904, $2,020. Now, when I say salaries, I mean the harbour master, I mean the chairman of the board, the salary of the board and $50 rent for an office. I put the $50 in with the salaries, because I think the secretary of the harbour commissioners, in consideration of the salary, must furnish his own office. I submit $2,020 salary is too much out of a total average collection of about $2,800. At this rate of salary increase the whole revenue will soon be insufficient to pay salaries, and they even may have to take their salaries out of the money that they propose to borrow on the mortgage. For the three years not accounted for the average collections, according to the reports I have, is about $2,800. The three years for which there is no return, at the same average, would be three times $2,800 or over $8,400 not accounted for by any return to the Marine Department. It is very important that the Minister of Marine and Fisheries should deal promptly with these men who have neglected to perform their duties under the statute.

Hon. Mr. SCOTT—There is no objection to the motion going. I shall be glad to forward my hon. friend's observations to the minister, though I question very much the wisdom of the department in appointing an official to oversee a department of that kind where the receipts are only $2,800, or averaging a little over $2,000 and the salaries amounting to $2,000. It would involve the expenditure of another $2,000, to come out of the treasury of Canada. In appointing local commissioners, the pre-

sumption was that they were men interested in the development of the place, and naturally, honest men. My hon. friend's criticisms would indicate that there might be some doubt about that. They at all events are the supreme judges of everything. I find that the statute authorizing the appointment of harbour commissioners was passed in 1882. They were appointed for North Sydney, and the Act provides that they may sue and be sued, have a common seal, hold lands, &c. Apparently they have a discretionary power. It is quite true they cannot make any purchase of land without the approval of the Governor in Council, but at the same time, their powers under the statute are very wide, and it would be asking too much of the government to appoint a special officer to visit the port at considerable expense.

Hon. Mr. POWER—Section 4 of the Act is repealed by this Bill.

Hon. Mr. SCOTT—That section gives power to borrow on mortagage or other security such sums of money as shall not exceed $4,000. It appears that the amendment is for the purpose of changing that to $6,000. The two amounts would not be cumulative in any sense. The harbour is improving from what my hon. friend has stated and no doubt the larger amount is necessary. However, I will get further information from the department. The third reading is put off for some time and we will get the information in good time.

Hon. Mr. FERGUSON—I have not before me the Act constituting the Harbour Commissioners for North Sydney, but if I understood my hon. friend aright this harbour board has made no report whatever to the government for the last five or six years. I presume that the Act calls for an annual report. It seems very remarkable that this board of harbour commissioners should fail to send in a report, and equally remarkable that the department should overlook it from year to year. There is no guarantee whatever that the moneys collected have been faithfully disbursed. If I understood my hon. friend aright there have been several years during which the reports of the Department of Marine and Fisheries show that no returns whatever have been made to the government by this board. If that be so, I fail to see that we have any guarantee whatever that it has been carrying on its operations in accordance with the Act.

The motion was agreed to.

CONSTITUTION OF THE SENATE.

MOTION.

Hon. Mr. DAVID moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or the reorganization of the Senate.

In view of the opinions which have been expressed outside and inside of parliament in connection with the maintenance of the Senate, I have thought it proper to give hon. members of this House occasion to discuss a question which is of great importance to them and to the country. I think it is dangerous to let certain accusations and denunciations remain unanswered, and that the hon. members of this House especially should not allow certain opinions to be spread to the detriment of their own position and influence. In order to give a practical opinion on this question it is proper to go back to the origin of the Senate. There is no doubt the Senate was considered by the founders of the confederation as essential to the good working of the constitution and to the interests of the country. Mr. Clements in his work upon the British North America Act makes a summary of the reasons which were alleged at the time to justify the establishment of the Senate. I shall read only a small part of what he says:

By the fathers of our confederation, the Senate of Canada was announced as answering both purposes; as affording a check on hasty or ill-digested legislation, and also as protecting local interests and the autonomy of the provinces. The attainment of the former purpose was supposed to be made secure by the mode of appointment, the life tenure of the senators being held out as a guarantee for independence in the exercise of their legislative duties; while the equal representation, in the Senate, of each of the distinctly differentiated portions of the Dominion would make that body the guardian of 'provincial rights,' or at least, of local, as distinct from general, interests.

There is no doubt that the establishment of the Senate was accepted as one of the conditions of the federal pact, and that in

several of the provinces the confederation would not have been accepted as it has been if the Senate had not been constituted and organized as it was. In several provinces, especially the province of Quebec, there was a good deal of reluctance to accept the application to the House of Commons of the system of representation by population, but they were satisfied to a certain extent because they were told that the Senate, where the different provinces would be equally represented, would furnish a safeguard for the provincial interests and provincial autonomy, and I think the summary which I have just read establishes that fact. Sir John A. Macdonald, in his celebrated speech on the British North America Act, takes the same position. He says:

In order to protect local interests and to prevent sectional jealousies it was found requisite that the three great divisions into which the British North America Act is separated should be represented in the upper House on the principal of equality. There are three great sections, having different interests, in this proposed confederation. We have western Canada, an agricultural country far away from the sea, and having the largest population who have agricultural interests principally to guard. We have Lower Canada with other and separate interests, and especially with institutions and laws which she jealously guards against absorption by any larger, more numerous or stronger power. And we have the maritime provinces, having also different sectional interests of their own; having, from their position, classes and interests which we do not know in western Canada. Accordingly in the upper House—the controlling and regulating, but not the initiating branch (for we know that here, as in England, to the lower House will practically belong the initiation of matters of great public interest) in the House which has the sober second thought in legislation—it is provided that each of those great sections shall be represented equally by twenty-four members.

The provision that each of the great sections shall appoint twenty-four members and no more, will prevent the upper House from being swamped from time to time by the ministry of the day, for the purpose of carrying out their own schemes or pleasing their partisans. The fact of the government being prevented from exceeding a limited number will preserve the independence of the upper House and make it, in reality, a separate and distinct chamber, having a legitimate and controlling interest in the legislation of the country.

There is this additional advantage to be expected from the limitation.

To the upper House is to be confined the protection of sectional interests; therefore, it is that the three great divisions are there equally represented for the purpose of defending such interests against the combination of majorities in the assembly. It will, therefore, become the interest of each section to be represented by its very best men, and the members of the administration who belong to each section will see that such men are chosen, in case of a vacancy in their section. For the same reason, each state of the American union sends its two best men to represent its interests in the Senate.

I do not think it is necessary to quote any more from the speeches made at the time by the fathers of confederation, because there is a fact which cannot and will not be denied here, more than elsewhere, that the establishment of the Canadian Senate was considered a condition, and one of the essential conditions, of the Federal Act of 1867.

All the arguments which could be advanced to justify the establishment of an upper chamber were introduced in favour of the establishment of the Senate. It was said, as I have read from this book of Mr. Clements, that the Senate was necessary to check, revise and amend hasty legislation; that the Senate would be less subject to popular passion and to the influence of temporary excitement. The fact is that the usefulness of high chambers is based upon the same principle as the establishment of courts of revision or of appeal. Why do courts of appeal or revision exist in all the civilized countries of the world? Because it has been established, and because it is recognized, that judges, like other men, are liable to error, and that great injustice will be done if their judgments could not be amended, reformed or reversed. The House of Lords in England, and the Canadian Senate perform the same duties. They sit in appeal on the judgment of the House of Commons, and I think their usefulness has been many, many times recognized by all. There has been a great deal of criticism of the House of Lords in England and there are some people who have tried to denounce the House of Lords as useless, as others have done with reference to the Senate of Canada; but who are the Englishmen who would vote for the abolition of the House of Lords? There will never be a majority of Englishmen who will vote for the abolition of the House of Lords, because they appreciate its usefulness; they know that it is one of the principal parts of that admirable machinery which is called the English constitution. They know that the House of Lords has brought a great deal of honour to England, and has furnish-

ed illustrations for the people of England. They like to recall the names of the great statesmen who have distinguished themselves in the House of Lords, and to recall also the important questions which have been discussed there. The Canadian Senate is as necessary in Canada as the House of Lords is in England, as the Senate is in the United States, as all the upper houses or the legislative councils, whether called legislative council or senate, in all the British empire. Go anywhere in the world and you will see that in all the colonies of the British empire there is an upper house, a legislative council. I do not think it necessary to remind this honourable House of every important act which the Senate has done, but nobody will deny that it has accomplished the object which the makers of confederation had in view when they established it, and speaking especially of what I have seen since I became a member of this House, I may say that it has done nobly, especially in the matter of provincial rights. However, I shall leave that part of the subject to the hon. gentleman from DeSalaberry, if he will undertake it, because he has studied that question. If the high chambers in all the countries of the world have been so useful in the past, I have no hesitation in saying that they are now, and will in the future be much more necessary in view especially of the great movement which is going on in the world towards extreme democracy. Because the struggle now is no more between tyranny and democracy. Democracy has triumphed, has conquered, and everywhere its flag waves over the civilized world. The struggle is between modern democracy and extreme democracy; in other words between democracy and radical socialism, between labour and capital, between the millionaire, the trust and the working classes. The struggle will be the most terrible one the world has ever seen, but the ascendency of the labouring classes is apparent—it is increasing all the time; slowly and gradually the labouring classes are rising up and before long they will domineer over the whole world. Personally I would not be afraid of their ascendency if I were assured that they would be controlled by the best elements of the labouring classes. I have always tried to be a friend of the working man. I have always thought he was entitled to the sympathy, to the generosity and to the charity and protection of the government and legislators. I gave evidence of my sympathy for the working man when I was a member of the local House in Quebec, and when I had Bills passed to improve their condition. I think the governments and legislatures should direct all their efforts to make the labouring classes love their country, and I think that the best means of making them love their country is to make them happy, to listen to their demands and to their revendications as long as they are not unjust to other classes.

And I must tell you hon. gentlemen, that you will see me always inclined, more perhaps than many of you,—to listen to their demands, and vote for all the measures which will have the effect of improving their condition. I think that the man who toils and suffers, who works night and day to earn enough to support his family, while he sees hundreds of people who do not know what to do with their money, cannot be an ardent patriot. The time is coming, I think, when the demands and the revendications of the labouring classes may be exaggerated. The working men, like other men, are inclined to abuse their power, and they are liable to be carried away, to be led astray, by demagogues and agitators, who try to win their confidence for the furtherence of their own interests, and the time may come when it will be necessary to oppose the demands of the working classes, not only in the interest of society, but in the interests of the best classes among themselves, in the interests of the good honest people, who form so large a part of the labouring classes. When that time comes, where will governments, and legislatures find the protection which society will require? They will find it in the upper houses—in the House of Lords in England and in the Senate in this country. I have no doubt that the upper houses, with the magistracy, will be before long the great bulwarks of society. Resolutions have been passed in certain parts of the country denouncing this Senate as the enemy of the working classes. These resolutions are unfair and unjust. The Senate is not the enemy of the working classes. Why should it be? The Senate is not com-

posed of princes, or aristocrats, or millionaires—there may be some of the latter, but very few. The Senate is composed of the sons of the people, the sons of farmers, of merchants, of working men even, who will always be happy to listen to the just demands of the popular classes and to do what they can to improve their condition. No, the Senate is not the enemy of the good, honest, respectable working men, and they have no reason to be afraid of the Senate. But I admit that the agitators and the demagogues have reason to be afraid to a certain extent of the Senate. They have reason to believe that the Senate will protect the working men against them, against their ambitions, against the means which they will take to deceive the working people. I am not surprised that these demagogues are afraid of the Senate ; but what surprises me—what I cannot so well understand—is that the politicans, the statesmen, the legislators, help these agitators to spread the notion that the Senate is useless and should be abolished. I am surprised that they are trying to destroy the only power which will be able to protect them in the future ; and if the higher chambers were abolished in the different countries in the world and in Canada, I think they would be the first to regret the step, and would try, perhaps vainly, to re-establish them. Without being a prophet, or the son of a prophet, I may say, without fear of being contradicted, for the reasons which I have just given, that the time will come when the houses of representatives will be more or less at the mercy of these agitators —more or less I say—and the fact is that I cannot refrain from reminding hon. members of this House who have spoken lately of the Senate of what has taken place in the past. They were very happy under certain circumstances to shelter themselves behind the Senate in circumstances where they feared to come into conflict with the wishes of their electors. In many instances they were saved by the Senate ; but there are some who do not seem to recognize that. There are certain Bills for which they have voted and will vote—perhaps this will be the case even more in the future than in the past—because they will hope that the Senate may reject these measures. But naturally distinction must be made between those who want to abolish the Senate, and those who only want to improve it. That is another question. Before coming to that point, I want to say a word as to the complaints which are made against the Senate. What are the complaints against the Senate ? It is sometimes amusing to hear these accusations. It is said in certain quarters that the members of the Senate are idle, that they have almost nothing to do, and that the House of Commons could do without them. Well, I admit that if we are to judge of the efficiency of the House by the number and length of the speeches, by the size of the 'Hansard,' adopting that as a standard, I admit that the Senate occupies an inferior position to that of the Commons. But there are many people who think that talking is not the best test and criterion of efficiency, and they even go so far as to say that less talking would be more useful and less expensive. There are some even, uncharitable people, who say that if the 'Hansard' were abolished, the sessions would be shorter by at least half, and the expense would be three-fourths less. They draw the conclusion that a good deal of talking is done for the sake of popularity. I do not know if it is true. It may be so ; if it is true it is strongly in support of my argument that it is expedient to have a house more independent, less subject to popular influence, and less liable to be influenced by the fear of the demagogue and the voter.

If the members of the Senate were instructed by the constitution to revise the speeches made by the members of the House of Commons, I admit that they would have more work, very much more work than they have to do to-day ; but under the constitution the members of the Senate have not that duty to perform. Their duty is to revise, not speeches, but legislation. And, in doing that work of revision, the Senate is doing its duty and doing it in very reasonable time. There are some who have expressed the opinion that perhaps it would be better to have only one House, that one chamber would do the work as well and that it would cost much less. If we compare the cost of legislation in the two Houses, then I would be of opinion that if

we are to choose between the two we might choose the Senate, because it would cost much less and the work would be done in much shorter time. There are some who have said that the Senate is the cemetery of the House of Commons. I do not think that those who have said it are serious. If it were, there would not be so many seeking admission to the cemetery. I find that those who speak that way are among the first to try to seek for appointments to the cemetery, and I am willing to consent to their admission on one condition. In all cemeteries in the province of Quebec, there is a special place reserved for children who have died without being baptised and for people who are not christians. If these people, to whom I have referred, are to be admitted to the Senate, I move that such a place be reserved in the Senate for them. About the work done by the Senate, I have here a statement which was prepared by the clerk of this House. It is as follows:—

Bills Initiated in the Senate.

In 1900	25
" 1901	20
" 1902	27
" 1903	26
" 1904	14
" 1905	43

Observe the increase in our legislation.

Bills from the House of Commons amended in the Senate.

In 1900	31
" 1901	20
" 1902	30
" 1903	34
" 1904	25
" 1905	40

Well that is fine progress, and should it continue, and I do not see why it would not continue, nobody will have a right to say that the Senate does not work. There are many ways by which this progress can be proved. Questions have been discussed in the Senate which have not been discussed elsewhere. The number of Bills initiated in the Senate can be increased. That can be done in different ways, and even by virtue of a rule which could be adopted by parliament by which a distribution of the Bills could be made either by the Minister of Justice or by the Governor in Council or by a special committee composed of members of both Houses, and then I think nobody could complain.

I wish to say a word on certain suggestions which have been made as to the reforming of the Senate. Some are interesting and some are queer. It has been said that senators over 80 years of age should be excluded. That means that after a long and sometime a glorious life of labour and of service to the country, and while yet full of vigour, intelligence and experience, a man having attained the age of 80 years will be obliged to withdraw from the House which he has, perhaps, sometimes made illustrious by his intelligence, experience and ability, and give place perhaps to an inferior man. It is possible that in the House of Commons experience has shown that men over eighty years are useless, but, in the Senate, all experience is to the contrary, and since I have been a member of this Chamber, if that rule had been in force and all members of this House over 80 years old had been obliged to retire, the country would have been deprived of some of the best, ablest, most intelligent and active men. This is not a reform, it is a bad suggestion. If they need that reform in the House of Commons, let them apply it there. I do not say that they do not require such legislation, but here in the Senate we want to keep those old men of whom we are proud, and if they have more like them in the House of Commons, let them be sent here and we will receive them with pleasure No doubt in the military service, in some countries, men are obliged to retire at a certain age, but the military service, as we know, requires certain physical qualifications which we do not always find in old men. But to govern the country and make laws, wisdom, age and experience have always been appreciated by all nations of the world. I have no hesitation in saying that the best and greatest statesmen in the world have been old men, and even now, if you inquire, you will find amongst the various nations that the best statesmen are old men. I may be asked by people outside: 'Well, what do you propose yourself?' I admit it is easier to criticize a plan than propose a better one, but if we consider what is done in other countries, if we see how they have met similar difficulties, I think we may arrive at something which will be acceptable. In all countries of the world, and in the British Empire, and in all

its colonies there are upper chambers. They do not always bear the same name, but whether they are called legislative council, Senate, or House of Lords, they exist everywhere, though they are not constituted the same way. In certain cases the senators are appointed by the Crown, and sometimes a proportion of them are elected. In certain colonies of the empire that condition prevails. There are some colonies, however, where a certain number of senators or legislative councillors are appointed by the Crown, and others elected by electoral colleges or by the people. What is the best system? That depends on the circumstances, on the social, political and moral conditions of the country. There are certain countries where one system would be best, and other countries where another system would be preferable. In Canada what is the best system which should be adopted? I think we should combine the best elements of those different systems which exist elsewhere. The best system would be that which combines efficiency and permanency and gives representation to the best elements of the population.

If we were at the origin of confederation it would be much easier to put into practice any system, but now we have acquired vested rights and we can not dispose of the hon. senators who have their position here without their consent. But I think that it will be perhaps very practicable and acceptable, if a modification is to be made, to have one-third of the senators appointed by the government, one-third by the provincial government and one-third by the universities, and other public bodies. Such a system would give the government the protection which it requires. They would be protected by having the appointment of one-third, and I am convinced that the provincial government would consent to send their best men to protect their interests, and I think that the choice which would be made by the universities and public bodies would introduce into the Senate one of the finest and most useful elements. This is in accord with the opinion expressed by Bourinot in his book on the federal government of Canada.

Is it necessary to amend the constitution to establish such a system? I do not think it is necessary. I think it can be done by a simple rule, which would be adopted by both Houses and approved by the government, and that under that rule the government should try to put into execution such a programme if they thought it was a good one. Naturally, if that were done in virtue of a rule the names could only be suggested by these public bodies. There are many other matters in connection with it, with respect to which I do not pretend to be able to say exactly what should be done. There are many ways of considering that question, and there are many systems which may be proposed, but it does not matter what system may be adopted provided its affect will be to preserve the Senate, to make it stronger if necessary, if possible to make it more capable of accomplishing the object which the fathers of confederation had in view when they established it. There are people who may say that the members of the Senate are very much interested personally in expressing their opinions, and that they desire to preach in favour of the maintenance of the Senate. Well, if I were to be excluded from the Senate to-morrow, or if I were to die to-morrow, I would say to my countrymen and to my friends, and to those who may have confidence in my word, 'For God sake preserve the Senate! keep the Senate, because before long it will be the safeguard of our most sacred interests. Preserve the Senate, improve it if you like, but keep it in order that it may fulfil its mission of peace, order, harmony and justice.'

Hon. Sir RICHARD CARTWRIGHT—I am sure that we are all of us, and I think the country too, indebted to my hon. friend who has just resumed his seat for bringing this very important subject under the attention of the Senate at the present moment. It is one on which I know that a very considerable number of hon. gentlemen are desirous of expressing their view, and I think there is very great reason why they should take the earliest opportunity for doing so. However, on the present occasion, as I am afraid I will have to inflict my own views at some considerable length on the Senate, and as I know that there is a great deal of business on the paper which had better be disposed of, I shall, with the consent of my colleagues, move

that this debate be adjourned and be made the first order of the day for to-morrow.

The motion was agreed to.

CANADIAN HANDICRAFTS GUILD BILL

FEE REFUNDED.

Hon. Mr. FROST moved :

That the fee of two hundred dollars, paid the clerk of the Senate in connection with (Bill E) An Act to incorporate the Canadian Handicrafts Guild, be refunded, less the cost for printing and translation.

He said : Perhaps hon. gentlemen would desire to know why this refund is asked for. I may say that there is no pecuniary benefit whatever to any of the parties in this guild and the Bill comes within the class of cases where a refund is proper.

The motion was agreed to.

VACANCY ON THE SUPREME COURT BENCH.

INQUIRY.

Hon. Mr. LANDRY—I should like to ask the hon. leader of the government in this House if any decision has been arrived at in the matter of the appointment to the Supreme Court?

Hon. Mr. SCOTT—I have just the same answer to give my hon. friend as I gave him before. The matter rests with the Minister of Justice. I have mentioned to him the views the hon. gentleman expressed to me, and that is all I can do about it.

Hon. Mr. LANDRY—Could we know if anything has been done?

Hon. Mr. SCOTT—Nothing that I am aware of.

Hon. Mr. LANDRY—Has any decision been arrived at respecting the cases in the Province of Quebec, because we were informed the other day by the hon. gentleman that the Minister of Justice intended to meet the principal lawyers in the cases that were before the court and to come to an arrangement with them ? Has that been done?

Hon. Mr. SCOTT—I did not say he had come to an arrangement. I said the Minister of Justice was to have a conference with the members of the Bar for the province of Quebec. Whether he had that conference or not I am not prepared to say.

Hon. Mr. LANDRY—Do the government expect to have any judge appointed very soon?

Hon. Mr. SCOTT—I cannot tell the hon. gentleman.

Hon. Mr. LANDRY—Could the hon. Minister of Justice tell us that?

Hon. Mr. SCOTT—You can put the question to him in the other chamber.

Hon. Mr. LANDRY—Well, I am going to take that means to find out. I think if the hon. Secretary of State would be kind enough he could tell us.

Hon. Mr. SCOTT—I could not. I have been very frank with the hon. gentleman. I do not know why he should be so persistent. I do not think it is quite courteous. I have told him over and over again that it rests with the Minister of Justice. I asked him if it would not be possible to appoint an ad hoc judge, and he said 'No,' and he said he would have a conference with the members of the bar, that is all I know about it.

Hon. Sir MACKENZIE BOWELL—The appointment of a chief justice of any court does not rest strictly with any member of the cabinet. Surely the hon. gentleman could say whether the government is prepared to make the appointment now or not. It is not a question at all as to what the Minister of Justice may say, other than any member of the cabinet—as an individual. It does not rest with him. If the government is not prepared to make the appointment, there would be no possible difficulty in the hon. Secretary of State making that announcement.

Hon. Mr. SCOTT—I am quite aware that the appointment of chief justices rest with the government, and the government are not in a position to make the appointment at present.

Hon. Mr. FERGUSON—I cannot see what advantage is to arise from a consultation with the members of the bar of Quebec. They have no power in the matter.

Hon. Mr. LANDRY—Perhaps the hon. gentleman will be kind enough to impress upon the Minister of Justice, or on the Prime

Minister, the necessity of giving the information. I shall call upon him again to-morrow.

Hon. Mr. LOUGHEED—I might suggest to my hon. friend the leader of the government that in view of the answer which he has given with reference to the Minister of Justice not having taken any action, that his name having been so closely associated with the probable appointment to the office, his diffidence may possibly stand in the way of his personally interviewing the profession in Quebec.

STANDING ORDERS COMMITTEE.

REPORT OF COMMITTEE PRESENTED.

Hon. Mr. YOUNG, from the Standing Orders Committee, presented the 13th report of the committee and moved its adoption.

Hon. Mr. LANDRY—I think we have the same objection to that as to the previous report. Where is the hurry ?

Hon. Mr. YOUNG—Perhaps hon. gentlemen will permit me to say that as regards the petitions contained in this report, the rules of the House have all been complied with. The report was not ready at the time I presented the others, and therefore it was delayed until the present moment, but I am pleased to say that in the case of all the petitions referred to, the rules of the House have been complied with.

Hon. Mr. LANDRY—My hon. friend does not answer my objection at all. Where is the hurry ? Let the report be printed in the usual way in our minutes so that we may take it up to-morrow.

Hon. Mr. YOUNG—There may be no hurry unless there are Bills on the order paper depending for their advance upon the acceptance of this report.

Hon. Mr. LANDRY—There is no notice of a meeting issued yet, and I do not see any hurry.

Hon. Mr. YOUNG—So far as this report is concerned there is, as a matter of fact, a difference of opinion in the House as to whether or not concurrence is necessary. The authorities suggest that it may be the better course to have all reports concurred in, but in the past the committee on Standing Orders, when presenting a report in which there is no recommendation for the suspension of any rule, have not always moved concurrence in that report, but it has been allowed to lie on the table and taken as a matter of course. I have always felt, however, that it was not a uniform practice and that every report of every committee should be submitted to the judgment of the House. I have therefore always moved concurrence in the report.

This of course is purely a formal motion, if we look at the practice here in the past. Inasmuch as all the rules and requirements of the Senate have been complied with in connection with the petitions mentioned in the report, I would therefore ask my hon. friend to allow it to be passed on to-day so that any Bills coming up may be dealt with.

VANCOUVER, WESTMINSTER AND YUKON RAILWAY COMPANY.

THIRD READING.

Hon. Mr. BOSTOCK moved the third reading of Bill (41) An Act respecting the Vancouver, Westminster and Yukon Railway Company.

He said : Since this Bill was before the House there has apparently arisen a considerable amount of opposition to its obtaining a third reading. I desire to assure the House that there is no wish on the part of the promoters of this Bill to corral the passes through British Columbia. It is true that the lines asked for here go through two different passes, but that is not with the least intention of monopolizing the passes. It was only put in because the promoters of the Bill wanted to develop that part of British Columbia and they could not succeed in getting to the part of the country which they wanted to develop without having these branches which they now ask for. On account of the impression which has apparently got about, I thought it well to make this statement, although I consider that the matter of the control of these passes is entirely in the hands of the Railway Act as it at present stands. I see no objection to accepting the resolution which stands in the name of the hon. Secretary of State, and which he, I understand, proposes to move as an amendment to the Bill.

Hon. Mr. LANDRY—This Bill (41) intituled an Act respecting the Vancouver, West-

minster and Yukon Railway Company, has been passed by the Railway Committee, but the motion was carried upon a division. A motion was made in the committee to strike out subsection 'A' of clause 1. That subclause recites that the company may lay out, construct and operate branch lines of railway from its main line as follows :

(a) from a point on the main line between Anderson Lake and Green Lake, running along or near Lilloet Lake, Lilloet River and Harrison Lake, and thence south-easterly to a point on the international boundary line, at or near the town of Huntington, in the province of British Columbia.

This branch, which we are told has a length of about 115 miles, is really a drain, the purport of which is to take out of Vancouver all the commerce and all the products of the industries which may be in existence in that city, over to the south of the boundary line. It runs direct from Vancouver south to the boundary line, and there enters the United States. We were astonished in the Committee on Railways to hear a member of the government declaring——

Hon. Mr. POWER—Surely the hon. gentleman, who is so well up in the rules of the House, is not going to state to this House the details of what took place in the committee ? I raise that question of order.

Hon. Mr. LANDRY—We were astonished to see in the public press a statement made by one of the ministers of the Crown to the affect that the government had no objection to a policy of diverting our Canadian trade to the United States. If the papers published a statement which was correct, that was the view propounded by a minister of the Crown. I heard also one of the ministers here declaring that he would make known the policy of the government by an amendment that would be offered. We have notice of that amendment to-day on the order paper, but that does not settle the question. That branch line, in my humble opinion, completely diverts our Canadian trade and carries all the raw material they may get in Edmonton or other places along another branch to Vancouver and there diverts it to the United States where it will be manufactured to our disadvantage. Under the circumstances, it is our duty to oppose the Bill, and I therefore move in amendment that the Bill be not now read the third time, but that it be amended by striking out therefrom paragraph (a) of clause 1.

Hon. Mr. McMULLEN—I took the opportunity when this question was before the committee to address the committee at considerable length upon the policy of adopting legislation of this kind from a Dominion standpoint. With regard to the amendment now before the House it virtually refuses this company a right to construct a branch before constructing their main line. What is the position of the company to-day ? They got a charter in 1901 empowering them to build some 700 or 800 miles of road. What have they done in that time ? We are told that they have built 17 miles, some say only 13 miles. admitting that they have constructed 17 miles, what are they asking? They do not seek an extension for another five years, but they ask that they may be allowed to cover British Columbia and parts of the new provinces with a charter that will virtually take up the passes and control the territory through which neither of the two Canadian roads now being constructed to the Pacific coast have yet located their lines. Suppose we grant them this power to go through the Yellow Head Pass, that would mean the construction of 400 or 500 miles of road. We know that the Canadian Northern is approaching that pass as fast as possible. We do not know where the Grand Trunk Pacific is going. It may possibly want to use that pass also. My hon. friend in charge of this Bill says there are any number of passes in British Columbia. There may be, but Sir Sanford Fleming, one of the ablest engineers in the country, has declared that the Yellow Head Pass is one of the most favourable through the Rocky Mountains. If we pass this Bill in its present shape we are giving to the Victoria, Vancouver and Yukon Railway Company virtually control of that district, in face of the fact that two of our own lines, Canadian institutions largely aided by Canada, extended and encouraged for the purpose of building up trade between the east and west, and permission to build through that pass first and do as they please. Had they constructed one hundred and fifty or two hundred miles of their main line, and made

desirable progress within the five years they have held their charter, and shown sincerity and anxiety to accomplish what they had undertaken and then asked for an extension of time, I could understand that they would have some claim upon parliament, but they have built only 17 miles in five years. If they had said they had been unable to finance the undertaking, which is an extensive one, and are therefore unable to carry out this extensive undertaking and appealed for one more chance, I am sure this parliament would have regarded their request for another extension of five years as reasonable.

Hon. Mr. BOSTOCK—They asked for an extension of time last year and got it. They are now asking power to build branches.

Hon. Mr. McMULLEN—That makes it worse. Last year when they applied for an extension of time and got it they had constructed only 13 miles. Now, after building four miles more, they ask for additional privileges. They have not completed their main line, and yet they ask that they shall have this territory alloted to them with the right to build their lines and control the district ahead of our own lines. I may look upon it from an extreme point of view, but I must confess that it is giving privileges to a foreign country and at the same time shutting out our own people. Are there to be two roads from Edmonton to Vancouver? I do not think British Columbia or the Dominion is prepared to subsidize two roads. These people are applying for a subsidy now with all the force and assistance that can be given them by the united efforts of British Columbia people who are anxious evidently to get this road, and the probabilities are that the government will feel that they are obliged to consider this road entitled to a subsidy. I have it on good authority that they have made an application to the government of British Columbia to get a land grant in aid of the construction of their line. Is British Columbia going to make a land grant towards the Canadian Northern and the Grand Trunk Pacific to run side by side with this line? If it runs from Edmonton through the Yellow Head pass to Vancouver, that is what we may expect. The Canadian Northern track will run for three or four hundred miles side by side by this road or between the two. We are chartering this company to give them the first chance, giving them power to control that section for five years. We are saying to them virtually : Negotiate with British Columbia and get all the land grant you can; negotiate with the Dominion government and get all from them you can,' and while we are doing that we are shutting out the lines that we should encourage first. Before we grant them the right to build those branches let them exercise the powers they now possess. Let them construct their main line, and after doing that, let the Grand Trunk Pacific and the Canadian Northern proceed with their lines, and whoever comes first to the government with evidence of their intention and ability to construct a road through that section, then give that road the charter and assistance for all they require. But why should we by this legislation shut up the territory to this company which has built only 17 miles of road, and say to them that they shall have the first chance? There is another point to which I wish to draw attention and that is with regard to the running powers. I count very little upon the question of running powers of one road with another.

I do not believe it is possible for two roads to come together and equally enjoy the same privileges over the same line. I know that in some cases it has been tried. For instance, the Canadian Pacific Railway shares equal running powers with the Grand Trunk from Toronto to Hamilton, a short line some 38 miles. If you have a line of three or four hundred miles and provide that two roads shall have equal rights to operate over that road, I contend that it is an impossibility to do it so that neither one nor the other will suffer. They will sustain loss. Supposing an accident happens upon that road and there is a freight train knocked off the track ; it belongs to one company and it may be hours before it is removed. Another train load of stuff perhaps coming forward for shipment has just time to make the port, but they have to stand there for twenty-four hours perhaps until the track is cleared to permit them to proceed. Who is to pay the damages ? How are they going to settle disputes of this kind ? I do

not see very well how they can do it. It has not been done satisfactorily anywhere so far as I know. I do not know of any line on the continent of America that is successfully operated in that way. It may be possible. They may be able to do it, but I do not know of any case where it has been done. Consequently the insertion of the clause suggested by the hon. Secretary of State is, in my opinion, very little use. The great point that we should hold is this; Let the Vancouver, Westminster and Yukon Railway Company, if you will, build a main line. They have powers to do that, and they had a renewal of their charter last year. They have had charge of this project for five or six years, and they have done little or nothing. Let them build their main line, and do not tie up the balance of the territory there to them, by granting them rights to build branches all over that country prior to, and in the face of the advances, made by our own lines. I think it is nothing short of national suicide to do that. The people of British Columbia are no doubt anxious to get extended railway accommodation. We cannot blame them very much. They are right, I dare say, in their own interests to think it would be an advantage to them. It may be—I can see it in the future—that if that road is built it will carry to the United States side of the boundary line, and to the United States main line of the Hill system, every pound of freight they can secure, and will do everything it can in the interests of the United States line. Now it is said, what difference does it make to Canadians if this road is built and it carries wheat from Edmonton, even supposing they do carry it to the United States side, if the farmers are paid more for it than they can obtain on the Canadian side? That looks well at first, but what is the fact to-day? Canada, I contend, controls the best wheat that is grown on the face of the earth. Manitoba No. 1 hard is the best wheat produced on this continent, and I question if there is any thing to beat it in any part of the world.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. McMULLEN—The United States millers get that wheat and they mix it with the inferior wheat of Dakota and other states, and they produce an article of flour that they export to the Orient and place it there in competition with Canadian flour. It is also placed on the market of India and China and other countries as the product of Manitoba No. 1, hard. The result is that it will not give the satisfaction that flour milled entirely from Manitoba hard will give. Manitoba and those places grinding flour on the north side of the line, will, no doubt, put in their best wheat, and no doubt they will produce an article that in point of quality is better than the United States flour, and why? Possibly, to begin with, the Canadian farmer may get a few cents better from his United States customer, but after a while when the consumers begin to realize that U. S. flour is not up to the standard that was represented, the price of our wheat will fall. The result is that our millers will not get any higher price than they would have got, perhaps not as much, as they would if they had kept the trade to themselves. Now, our great object should be to see the erection of mills in Vancouver and at the terminus of the Grand Trunk Pacific and the terminus of the Canadian Northern. We should like to see our wheat ground in our own country and exported to the countries of the east through our own shipping, through our own ports, as Canadian products in place of going to the United States ports and being exported as United States products, ground in United States mills, employing United States labour and United States freight. We know what our neighbours are. They are a very decent lot, take them individually; but collectively they are the most selfish nation on the face of the earth. They have proved themselves to be that, and I would venture to say that if you would reverse the condition of things that exists now, and place the American in the position in which we are, and you went to Washington and you asked them to grant us in their territory what we are asked to grant to a United States project, I venture to predict the Washington people would reject the proposition, simply because it would not contribute to the development and trade of the United States, and when it would not do that, they would not give you the privilege you would ask for. This whole question deserves careful consideration. I must confess that I should have

been glad if the government had announced a policy upon it. My own opinion is that they ought to have a fixed policy. The future development of this Dominion is virtually in their hands. The government can make it or they can, to a large extent, ruin it, and I think they should have a fixed policy on the question. It appears that they have stated that they are willing to leave matters to the Senate and to the people who are interested, and that then they will guard the public interest in the manner suggested by the Secretary of State. I do not think that protection is sufficient. I speak as a Canadian—I believe in the principle of Canada for the Canadians right up to the hilt. I do not want to deprive any man of a fair chance in life or of the results of his efforts, but I do wish to keep for Canadians and those who take upon themselves Canadian citizenship, the inheritance which we have now, and I do not want to see other countries come in and take it away from us. I admit that we must have customers. We cannot consume all the wheat and flour we produce, but I want to see that when it goes out of our country, it goes out as a Canadian product, from Canadian ports, in Canadian bottoms, and is sold in the country where it is exported to as a Canadian product. I think we should carry out that principle as far as we can possibly do. Why are we building the Grand Trunk Pacific ? Why are we encouraging the Canadian Northern ? Why have we built the Canadian Pacific Railway ? I admit that if there is one institution in Canada to-day which is a credit to Canada it is the Canadian Pacific Railway. It is a well managed line, and wherever its name is known it is a credit to this country. Now, we ought to uphold and encourage these roads and retain for them the advantages which they have a right to expect, and which they will enjoy if we do not incorporate these foreign competing companies. I think it is right we should do everything in our power in the interest of our own lines first. If our British Columbia people are very anxious about this railway, let them complete the line according to the charter which has already been granted. If they do that, and build a road to the Yukon, which we would not object to, then let them come here and we will be prepared to grant them a charter for the building of these branches. We can well remember that on a certain occasion a charter was proposed for the construction of a road to the Yukon. It was passed through the House of Commons, but did not get through this House, and I think that the reason why those who opposed it here did oppose it was that it was an American institution, and that we should control that country ourselves in the matter of the construction of railways. Whether it was wisdom or not, it certainly had a good deal of loyalty about it as a policy. Therefore, before we go on and grant this company all these advantages that they ask for we should hesitate and seriously consider the whole question, and if after due and careful consideration we come to the conclusion that it is in the best interest of Canada that we should tie up all this district under charter to the Hill system—because that is what it is, neither more nor less—if we think that is the best thing to do, then let us grant charters for these branches ; but when we do so we virtually say to the Canadian Northern, 'You need not apply to parliament either for bonus or assistance or charter. You proposed to build to Vancouver, but the territory is already covered by the Hill system.' Now I say, let us cut out these branch clauses ; let the company go on and show their good faith by completing their main line, or the half of it and then we will be in a position to deal with them about these branches. But with a paltry construction of seventeen miles, in a territory which will require at least eight hundred miles of road, and in view of the fact that the company have held that charter for so many years, I think they ought not to come now to parliament and expect to have this Bill passed. What do you think would be our reply to the Canadian Northern—and I am not advocating their cause any more than that of any other road—were they to apply to parliament under similar circumstances ? The Canadian Northern deserve credit for the progress they have made. They have unquestionably made good progress. There are no two men in Canada who have shown greater enterprise and who deserve better at the hands of Canada than Messrs. MacKenzie

& Mann ? What do we say when we grant the charter for these branches ? Suppose the Canadian Northern applies for a charter for the construction of a line to Vancouver and the coast, they lay out their line, and, as I said a moment ago, it must be alongside the Hill line for three or four hundred miles. When they go to the markets of England for the purpose of finding money—that is where all promoters go with schemes of that kind—capitalists who have money to invest will unquestionably ask all kinds of questions with regard to the territory they are passing through, as to whether there is keen competition, and what the conditions are. When they are told that the Hill system will practically duplicate the proposed railway for four hundred miles that will settle the question for intending investors. It is the very last thing that investors in railway debentures want—a close side by side competition. It augurs very badly for earning a revenue ; it is a very bad condition to contend with, and the result will be that MacKenzie & Mann will have that difficulty to face the very moment that this charter is granted. These people will become known as the chartered owners of such a line, and when that becomes public MacKenzie & Mann will have to meet that condition of things and show how they are going to get over the difficulty. Another thing is that there is no section of this Dominion which is more desirable for railway construction than the portion through the Rocky Mountains in British Columbia. If you take the trade and the railway traffic over the American section of the Rocky Mountains, you will find that it has contributed more to swell the earnings of every road which passes through them than any other business they have save one, and that is the coal business. I believe that the Rocky Mountain section in Canada will be just as productive in valuable minerals when it comes to be developed. In the United States they take out over $60,000,000 a year in silver and gold alone out of their section of the Rocky Mountains. When we arrive at a development of that kind, see what a position it is going to place the Hill lines in ? They will naturally want to carry away our ore, build smelters on the American side, and have the ore smelted there instead of on the Canadian side. We would like to see it smelted in Canada, the gold and silver refined in Canada, and coined in the building which we are putting up in Ottawa for that purpose, instead of letting it go over to the American side to be refined and coined there. What is the use of building a mint if we are going to allow all the money of our country to be carried away to a foreign country for the purpose of being smelted and coined ? I hope that the Senate will take a reasonable, careful, and prudent view of this whole question, and that they will say to the Hill people : Gentlemen, we propose to deal with you fairly, but we are not going to allow you to blanket that whole country with branches for your line until you build your main line first. Go on and build that, show your sincerity, your honesty and when you do that come back to us. In the meantime the Grand Trunk Pacific and the Canadian Northern will strike the foot of the Rocky Mountains and come to us and apply for privileges to get through there and we will then be in a position to deal with all the competing lines on equitable terms. I would object even to closing up this whole section of territory for the Grand Trunk Pacific by giving them an absolute monopoly of any particular pass. Let the railways that have charters go on and build their main lines as far as they can without asking charters for branches, and when they have done that they can come to us and we will consider their claims and deal with them on their merits.

Hon. Mr. GIBSON—The hon. gentleman who has just taken his seat has not contented himself with trying to enlighten the members of this House, but he has also undertaken the task of enlightening the people of the city of Toronto through its board of trade. This item appears in the Toronto 'Globe' of May 11th :

When Senator McMullen's letter on the advent of Jim. Hill's railway into British Columbia, Manitoba and other western provinces was read, Controller Jones thought that instead of condemning Mr. Hill's scheme, as Senator McMullen suggested, they should present the railway magnate with boquets as the only man who had ever offered to build railways in the Dominion without a bonus. The Senator's letter was simply laid on the table.

I think it is an insult to this body to have any hon. gentleman taking outside advice from the board of control of the city of Toronto or the board of trade of any city when a matter of this kind is up for discussion. It is simply inviting increased lobbying in the Senate and the House of Commons. I am not going to take the trouble to follow the hon. gentleman in his meanderings about his loyalty to Canada and about the good results that have flowed from the management of the Canadian Pacific Railway, but I would call the attention of hon. gentlemen to a few speeches which the hon. gentleman made some years ago with regard to the management of the Canadian Pacific Railway.

Hon. Mr. McMULLEN—The hon. gentleman should consider that stale by this time surely.

Hon. Mr. GIBSON—It could not be stale, because the hon. gentleman was so emphatic, so imbued with free trade ideas in all respects that he was the last man of the Liberal party who would ever have been expected to become such an ardent protectionist as he is now ; and he was just as well posted then as he is now. The objection my hon. friend has to this sad state of affairs is that the Canadian Pacific Railway and the Canadian Northern or the Grand Trunk Pacific will be hampered by another railway going through the Yellow Head Pass. He quoted an authority which the hon. gentleman in this House will dispute, whose knowledge of Canada cannot be gainsaid, a man who devoted his time and ability when he was a much younger man than he is now, to the interests of Canada. I refer to Sir Sandford Fleming. Under the Mackenzie government this very Yellow Head Pass was the pass of all others that the Mackenzie government had selected for the building of the Canadian Pacific Railway. For reasons best known to themselves, the government which succeeded Mackenzie changed the route entirely ; but let me assure hon. gentlemen present that the fears of my hon. friend are not well grounded, because in a personal interview which I had with Sir Sandford Fleming himself within the last few days, in the presence of another member of this House, Sir Sandford Fleming stated that there was room for fifteen railways through this Yellow Head Pass. Now surely there cannot be any danger in the direction in which my hon. friend wants to frighten the members of his House as to any obstruction. Besides if there were, hon. gentlemen are aware that the government have taken every precaution. The senator who has charge of the Bill has accepted the amendment proposed by the hon. Secretary of State, and I am bound to do so too, but I do it with the reservation that all similar railways should be treated in the same way. Now the objection is raised to this road that it is going to be built without any cost to the Dominion of Canada, wihout a subsidy. Surely this is a thing that the people of Canada cannot object to. Evidently the board of control of the city of Toronto takes a different view from my hon. friend from Wellington. They say that the man who will be kind enough to Canada to come in here and build railways without any cost to the country, instead of being condemned, should be presented with a boquet. Only the other day this very Mr. Hill whom my hon. friend from Wellington fears so much, was entertained in the city of Winnipeg, by 625 citizens. And by whom was this gentleman introduced ? By Mr. J. A. M. Aikins, the solicitor of the Canadian Pacific Railway in Winnipeg. Surely if the people in Winnipeg are in favour of this Hill scheme, it is not for the hon. member from Wellington or any other member of this Senate to object to a thing of this kind. What does Mr. Hill say ? He declares he will have his railway built from Winnipeg to the Pacific coast by the year 1907, before the Grand Trunk Pacific will be completed, and yet we are told to mark time because the Canadian Northern has not reached the Yellow Head Pass. This is not the day for Canada to mark time. I have no fault to find with Messrs. Mackenzie & Mann, and I have nothing to say against the enterprise with which they are connected, but surely the hon. gentleman is aware, as every other hon. gentleman is, that these men have been well assisted in every part of the Dominion, they have been subsidized from the Atlantic coast to the Pacific by the provincial legislatures. We are practically told, if we take the views of the hon. gentleman from Well-

ington, that no man need apply in Canada for the right to build a railway for nothing, as he will not be allowed to do so. Then my hon. friend draws that doleful picture of taking the trade into the United States. I move the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Thursday, May 17, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

GRAND TRUNK PACIFIC RAILWAY BILL.

THIRD READING.

Hon. Sir GEORGE DRUMMOND, from the Committee on Railways. Telegraphs and Harbours, reported Bill (84) An Act respecting the Grand Trunk Pacific Railway Company.

He said: I move that rule 17 be suspended in so far as the same relates to this Bill. In support of this motion, I desire to say that the Bill presented by the Grand Trunk Pacific Railway Company was elaborately discussed and altered and considered by the House of Commons committee, and likewise by the House of Commons, and it received a very close and critical examination in the Committee on Banking and Commerce in the Senate. As the Grand Trunk Pacific financial arrangements depend somewhat upon this Bill, and they are anxious to have it carried out, I trust the House will accede to my motion.

The motion was agreed to.

The Bill was then read a third time and passed.

BILLS INTRODUCED.

Bill (T) An Act to incorporate the Colonial Bank of Canada.—(Hon. Mr. Young.)

Bill (U) An Act respecting the sale and marking of manufactures of gold and silver.—(Hon. Mr. Scott.).

Bill (V) An Act respecting the Northwest Commercial Travellers' Association of Canada.—(Hon. Mr. Young.)

Hon. Mr. GIBSON.

COMMANDER SPAIN'S CERTIFICATE.

INQUIRY.

Hon. Mr. LANDRY inquired:

Did Captain Spain obtain from the British Board of Trade a certificate of service as master of a foreign-going ship?

What is the date, and what is the number of such certificate?

What is the name of the chairman of the board which granted him his certificate of Canadian service?

What is the date, and what is the number of such certificate?

Hon. Mr. SCOTT—The answer given me by the department is as follows:

1. This certificate has not been applied for; this officer is entitled to it on application by section 99, chap. 60, 57-58 Vic., British Merchant Shipping Act.
2. Answered by No. 1.
3. Captain W. H. Smith.
4. February, 1893, No. 1443.

FRENCH TRANSLATION OF MILITIA REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY inquired:

Whether it is the intention of the government to order the immediate publication in French in the 'Canada Gazette' of the revised rules and regulations concerning the pay and allowances to the Canadian militia, which rules and regulations have been lately published in English in the 'Canada Gazette,' on the 5th day of May last?

Hon. Mr. SCOTT—The answer sent me by the Department of Militia is, No.

Hon. Mr. LANDRY—Why not?

Hon. Mr. SCOTT—I was not informed.

Hon. Mr. LANDRY—The 'Canada Gazette' is printed in two languages. It is printed in French as well as in English, and I do not see why what is printed in English should not also be printed in French, especially when it relates to the Canadian militia. It is very easy to say: 'no,' but I would like to know why? That has been published as a portion of the laws of the country. When laws are passed here they are printed, and when they are published in the 'Canada Gazette' they must appear in both languages. I am asking that these rules and regulations be published in French. I suppose we shall be denied the right to have it in French. The hon. gentleman should give us the reason why.

Hon. Mr. SCOTT—I do not administer all the departments. I find my own quite large enough. I have given the answer sent by the Militia Department.

Hon. Mr. LANDRY—I did not ask the Department of Militia. I asked the government. My question is,—whether it is the intention of the government. The 'Canada Gazette' is under the supervision of the hon. minister, not under the supervision of the Department of Militia and Defence. Is it the Department of Militia that is going to decide what is to be published in the 'Canada Gazette'? The hon. minister cannot take that stand, and he knows it well.

Hon. Mr. SCOTT—The hon. minister says that he can take no other stand. Does the hon. gentleman suppose that I am responsible for what appears in the 'Canada Gazette?' I do not read it once in six months. If any department sends down a notice with special instructions, it is the duty of the King's Printer to follow those instructions. I quite agree with the hon. gentleman. I think that the publication he suggests should have been attended to; but it is quite outside of my line to make inquiries of that kind. The Printing Bureau must, of course, follow the orders given them by the various departments in connection with the notices which are sent down. It would have been the duty of the department to send down a copy in French and English, because they do not do the translation at the Bureau. Sometimes they do it when the departments ask for it specially, but they are not equipped to do it as a general rule.

Hon. Mr. LANDRY—I am very glad the hon. minister says that he will see about it, because these regulations are a compilation of the regulations already in existence, and which have been already translated into French, together with all the amendments which have been made. These have been added to the compilation. Under the name of 'The Kings' Regulations,' a part of it has been put into a small edition—the part relating to pay and allowances of the militia. That has just been published in the 'Canada Gazette,' and the French translation is there and it should have been printed. I hope that the hon. minister will be kind enough to see about it.

Hon. Mr. LOUGHEED—It seems to me that so long as the French language is an official language, the minister charged with the particular department in question should be able to give an answer to so reasonable a request. So long as these regulations are printed in English and are to be used in the province of Quebec, the hon. member from Stadacona should have the fullest explanation why this exception should be made, particularly as he has the right under the constitution to demand that these regulations be printed in French.

Hon. Mr. SCOTT—I see the memo. is signed by one who is a French Canadian himself. I will make inquiry, because I take the same view as my hon. friend does. In a matter of this kind, which is a mere matter of translation, there should be no grounds for raising any question.

Hon. Mr. LANDRY—I have my doubts if the gentleman who signs that memo. is a French Canadian.

Hon. Mr. SCOTT—It came from Quebec with a French name at all events.

THE DEPUTY GOVERNOR.

AN EXPLANATION.

The SPEAKER—I have received the following letter from Mr. Justice Sedgewick which I deem it my duty to communicate to the House:

Ottawa, 17th May, 1906.

My dear Mr. Speaker,—I have read in the record of the proceedings in the Senate, on Monday, the 14th instant, that in connection with the discussion which there took place in relation to my attendance on Friday last, as the Deputy of His Excellency the Governor General for the purpose of giving the Royal Asent to certain Bills, you are reported as stating that you had been informed that I had expressed to the Usher of the Black Rod a strong opinion that Mr. Justice Taschereau was right in his contention that he should sit in the Governor's chair. And I now desire to assure you, my dear Mr. Speaker, that I expressed no such opinion. Moreover, so far as I personally am concerned, when acting as Deputy of His Excellency for the purpose of giving the Royal Asent to Bills, I am, and always have been, quite content to follow whatever custom or usage prevails in your honourable Chamber in regard to the chair which I should occupy while performing this office.

Believe me,
My dear Mr. Speaker,
Yours faithfully,
ROBT. SEDGEWICK.

P.S.—His Excellency the Governor General has been graciously pleased to express his approval of this letter.—R.S.

Mr. Justice Sedgewick has apparently read the unrevised edition of the debates, which does not accurately report my words. The statement made to me by the Gentleman Usher of the Black Rod, I stated to be one year old, and I took special care not to affirm that Mr. Justice Sedgewick had formally asked that His Excellency the Governor General's chair be given him.

THE VACANCY IN THE SUPREME COURT.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, will the hon. minister inform the House what is the policy of the government on that question of the nomination of a new judge to fill the vacancy in the Supreme Court bench ?

Hon. Mr. SCOTT—I have no policy to announce.

Hon. Mr. LANDRY—If the hon. gentleman tells me that I can only get an answer after the session, I may as well drop my question ; but if he is ready to give me an answer before the progrogation of parliament I should like to have it.

Hon. Mr. SCOTT—It seems to be a source of amusement to my hon. friend to ask the question, and I would not like to interfere with his pleasure.

Hon. Mr. LANDRY—I suppose it amuses the hon. gentleman also ?

THE BANQUET AT QUEBEC.

Hon. Mr. CHOQUETTE—Before the Orders of the Day are called, I have a communication to make on behalf of our friends in Quebec. I suppose that every member of this honourable House has received an invitation from the board of trade of the city of Quebec to attend a banquet on Saturday night to celebrate the big event of Quebec being made the terminus of the Canadian Pacific Railway line of Empress steamers. We in Quebec are most anxious to have as many senators present as can go, and I am requested to ask all who can positively say they will attend, to give their names to the Gentleman Usher of the Black Rod before ten o'clock to-morrow in order that he may be able to wire to Quebec the number of members who will attend the banquet. I repeat in the name of our friends in Quebec that we are anxious that every member of both Houses shall attend and that we should know exactly how many to count upon.

ORDER OF BUSINESS.

Hon. Mr. LOUGHEED — Before the Orders of the Day are proceeded with, may I suggest to the hon. leader of the House the desirability of disposing of the non-contested orders before we enter upon the first order of the day. I hesitate to ask my right hon. friend to waive his right, but as there are thirty-six orders, and as we propose adjourning to-morrow, I think we could dispose of most of the items very shortly, and I would suggest that we adopt this course on the distinct understanding that if any controversy arises on any particular order, that it shall be allowed to stand until the first order is disposed of.

Hon. Sir RICHARD CARTWRIGHT—With that understanding, I am quite satisfied to proceed with the orders.

THIRD READINGS.

Bill (29) An Act respecting the Vancouver and Lulu Island Railway Company.—(Hon. Mr. Riley.)

Bill (33) An Act respecting the British Columbia Southern Railway Company.—(Hon. Mr. Bostock.)

Bill (92) An Act respecting the Essex Terminal Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (77) An Act respecting the Calgary and Edmonton Railway Company.—(Hon. Mr. Lougheed.)

Bill (102) An Act respecting the Schomberg and Aurora Railway Company, as amended.—(Hon. Mr. Kerr, Toronto.)

Bill (128) An Act respecting the Puebla Light and Power Company, Limited, and to change its name to 'Puebla Tramway, Light and Power Company.'—(Hon. Mr. Frost.)

Bill (113) An Act respecting the Great Northern Railway of Canada.—(Hon. Mr. Legris.)

Bill (J) An Act respecting the St. Mary's River Bridge Company.—(Hon. Mr. Kerr, Toronto.)

Bill (96) An Act respecting the Mexican Consolidated Electric Company, Limited, and to change its name to the 'Mexico Tramways Company.'—(Hon. Mr. Young).

Bill (95) An Act respecting the Mexican Light and Power Company, Limited.—(Hon. Mr. Young.)

Bill (94) An Act respecting the Rio de Janeiro Tramway, Light and Power Company.—(Hon. Mr. Young.)

Bill (107) An Act respecting the Erie Ontario Power Company.—(Hon. Mr. Gibson.)

SECOND READINGS.

Bill (37) An Act respecting the Montreal Park and Island Railway Company.—(Hon. Mr. Béique.)

Bill (51) An Act respecting a patent of Henry Luther Houk.—(Hon. Mr. Kerr, Cobourg.)

Bill (87) An Act to incorporate the Vancouver, Fraser Valley and Southern Railway Company.—(Hon. Mr. Bostock.)

Bill (98) An Act respecting the Central Ontario Railway.—(Hon. Mr. McHugh.)

Bill (111) An Act respecting the Lake of the Woods Milling Company, Limited, and the Keewatin Flour Mills Company, Limited.—(Hon. Mr. Young.)

Bill (126) An Act respecting the Thorold and Lake Erie Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (136) An Act respecting a patent of the Cyclone Woven Wire Fence Company, Limited.—(Hon. Mr. Watson.)

CONSTITUTION OF THE SENATE.

DEBATE RESUMED.

The Order of the Day being called:

Resuming the adjourned Debate on the motion of the Hon. Mr. David:—That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.—(The Rt. Hon. Sir Richard Cartwright.)

Hon. Sir RICHARD CARTWRIGHT—As I had occasion to observe when moving the motion for adjournment, I believe that this House and the country are under a considerable obligation to my hon. friend who introduced this motion, and that for more reasons than one. There can be no doubt I think that hon. gentlemen on both sides of the House are tolerably well aware that there has recently arisen a certain agitation directed against this body, and I consider, therefore, that it is highly desirable that we should take an early opportunity, while public opinion on the subject is as yet in a fluid state, and before the matter has crystallized itself in any way,—still more before it has become in any sort or shape a foot-ball of the various parties—that we should take the opportunity to put ourselves on record, and, so far as we can, to explain to the public at large the reason of our existence.

So far as I have been able to ascertain, up to the present moment, the charges against the Senate are rather of a vague character. They may be summed up in the statement that the Senate is a costly and an unnecessary body, and that the country could very well afford to dispense with it altogether. I may say that it is possible if we come to an examination of the whole system of our constitutional machinery, that whatever foundation there may be for these charges against the Senate, it might turn out that there are other portions of the constitutional machine which are perhaps quite as much in need of oiling and repairing as this venerable body. I ought, perhaps, to apologize for taking on myself to discuss at length, as I propose to do, the constitution of the Senate, inasmuch as I am among the younger members of this chamber. But hon. gentlemen, although it is true that I have been but recently appointed a senator, it is none the less true that I have had a long and pretty extensive acquaintance with the Senate. If my Irish friends will pardon the bull, I might almost say that I knew the Senate before it was born, inasmuch as I, in a subordinate capacity, did contribute, to some extent, to the creation of the present Senate. More than that, whatever may be said as to the utility of the Senate, I am prepared to testify that whether it has great power for good or not, it has, under certain conditions, a very great capacity for mischief, and as a member of two Liberal administrations who have had the opportunity of being confronted with a hostile Senate, I can say that whatever else the Senate can do, it can make

itself extremely inconvenient, under certain conditions, to a Liberal government possessing the confidence of the people in the other chamber. Now, hon. gentlemen, this is, I admit, in some sort an academical discussion; it is none the less important on that account. I desire, in the first place, to make it very clear to my hon. friends on both sides that, on this occasion more particularly, in what I am about to say I speak for myself alone. I do not, in the slightest degree, desire to have it understood that I am speaking for any of my colleagues; that I am speaking in any shape or way for anybody but myself. More than that, I reserve the fullest right to change, alter, vary or modify, if occasion and sufficient cause be shown to me, the sentiments and opinions that I am about to express.

I do not think I shall materially alter them, but at the same time it is well that this discussion should be conducted in the frankest and fullest fashion, with a thorough understanding that we are mainly desirous to contribute such suggestions as occur to us as desirable for the improvement of the Senate or generally speaking, for the improvement of constitutional government in this country. Moreover, one thing is certain, whatever may be the ultimate fate of the Senate there is no great hurry about the matter. It is evident that before the constitution of this body is materially changed, many parties will have to be consulted, and it will take a considerable time to arrive at their opinions. It would be well for those who desire to proceed hastily in this matter to remember that Canada is in possession of a written constitution under the British North America Act, and whatever may be said for good or for evil as to the question of written constitutions, one thing is certain, and the experience of the United States will amply bear out what I say, that when you have a written constitution you may depend upon it that any constitutional change will take a great deal of time to accomplish. Now, it is not my intention to dwell at any length on the question whether it is or is not necessary in Canada to have a second Chamber, and for these two reasons: first of all that this is a federal compact of ours, and that there is very grave doubt indeed whether the smaller provinces would be disposed to abandon any advantages that they possess under the present constitution of the Senate.

Hon. Mr. MILLER—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—On the other hand, there is no doubt whatever that it would be our plain duty to obtain their consent to any alteration that was made, and I, for my part, have no doubt that the imperial authorities before whom this matter must come in the last resort, would require that the consent of the various provinces should be clearly and fully certified to them before they would proceed to act. The other, and perhaps more important reason, is this: while there has always been a doubt in the minds of political thinkers as to whether one Chamber or two is the better mode of carrying on the government in a country like ours, I think of late, as, if I am not mistaken, my hon. friend intimated, the preponderance of sound opinion is settling more and more every day and more particularly in view of certain issues, certain questions that are likely to arise within the next 25 or 30 years—to the conviction that, especially under a federal constitution, it would be dangerous to trust legislation exclusively to a single Chamber. I myself believe there is a great deal to be said for that view of the case. I am of opinion that a single Chamber, under our form of representative government, more especially, is far more likely to be rushed, far more likely to pass hasty and ill-considered legislation than two Chambers would, more particularly because we are constantly confronted with the fact that now-a-days it is a very easy thing for a number of people to get together who have some particular fixed idea and to organize themselves in a fashion which will enable them to exercise an influence vastly out of proportion to their real strength over a representative body. Let us suppose, for instance, that the advocates of some particular fad or idea have succeeded in securing in 40 or 50 constituencies let us say a solid vote of 200 or 300 in each. I need not tell any man of experience in politics how little disposed hon. gentlemen in the lower Chamber would be to run the risk of losing 200 or 300 votes on almost any given question you can select, provided they were able by

a little timely concession to avert the danger.

I may add—and I think those hon. gentlemen who have had seats in the lower Chamber will be disposed to endorse my remarks—that not only are these dangers considerably increased at all periods when parties are closely balanced and on the eve of a general election, but that there have been occasions, let me say it with all respect, when the vote of the House of Commons has not absolutely reflected the true sentiment of the House of Commons in just such cases as I have alluded to. For myself, I have sometimes thought that for the guidance of the Senate it would have been a very good thing if we were able to insist that in certain cases the House of Commons should vote twice, once by ballot, to give a chance of knowing what they really thought, and once openly for record for their constituents. I am afraid that there is an amount of truth in the suggestion thrown out by my hon. friend who preceded me, that such things have been known. They have been known, I am not going to say how often I have known them ; but such things have been known as the House of Commons passing a Bill in the devout and fervent hope that the Senate would kill it. Nevertheless I admit that this is but a negative value at the best. It is not unimportant. It is not by any manner of means a trifling thing to say when I say that the value of a Senate is not only in what the Senate does, but in what the Senate prevents other people from doing. There are such things as potential checks. Under certain circumstances these potential checks may come to have very great value, and there is no doubt whatever that the Senate, properly constituted, is the body to apply them. Then there is another and somewhat more delicate matter. Our Senate, as constituted, allows for the recognition in the body politic of certain classes who from various causes have not been able to obtain proper recognition on the floor of the House of Commons. In my own province of Ontario, I am bound to say that in the whole course of my long political experience I have felt it as more or less a reproach to the province and to my fellow countrymen there, that the Catholic element in Ontario never did receive full recognition or representation on the floor of the House of Commns. In Ontario to-day there are about 400,000 Roman Catholics, good subjects of His Majesty ; nevertheless, although they comprise from one-fifth to one-sixth part of the whole population, there are to-day on the floor of parliament—and they are better represented in this parliament than I have ever known them to be before to the best of my recollection—there are but seven men representing these 400,000, and two of these are gentlemen of French extraction who represent almost purely French constituencies. Now that is not quite fair. It is only too true that there are a great many constituencies in the province of Ontario as to which party managers on both sides will tell you there is no use in running Roman Catholic candidates. That is not the fault of the leaders on either side. For very good and excellent reasons, the leaders on both sides would be exceedingly glad to see an adequate representation of this important element. Let us compare the case of the province of Quebec. In Quebec they are just one-eighth Protestants to seven-eighths Catholics. These one-eighth Protestants return, I find, twelve members out of the sixty-five. In other words, in Quebec one-eighth of the population are able to return nearly one-fifth of the representation ; in Ontario from one-fifth to one-sixth return one-twelfth to one-thirteenth of the representation. Here the Senate comes in, as providing a useful method of adjusting the inequality that prevails. Every hon. gentleman knows that there is an unwritten law, respected by both sides that the Catholic party in the province of Ontario shall be adequately represented, and they are adequately represented among the twenty-four senators whom we are entitled to have on the floor of parliament. Now, as I take it, the question is a two-fold one. First of all we have to put to ourselves the question, does the Senate need to be reformed ; and if you answer that in the affirmative, then comes the question, what is the best method of doing it ?

As regards the Liberal party, I say that the Liberal party ought to have no doubt at all that the Senate requires to be reformed, and least of all should those members of the

Liberal party who happened to hold office in the period from 1873 to 1878, and from 1896 down to 1901. The Liberal party have been in possession of office since confederation for fifteen years. Of those fifteen years, ten were passed with a hostile partisan majority in the Senate, and, in my judgment, although I admit that is a matter of dispute, very considerable injury to the public interest resulted therefrom. What did we find ? And I want the earnest attention, not merely of this House, but of parties outside—what did we find the situation in 1896, when we came into office with a decisive majority on the floor of the House of Commons ? Of the twenty-four representatives from Ontario in the Senate, there was one gentleman, my hon. friend beside me, to represent the Liberal party, which, during all that time, had had at least half the votes in the province of Ontario. During the same period there was but one man left in Quebec, if I remember correctly, to represent the twenty-four—one Liberal out of twenty-four in 1896. He represented the Liberal party here from the province of Quebec, and my hon. friend from Halifax will correct me if I am wrong in saying that he and he alone stood for the Liberal party in the province of Nova Scotia.

Hon. Mr. LANDRY—I think the hon. gentleman is mistaken regarding Quebec. There were others.

Hon. Sir RICHARD CARTWRIGHT—Who were they ?

Hon. Mr. LANDRY—My hon. friend beside me (Hon. Mr. Thibaudeau).

Hon. Sir RICHARD CARTWRIGHT—I should be glad if my hon. friend would name anybody else.

Hon. Mr. THIBAUDEAU (Rigaud)—There were two, the Hon. Mr. Pelletier and myself.

Hon. Sir RICHARD CARTWRIGHT—Two out of twenty-four ; two in Quebec and one in Ontario. I accept the correction, and much good may it do, and I call the attention of the hon. gentlemen on the opposite side to this phase of the question ; there is the strongest probability, if the Liberal government is sustained at the next general election, as it is almost certain the Liberal government will be, that the position will be exactly reversed, and the Conservative party in Ontario will find themselves, perhaps, representing half the population in Ontario, with one or, it may be, two members out of the twenty-four, and the same thing will be very apt to occur in Quebec.

Hon. Mr. PERLEY—Then a lot of them will have to die.

Hon. Sir RICHARD CARTWRIGHT—We know what happened in the eighteen years during which the gentlemen on the opposite side were in power. I am applying the same rule of proportion. I do not want to get rid of my hon. friend—not a bit of it. My position is very different. My position is that it is highly desirable that both the great parties should have a fair representation on the floor of the Senate. But what I want to point out is that a thoroughly false position had arisen in 1896 as affecting the Liberal party ; that a thoroughly false position will arise in all probability in the course of half a dozen years as affecting the position of the Conservative party in turn in this Chamber. In any case this is clear, that under those conditions it is quite possible that an irresponsible body on the floor of the Senate, and it does not matter, for the purpose of my argument, whether they be Liberals or Conservative, may, for a long number of years, have power to thwart the will of the people, no matter how distinctly expressed, and also that under certain conditions such a state of things may be very hurtful to the public interest. Hon. gentlemen, that has happened. That may recur, and, in my judgment, it is not the part of statesmen ; it is not the part of prudent or rational men to allow that condition to recur if we can help it. As I have already said, I am a young senator, and the House will, perhaps, pardon me for venturing to hint at what would be, in my opinion, the sort of ideal Senate we should aim at. You may say this is a council of perfection. But, at the same time, I think it is as well for us to have an ideal to which we could direct ourselves, and aim to bring about. The Senate, as I would like to see it constituted, would be a Senate that should represent both parties fairly and in due proportion. With that point I will deal hereafter. It should also have within its ranks a large percentage of men of long experience in public affairs. It

should be brought into touch with the people, and, if it could be managed, as in England and some other countries, I think it would be greatly benefited by having a substantial legal element incorporated with it, or attached to it. There are two very notable Senates which have existed at various times and in various quarters of the world, both of which have exercised enormous influence over the affairs of their respective countries—for that matter, over the affairs of the world. One of these, I need hardly say, is the Senate of old Rome, and the other the Senate of the United States of North America. Under the first, in the course of five centuries, a mere Italian municipality grew and flourished until it became the mistress of the whole known civilized world, until the Mediterranean was simply a Roman lake, and until it could almost be said that ouside of the Roman empire there was no civilization at all. That Senate, as everybody who has paid any attention to the subject knows, was composed in its best days for the most part of men of consular rank, great administrators and great generals, men who had led armies and men who had governed provinces, and it is also the case that a great number of eminent jurists adorned at one time the Roman Senate. That was one type of Senate and, for the purpose it was intended to serve, a good and useful type of Senate, too. Now, in the United States, as all gentlemen who have paid attention to their affairs know, the Senate has become an extremely powerful body. The Senate of the United States is to-day, I believe, by far the most powerful body in the United States, far more powerful than the House of Representatives, far more powerful than the President, though he is a powerful personage too, indeed I may say the United States senators are often little short of kings in their own states. That Senate, despite its immense power, has certain formidable defects on which I do not feel called upon to enlarge at the present moment, and it is not a Senate which is suitable to us. It is not a Senate which would match with our constitution, nor is there any prospect or any likelihood of such a Senate being ever introduced into this country.

Here I might pause to say that my idea of an ideal Senate is not a Senate that should thwart the will of the people, but a Senate that should be at pains to ascertain the true, calm, deliberate and reasoned judgment of the people. You cannot have two driving wheels in the machinery, but you may have with great advantage a driving wheel and a regulator therefor, and it is this last article I would aim at providing through the agency of the Senate. Here I would venture a few thoughts for consideration. First of all, the absolute fundamental necessity that if you would make the Senate what it ought to be, there should be in it a fair proportionate representation of both the great parties or of all parties, and that it should be brought, as I have said, in touch with the people. Later I shall deal with the subject more extensively. In the next place it needs to have among it a large percentage of experienced men of affairs, and notably of men of experience in public affairs in this Dominion. Thirdly, it is absolutely necessary, if the Senate is to do justice to itself or to justify its own existence, that the Senate should have certain special work assigned to it, a much larger proportion of work than at present and up to the present has ever been done. In the next place, the Senate ought to have more positive power than it at present possesses. Theoretically, I grant you, the power of this body is very great; theoretically it is a co-ordinate branch of the legislature. Theoretically we have power to refuse supplies; theoretically we have power to refuse to pass any Bills sent to us. Theoretically we can do a great many things. On the other hand our political power is decidedly too little and I propose at the proper place and time to consider how we can enlarge that considerably. Incidentally, as the question of the age limit has been brought up, I shall give my poor thoughts on that subject. First of all, I am of opinion that the age limit, if amended at all, ought to be amended at both ends. I consider thirty years too young for anybody to be placed in the red Chamber, although the constitution permits of that being done. Although I fully endorse for myself the views of my hon. friend that the rights of the existing senators must be respected now

as they were respected in 1856 and though I think it would be outrageous to attempt to deprive men of the position they enjoy under a patent from the Crown, and although I would not at all attempt to interfere with the life membership of the existing members of the Senate, I think, when these gentlemen have passed away, you might very well do one of two things, either introduce an age limit, or obtain the same result by appointing men for a certain term. It ought to be a long term, how long perhaps is a difficult matter to decide. I would suggest, for consideration only, such a term as about twelve years. As to the question of appointing men of experience to the position which is a point to which I confess I attach a very considerable amount of importance, that, I think, had best be done in some such fashion as this, whether they be elected or nominated or partly elected and partly nominated. That is a detail we can discuss later. I think that at least one-third of the members of the Senate ought to be selected first of all from cabinet ministers of several years standing on either side ; next from lieutenant governors and premiers of provinces, or from judges of higher courts, or if all these sources of supply fail, you might have recourse to the members of the House of Commons of a reasonably long term of years service, twelve or fifteen years, as the case might be. Again, I suggest that they should be reinforced with a special legal element who could supply them with the expert knowledge which is almost necessary that such a body should have at hand in passing upon the various measures submitted to them. But above all things, we desire to have a Senate which will command the respect and confidence of the people. To ensure this the Senate must not be idle. The Senate should have special work to do. Now that is a knotty and complicated question. The constitution does not allow us to deal with money Bills, nor is it likely we shall ever obtain that power. The best mode is a mode which has been suggested before, and which has also occurred to me, and that is this : just as the Senate has absolute control and jurisdiction over all questions of divorce which must originate in this Chamber, so I would make it imperative, if not by law at all events by practice, and we could easily devise means of carrying this into effect—that the great bulk at any rate, if not the whole body of private legislation should be compelled to originate in the Senate. I believe it would be better done, and that the House of Commons would be glad to be relieved of a great deal of the work now thrown on them. That of itself would effectually solve the problem of providing ample employment for the gentlemen who may be now or hereafter selected to fill the Senate. As to a question which has been raised, and, as to which, perhaps, I should hardly, being myself partly responsible, say too much—of our being compelled to consider legislation too hastily, as to having a great number of Bills thrown on us at very short notice without a chance of properly and honestly deliberating upon them, I have a suggestion or two to make. I would propose an innovation or two. I am not aware that the innovation has been proposed heretofore, but I think on calm consideration not a few of the elder members at any rate will agree with me that it is an innovation which might well be considered. The Senate has ample power to reject any measure sent to it. Now, for various reasons, that is a power which is rarely exercised, and is still more likely rarely to be exercised in the case of Bills which have occupied the attention of the House of Commons for a very long time.

It has been considered and naturally and reasonably, that after the House of Commons have debated a Bill for many weeks, or perhaps many months, and sent it up to us, even at a late period of the session it would be discourteous and unreasonable for us summarily to reject it because we did not have time to consider it. Moreover, people might say to us, it is your own fault, you could have kept the Bill and considered it at your leisure. We know that practically that would hardly ever be done at the extreme end of a session and the suggestion I make is this ; I would be disposed to allow the Senate to exercise, in addition to the power of rejection which it always must have, a suspensory power—that is to say : if Bills of importance are brought to us at such a period that they cannot be fairly considered, special provision might

be made under which the Senate could suspend until the next session the consideration of these Bills, with this proviso, that these Bills having once passed the House of Commons should not be returned to them, but should be taken up just as if they had again in the next session passed the House. That would enable us to exercise a considerable practical influence over legislation, and would not impose upon us the necessity of rendering useless the labours bestowed upon these measures by the Commons, which most of us would feel very loath to do. Per contra, and this is a matter which requires some care I know, if we took these powers to ourselves, I would be disposed to recommend that the House of Commons should likewise take a little additional power to itself; and that after the House of Commons, on three successive occasions, saw fit to pass any particular measure, the Senate would then and must then as a matter of course, permit that Bill to become law. In other words, I would limit the powers of the Senate to a power of suspension for a period of not exceeding two years. These suggestions I make for consideration, and for consideration only. As I have said, my view of the position of the Senate is that it is here not to thwart the will of the people, but to ascertain the will of the people. Now the House of Commons, for various reasons which I have hinted at, does not always express the will of the people, and there is another reason which has not been dwelt upon much, but it is not without importance. When the House of Commons is fresh from the people, most undoubtedly the House of Commons does represent the people. When the House of Commons has sat two, three or four years, from natural physical causes, it has ceased, to a great extent, to represent the people. In that interval a large proportion of the voters have died and a very much larger proportion of new votes have come forward and therefore there is nothing unreasonable in suggesting that a body such as the Senate would be, if constituted as I have ventured to suggest, should have the power of delaying legislation until it should be ascertained whether it really represented the deliberate will of the people of Canada.

I approach now the chiefest and hardest task, and that is the task of determining how we could bring the Senate into touch with the people of Canada; how we could best act so as to remove the partisan complexion which the Senate had, has, and will have, under the present system of nomination—how we can obtain a proper proportionate representation for each party. Now I may add that if the Senate is to have real power entrusted to it, we may depend upon this, that in some form or shape, either directly or indirectly, that power will have to be derived from the people. I myself remember perfectly well when we tried in 1856 the method of direct contact with the people on the part of the legislative council of the two Canadas. I saw that put into operation, and it did not impress me very favourably. For one thing, it brings about rather more elections than we want, and my impression is that we have too many elections as it is. But independently of that, I found, and I think those who remember the condition of affairs that time will corroborate my statement, that these elections of senators directly representing four or five constituencies together, tended to result in the creation of a mere plutocracy, by no means as likely to represent properly the popular element as some people might desire. Now, I do not think that is an imaginary danger, but, in any case, I think there is a far better way open to us in that regard; and here I will ask the indulgence of the House if I digress, although in some respects only apparently digress, from the consideration of the best way of electing the Senate, to a little consideration of the representative system under which we at present live and move. And again I say, I speak for myself alone.

I have long been convinced that our present system of representation is radically faulty, that in some important respects it is not merely vicious in theory, but vicious in practice. I want it to be distinctly and clearly understood that I am the last man to dispute the right of the majority to rule, nor do I desire in the slightest degree to dispute the right of the majority to have a majority of representatives; but I do dispute the right of the majority to arrogate to itself an unfair proportion of

the representatives of the people. I will illustrate my position. Let me suppose that one side of politics controls 100,000 voters, and the other side control 90,000, and that there are 190 representatives to be elected. It is perfectly just and right, it appears to me, that 100,000 voters should return 100 representatives and that those who control 90,000 should return 90 representatives ; but it is not fair that those who control 100,000 voters, should return 150 representatives, and that those who control 90,000 should return but 40. Yet that is what I have seen ; that is what our system tends to ; that is what has occurred again and again and will occur again and again under the system under which we are at present working. I know the common argument perfectly well, that it is as fair for one side as the other, that each has its chance in turn. This is true, and it is all the worse. Each side in turn obtains more power than it ought to have ; each side is tempted to abuse it ; possibly each side does abuse it ; and I may add that this system offers, as no other system does, a steady and perpetual premium to gerrymander and corruption. I propose to make good my words. I have here an interesting statement to which I direct the especial attention of hon. gentlemen on both sides, showing the operation of a certain gerrymander which took place nearly a quarter of a century ago in the province of Ontario. In 1882 the total vote in Ontario stood as follows : Liberals, 131,618, Conservatives 132,615. The two parties were as nearly as possible absolutely and accurately balanced. The total difference between them was just one-third of one per cent. How did they come out on the floor of parliament under the operation of the remarkable Act to which I have referred ? The 131,618 Liberals returned 37 representatives ; the 132,615 Conservatives returned 55 representatives. In other words, while it required 3,556 Liberal votes to elect a representative to parliament, 2,411 Conservative votes could do the same trick.

Hon. Mr. LANDRY—How is it now in Nova Scotia ?

Hon. Sir RICHARD CARTWRIGHT—My hon. friend from Halifax I dare say will enlighten the House on that question. In any case I do not think Nova Scotia had any gerrymander Act. For the present I am concerned with Ontario, and with Ontario alone. In 1887 there were 170,371 Liberal votes and 174,080 Conservative votes. The total difference was barely one per cent; one side having 49½ per cent of the votes and the other 50½ per cent. Under these circumstances, the Liberals had 40 representatives, and the Conservatives 52. In 1891, and I call the special attention of the House to this remarkable fact, the Liberal party polled 179,451 votes, the Conservative party polled 175,639 votes ; that is to say, the position was exactly reversed. In 1887 the Conservatives had a majority of 4,000 ; in 1891 the Liberals had a majority of 4,000. In 1887 the Conservatives, by virtue of a majority of 4,000, had 12 additional representatives on the floor of parliament ; in 1891 the Liberals with a clear majority of 4,000 had 44 representatives, as against 48 Conservatives. The nearest they could come was minus 4—a difference of 16. In 1896 there is a difficulty because, for reasons very well known to some hon. gentlemen, the Conservative party were considerably mixed up about that time. In 1896 the vote stood : 185,415 Liberals, 179,181 Conservatives; nearly 2 per cent. However, there were 48 Liberals to 44 Conservatives, but when we come to 1900, the gerrymander still remaining undisturbed, there were 193,417 Liberals to 199,138 Conservatives, and the Liberals had 37 against the Conservatives 55. Now I invite the careful and earnest attention of every man in this Chamber and elsewhere, who cares to see parliamentary government established on a firm basis, to that statement, and for two reasons : first, these figures I have given, if they are correct—and to the best of my knowledge they are perfectly correct—show conclusively two things : they show the enormous and far-reaching effects which a gerrymander Act may have, and likewise they show a more important thing, the extraordinary tenacity and the extraordinary loyalty with which the great bulk of the voters, throughout the province of Ontario at any rate, adhere to their respective parties. I desire the House to consider what that meant. Here for two and twenty years, during five gen-

eral elections, the great province of Ontario, the leading province of this Dominion, was never represented honestly on the floor of parliament—not once during that whole 22 years. I will tell the House what I have seen in connection with this same gerrymander. Under pretense of adding four constituencies, I have seen 54 constituencies cut, mangled and bedevilled to produce the results which I have alluded to. Out of 35 ridings in which there was a small Conservative majority over all collectively, the representation was so proportioned that the result was 30 Conservatives to 5 Liberals. I have seen two groups of 24 constituencies each in different portions of the province of Ontario, so adjusted that although in one of them the Liberals had a majority all over the 24 of about 2,000, the result was that they got 6 representatives against 18 Conservatives; while at the other extremity, the Conservatives having a majority of precisely the same number the Liberals obtained either 4 or 5, I am not quite certain which, and the Conservatives 18 or 19. In these eight and forty ridings the vote between the two parties, had it been collected together, was almost equal. The parliamentary representation stood 10 or 11 to 36 or 37. I would guarantee, were I to take a map of Canada, and deal with that map without regard to county boundaries, I could at one and the same time produce a set of constituencies which would have a numerical population more in accord with the unit of population than we have at present, and yet I could cause 40 per cent of the electors to return 60 per cent of the representatives. As I have said, the consequences of this Act were far-reaching. For a very long time, a very long time indeed, it was absolutely impossible for us to obtain anything like a fair representation. During the interval from 1882 to 1896 there were numerous cases known to me in which, had the Liberal party possessed on the floor of parliament their fair share of the representation, the Conservative government would have been swept out of existence time and time again. Perhaps some day I may find time to write an essay on the story of the great gerrymander. If I could only persuade my hon. friend from Belleville to act as collaborator, and append a foot note or write a little tract for the use of Conservative kindergartens and Sunday schools entitled 'How we hived the Grits and what we thought about it,' we would, between us, produce an intensely interesting publication, and one which would be appreciated by every practical, political and philosophic student of history who might desire in the future to know how we managed things in the latter quarter of the nineteenth century in the good province of Canada. Allow me to say that that gerrymander, in some respects, has always commanded my profound admiration as a real work of art in its own line. I do not believe, short of an Act of parliament by which it was decreed that from that time forth three Conservative votes should ever after be equal to five Liberals, you could have done much better for that party than was done by that gerrymander. If they had only been allowed to put through the Dominion Franchise Act as it was originally introduced, that result would have been achieved by slightly modified means. If the facts which I have stated cannot be contravened, I think there is no doubt whatever as to the truth of the deduction which I draw, that our representative system offers a tremendous premium to gerrymander, recurring, mark you, every ten years.

I say that, if these facts are correct, there can be no sort of doubt that it is a very defective system in a very important point. I should be very sorry indeed to see a Liberal government have recourse to that means of keeping themselves in power, but even the Liberals are human beings. Even Liberals are frail, and I could conceive a contingency in which a hard-pressed Liberal premier with a very small majority and with very difficult questions to grapple with, might be pressed by his own followers into treating hon. gentlemen opposite to a dose of their own medicine. In so far as they are concerned, they would have very little cause to complain, whatever the public at large might have to say against such a piece of manipulation on the part of the Liberal party. I stated also that in addition to offering a premium to gerrymander, this system offers a very decided premium to corrupt practices. I repeat, that under our present system, as I have said, I believe, and I am glad to testify, that I think the

great bulk of the electorate of Canada are perfectly honest and faithful to their political convictions. But, as at present administered, you have a system under which whenever the two parties are tolerably closely matched in any constituency, the practical decision of how the representation will go is largely in the hands of a floating, and very loose class lying between the two. I do not think that interferes very much with the final results of the elections as a whole, because the temptation to fight fire with fire is very great, and nine times out of ten the loose vote is divided between the two. But I do say that where one party cannot or will not resort to the same means as the other, there is very little doubt, I am sorry to say, how the election will go. That is the danger which is inherent in the present system. It has always struck me as a very curious circumstance, that when anybody proposes to remedy this defect, he is met with the cry that it is a very desirable thing no doubt, but that it is not possible to remedy it, that we have to go on as we have gone on in this same fashion, and that we cannot carry out a representative system properly on any other lines. It is a very curious fact that both in this House and in the House of Commons, for very many years, this problem of giving fair proportionate representation to both parties has been solved in the easiest way and without the slightest difficulty. Never in the forty years and more that I have sat in parliament have I known a minority in the lower House—and I presume the same condition exists here—to be denied its perfectly fair representation in all the committees struck by that House. We give them their perfect proportionate representation. If the minority have two-fifths in the House they get two-fifths in the committee. If they have a third in the House they get a third in the committee. Proportionate representation is carried out to perfection, and I have always felt, and I do not hesitate to say that the true solution for a great many of these difficulties which undoubtedly beset us, lies in applying to the electorate in one mode or the other a system analogus to that which we put in force with such success in our own Senate and our own House of Commons.

That may be done in various ways. The way I believe that would be most easily carried out, most feasible and most likely to produce good results, would be by a method of grouping constituencies on the system of one man one vote. You might group them by twos, threes, fives, or adopt a modification of these systems. This result would happen, that under no possible conditions could the minority be deprived of a reasonable proportion of representation. Sometimes they might obtain a little more than they were fairly entitled to, sometimes a little less, but in the long run the result for which I contend would be secured, and the two parties would ultimately be represented in almost exact proportion to their real strength. Now I take it that the real truth of the matter is just this: I do not mean to say that the public at large, though they do not now understand the subject, perhaps, as fully as they will ultimately come to—are in any way averse to having proportionate representation. I use the word proportionate because the common phrase of representation of minorities conveys a wholly false meaning, and an entirely false interpretation is put upon it. I do not desire to give the minority any more representation than they ought to possess, but I do desire to see that the minorities, whether Conservative or Liberal, should be represented here and elsewhere in proportion to their real, genuine strength. I am sorry to say that your average practical politican is a very difficult animal to deal with, and here again I may remark that I do not speak of Conservatives or Liberals in this respect one more than the other. As a rule, he is about the most inveterate and obstinate opponent I in my time have ever come across of any innovation or any alteration in the machinery to which he is used. It seems to be a prime article of his creed that he prefers the devil he knows to the devil he does not know, or, to put it in other language, he prefers to bear the ills he knows to thise he wots not of. There is a reasonable side to this; there is no doubt if you introduce a new and hitherto untried factor in our political life you may produce results which none of us, perhaps expect or desire; but if it be based on principles which conform with the principles of justice and fair-play, I for

one, am perfectly prepared to take the risks and I advise my countrymen to do the same. I have no doubt that these worthy gentlemen to whom I have referred do thoroughly appreciate the vast importance of having a good organization, and possibly of having a good supply of campaign funds, and I do not want to be misunderstood in this matter. A good organization is a right good thing, and a great party can no more be kept together without a good organization than an army can work without a headquarters staff and, I will add, you cannot possibly put five or six hundred thousand men in battle array on either side without a considerable expenditure of money which somebody must pay. It would be mere prudery or paltroonery for me to ignore these facts. What I hope and wish is not that you should pretend to dispense—which you cannot do—with the use of money and organization, but that the money should be honestly got and honestly applied and not put to illigetimate uses. The point is not to ignore what we all know to be the fact, but to endeavour to regulate it and above all—and there is where my argument chiefly comes in—to remove as far as we can by some means or other, by grouping constituencies in the fashion I have indicated, or by what other means hon. gentlemen can suggest, to remove the temptation either to gerrymander or to use money for corrupt purposes. One thing I know, and one thing I will say to the credit of the community, and that is, that valuable as organization is, and valuable as money is to political parties there are other things and other ways of influencing which tell far more after all is said and done than either money or organization, and that if you could only contrive to appeal to the people and to thoroughly satisfy them of the integrity of your intentions, they have shown again and again they are able to sweep aside all the obstacles which may be interposed between the declaration of their will and the proper carrying of it into effect through the medium of their representatives.

Now, these are not things to be spoken lightly; they are things I would not say lightly. If I say this I say it after having had some forty-three years experience in public life, ten as a private member, fifteen as a member of the government and eighteen as one of the leaders of the opposition, and, I may add, I have this claim to speak with some special knowledge, that in my time I have put in fifteen separate elections for my own single individual share. These things have made me realize the situation. I must say that I do not believe the system has improved. I do not think the system will improve. As I have said it is radically faulty and needs to be reformed from the bottom up. I do not deny there have been certain superficial ameliorations, some of them by no means unimportant, but they do not go to the root of the matter and cannot go to the root of the matter until you provide some means, as I have said, whereby both parties shall be fairly represented on the floor of parliament and in due proportion to numbers. Now time is pressing, Canada is very fast growing into a nation. Canada will soon have to deal with a great many very complicated questions. I know that many advanced political thinkers agree substantially in the view which I have presented to you, and this brings me back to the point more particularly in hand.

I say that the reform of the Senate, properly carried out, offers a great opportunity to introduce the system of proportionate representation which, I trust and hope, if once adopted, will spread downward and upwards until it be generally introduced not merely in our Dominion parliament but in our local legislatures and generally throughout this community. I expect no miracles. I know as well as anybody that no political system that ever was devised is going to work automatically. The best code of laws that ever the ingenuity of man devised or that ever could be devised will not work unless you have capable and honest judges to administer it, nor will the best political system that ever could be invented result in bringing prosperity to a community unless there is a reasonable modicum of patriotism and intelligence among the people. But, while that is true, it is equally true that there is absolutely no limit to the harm a bad system can produce. Such a system perpetuates itself, exaggerates itself, makes good men despair of the republic and enables bad men to turn political affairs to their own profit. If you will analyse with care the vote cast at any general election

you will almost always find the victors under our system have too much power, though sometimes it favours one party, sometimes another.

But I contend that the system in itself is wrong. I do not advise any very immediate change. I know well enough that in all English speaking communities you must move step by step, and one of the very best features in the British constitution, and I think, in ours which is partly derived from it, is that it is a system of gradual growth and not one of sudden, violent change. My idea is that we should begin at the election of the Senate. Later on, if things prove successful with us, we might grapple with the Commons. I feel no doubt that the principle once understood would make good way.

I know some hon. gentlemen would say that these things would produce a dead lock, and that the King's government must be carried on. I know too that this is an innovation which would involve many consequences, but I contend that, innovation or not, it is founded on principles of truth and equity, and it will commend itself to all who give it a fair consideration. I say that I believe these results will flow from it. I believe that you would have purer elections; that you would have a higher tone in parliament; that a better class of men, with no disparity to the occupants of the benches in this Chamber or elsewhere, would find entrance to parliament; that governments would be held in due check, and that the evils of the party system would be, to a great extent, done away with; and, in one word, that we would have a far fairer and a better system of representation than we could at present hope to possess. I remember when I was first entering public life that the cry which ran like a tocsin over Ontario was for representation by population, a fair and good cry and one which we ultimately carried to success; but representation in due proportion is just as good a cry and likely to bring even greater benefit to the people of Canada than representation by population is able to do. Now, for immediate purposes, I say that I do not wish or desire to disturb the existing tenure of any hon. gentleman, but we might provide for future elections just as we did in 1856.

All gentlemen who then held patents for a life tenure of the legislative councillorships retained them, but to them were added a certain number of elective councillors, elected in due rotation at intervals of two years each.

For the reasons I have given I dislike decidedly the idea of electing senators by direct election. I believe that it would be an infinitely better plan for us to adopt were we to insist or were parliament to decide that on and after a certain date all future senators, at least the great bulk of the future senators, be elected by each province, or, if you will, by groups of provinces—I mean in regard to the minor provinces and by three at a time in order that whenever an election of senators took place both parties should be represented in some proportion to their strength on the floor of parliament. Thus you would insure a fair representation of both parties. I think it would be well perhaps, inasmuch as we are likely to increase our numbers very shortly, that the number of elective senators might be reduced to forty-eight; that is to say twelve for each group. Twelve for Ontario, twelve for Quebec, twelve for the maritime provinces collectively and twelve for the Northwest provinces collectively; and to provide against deadlock, and for other reasons, I think that the government might well be given power to appoint a third additional number (which would make seventy-two in all when the present incumbents had departed) chosen from the ranks of those whom I have described as best fitted to supply such a class of senators to the Dominion. The term I suggest would be twelve years. Could this be done you would have then, when that was carried out, a Senate containing a very considerable proportion of men of long experience in public affairs; you would have a Senate assigned a definite work; you would have a Senate armed with an effective power which they could use; a Senate reinforced with due legal advisers, a Senate which would accurately represent both parties; a Senate which would derive authority from that fact. I say that such a body could do very good service to the state. We have had forty years of trial of the existing method. It

seems to me that the defects of the Senate to which I am alluding are defects which no thoughtful man can ignore. Let me repeat, that it never was the intention of the founders of confederation, it never was expected or believed that such a state of things should come about as that in the province of Ontario, with one-half the population Liberal, there should be one Liberal representative found on the floor out of twenty-four, or that a little later in the same province there should be one or it may be two Conservative representatives found out of a delegation of twenty-four, when in each case the Liberal and Conservative parties were almost identically equal throughout the whole term of the Senates existed in their respective provinces. I have suggested one scheme. I invite my hon. friends to suggest another or others. We are certain to have ample time to discuss it, but there is one thing that I do believe, and that is that it will not be found possible for the existing method to continue very long, and that we will do well to set our House in order, and as fast as we possibly can. I know there is a very general disposition on the part of the general public to-day that public men are all alike and that one side is just as bad as the other and neither any better than they should be, thereby meaning that they are both a great deal worse than they ought to be. Nevertheless, I think politicians are very much what the public chose to make them, and that their shortcomings are very largely due to a bad system. But there is no doubt that to those who look behind the scenes and below the surface, there was a good deal of truth in what Prince Albert was nearly torn to pieces for saying some 50 or 60 years ago, that parliamentary government was on its trial. What Prince Albert really meant was—and it is an opinion with which a good many other thinkers agree—that party government at the time was on its trial, and was not coming out too well from the ordeal. But men are very apt to misunderstand any general dictum of that kind. We all know Dr. Johnson's famous dictum that politics was the last resort of scoundrels. He did say that, but he did not say all politicians were scoundrels and he knew better. It is true of politics as of religion, that it is one of the noblest vocations and one of the meanest trades. There is no one who deserves or ought to have more respect or esteem from their fellow countrymen than the man, on whatever side of politics he may be, who gives freely of his time and means to promote the interests of the country and of his party, if he believes his party is working for the interests of his country. And, on the other hand, I know quite well that there are few men, who, whatever their ability and talents may be, who are greater enemies of the state than the men who go into politics for what they can make out of it. I have known many on both sides, I have seen in my time a very considerable amount of business in politics and I have seen a great deal of true nobility in politics. I have seen much greed and self-seeking, and I am bound to say that I have seen a very great deal on both sides of loyalty to leaders and devotion to party and country, and I do not despair in the slightest degree because here and there there are found men who do not do honour to their party and who do not do honour to their country. I do not despair of seeing men enough of the right stamp to bring about a very much better state of affairs. I know right well that in the political field, as in every field, you will have wheat and tares growing side by side until the millenium comes. But you need not have a system specially suited to promote the growth of the tares. For the rest I appeal to my brother Liberals to consider whether the scheme which I venture to propose is or is not in accordance with the best traditions of the Liberal party. To my Conservative friends I say that the time has come when they had better cease thanking God that there is a Senate in which they had a majority often to one in their favour, and begin to consider what their position will be when there is a Senate with a majority of ten to one against them; and I say to thoughtful men of all classes that I believe a project which would bring about a system that would give fair representation, to begin with the Senate as the easiest, fair representation to both parties is a project which would work to the honour and credit of the people of Canada. I believe that here again in the course of time an op-

portunity has come when the people of Canada may possibly succeed in solving a problem that has presented great difficulties to thinkers in all countries. I think it can be solved, if not in this way, still in some similar way. I invite the attention of my hon. friends here and elsewhere and my friends throughout the country to the best method of solving this matter and, if it be solved, then I say that Canada once more will be able to say, as Kipling put it not very long ago:

> Once more
> I am the first in battle
> Quoth our Lady of the Snows.

Hon. Mr. FERGUSON—I listened with a great deal of pleasure to the speech of my hon. friend from Mille Isles, and I am happy to say that I agree with nearly every observation he made in his very interesting address. It was a very fitting introduction to a debate which should be regarded in this House as one of very great importance. I have also listened with a great deal of attention to the speech of my hon. friend the Minister of Trade and Commerce and, while I agree with some of the things he has said, and while many of the other remarks which he addressed to the House are very interesting, I cannot help making this observation: that no small part of his speech was somewhat stale and very irrelevant. My hon. friend from Mille Isles has given the Senate an opportunity to stretch forth its hand and speak for itself, and for that we all thank him. We cannot forget that this House has been accused for very long years of a great many political sins, and my hon. friend the Minister of Trade and Commerce has been one of its very fiercest and strongest accusers. I think it was rather ungracious in my hon. friend to interpose many irrelevant things, calculated to draw attention from the Senate's defence. He reminds me somewhat of a story I once heard of an execution in the United States. A man had been accused of a great crime and had been found guilty and condemned to die. The day of execution arrived and he was brought on the scaffold, and it was in the days when crowds gathered to witness the executions. There was a large attendance and he was allowed an opportunity before the drop fell of saying a word on his own behalf. He was a little diffident about speaking, but there happened to be a local orator on the spot who had municipal corporations on the brain and he got up and said: 'Ladies and gentlemen as our doomed fellow citizen does not avail himself of this opportunity of saying a few words to you, I will take occasion to give you my opinion on municipal corporations,' and so commenced to make a speech on the municipal corporation question.

Hon. Mr. WATSON—Pretty stale.

Hon. Mr. FERGUSON—Yes, very stale and very irrelevant. My hon. friend, when the Senate was called upon to answer for itself, made a long address on the gerrymander Act of 1882. I rather felt a little surprise that my hon. friend had not gone a little further and that he had not spoken of the legalized robbers, robbers great and small, in connection with the trade question. I am surprised he did not go further and give us his views on commercial union in the manner he used to express these views in the nineties. After having entered upon this discussion of the Gerrymander Bill he would have just been as much in place if he had followed up and given his views on commercial union and the national policy. My hon. friend from Mille Isles has given this Senate an opportunity to defend itself against the many charges and accusations that have been made against it, and I think it behooves hon. gentlemen here to put forward the reasons which in their judgment would justify the people of the country in retaining the Senate. I am happy to say that I am in accord with my hon. friend the Minister of Trade and Commerce upon the question of the absolute necessity of an upper chamber. I think it will be found very rarely that such a position will be called in question by any reasonable thinker at the present time. My hon. friend from St. John (Senator Ellis) was understood in the press as having expressed doubts upon the necessity of retaining the Senate, during the interesting remarks which he made upon the subject in the debate on the address from the Throne at the beginning of the present session. I think he was not understood correctly. At all events I will allow him to speak for himself. The leader of the government, speaking in another place, has stated that the very general and almost unanimous opinion he thinks in the province of Ontario is in favour of the abolition of

the Senate and the establishment of the system of a single branch of parliament for the government of Canada. Although I do not pretend to know the opinion of the people of Ontario very generally, I question very much whether that is the opinion of the people of that province. However, I will say that I am very sure that it is not the opinion of the people in other parts of Canada, and I will refer to the opinion of Sir Wilfrid Laurier himself on that subject, and I intend in the remarks that I propose to address to the House to support the views I propose to offer by authorities. I am not going to be content with giving my own opinion, but I propose to give the opinion of others who, it is admitted are entitled to a great deal of consideration.

Speaking in another place Sir Wilfrid Laurier says:

> But one consideration which, to my mind, is absolutely conclusive and paramount, is that under our system of government, a second chamber is an absolutely needed safeguard for the smaller provinces against a possible invasion of their rights by the larger provinces.

That is the opinion of the Premier of Canada. Take now the case of the other provinces and you find that in Nova Scotia they have retained the legislative council and the leader of the opposition, coming as he does, from the province of Nova Scotia, though not now representing it, speaking in the House of Commons, made this remark, that the legislative council of Nova Scotia has been for many years the more important and the better legislative body of the two bodies in the parliament of Nova Scotia. I come to the province of Quebec, and I think members representing the province of Quebec in this House are not only favourable to the retention of this Chamber, but that they are also favourable to the retention of the second chamber in the provincial affairs of the province. At all events they have retained it and there has never been an agitation, so far as I know, in the province to abolish it. In the great province of Ontario a different system was pursued at the time of confederation, and I am not here to say that any very serious disaster has occurred in Ontario in consequence of their depending upon one Chamber. In my experience, when helping to administer the affairs of the little province of Prince Edward Island we had very often to look at the statute-books of both Ontario and Quebec, and I am now speaking of the opinion of those opposed to myself in politics in Prince Edward Island as well as those associated with me, that by unanimous consent among us we found the statutes of Quebec were a better guide for us than the statute-book of Ontario. That is a good many years ago. But we found that the laws were better and more carefully enacted in Quebec than in the province of Ontario. I do not know that that is the verdict of others who had the same duties to perform that I had to perform away back before 1891, but I know that was our experience, and we attributed it to the fact that in Ontario they had not that supervision over the legislation that a second body gave, and the consequence was that the Acts were less carefully enacted than in Quebec. We find that in nearly all countries having representative institutions, second chambers are retained. That is the case in the United States. I have looked over the constitutions of all the countries of Europe and I find, with one single exception, Norway, that all the more important countries of the old world retain their second chambers. None of them are altogether elective directly by the people, perhaps with one exception. Some of them retain to some extent the elective principle. They have the nominative principle and other means of making selections, but they are all agreed, with the exception of Norway, on the principle of retaining a second chamber. That is what we gather from the experience of other countries. In nearly all the states of the American union they have second chambers, and as I have already remarked, in two of the most important provinces of Canada, Quebec and Nova Scotia, even for provincial affairs they have retained second chambers, although no person will pretend to say that second chambers are so important in the provinces as they are in a federal house. We come then to the uses of this second chamber, and why is it necessary that we should preserve it. The hon. gentleman who has just addressed the House has referred to the representation of sectional interest. Well that was what was in view to a very large extent when the constitu-

tion of our country was framed in 1867. Earl Kimberly in introducing the British North America Act to the House of Lords said that the second chamber, constituted as it was under that Bill, was the fundamental principle of the British North America Act.

Hon. Mr. MILLER—There could have been no confederation without it.

Hon. Mr. FERGUSON—My hon. friend says further there could not have been any confederation without it, and Earl Kimberly recognized that fact when he declared that it was the fundamental principle of the British North America Act. I may again quote from another remark made quite recently by the hon. Sir Wilfrid Laurier, in which he says :

> This principle having been adopted admittedly for the protection of the smaller provinces, every one will admit at once that if we were to remove that safeguard, there would be a natural discontent in the smaller provinces, so that I contend that we cannot seriously entertain, even for a moment, the idea of ever abolishing the Senate. The arguments which we see from time to time in the press have altogether ignored that view of the constitution, which is a true one, and a paramount argument in favour of the maintenance of a second chamber

We turn to the case of the United States, and there we find that the fathers of the American union also adopted a second chamber, and also adopted the principle of the representation of the sectional interests of the country by going very much further in that direction than we did in the Dominion of Canada, in giving every state of the United Sates union the same vote in the constitution of the Senate. In the Australian provinces they have followed the same principle ; they have there given each state, large or small, six representatives ; and also in the federal union of Switzerland they have given the same representation to the large and small cantons, and in all these federal unions to which we have reference, the same principle has been recognized, of giving the small and outlying states an adequate representation in order to protect them to some extent against the large majorities which would be sure to be against them as possessed by the larger provinces in the popular House. As giving an illustration of the effective manner in which this has been used in the past, I will point to an incident that occurred in this House two years ago with regard to Prince Edward Island. A Bill had been passed in the other branch dealing with the question of communication between the island and the mainland, a Bill that had been brought before parliament by persons seeking charters for railways and also some rights in connection with communication between the island and the mainland. They were looked upon in that province as mere charter mongers that were interposing a difficulty in the way of the solution of the question of communication between the island and the mainland. When the Bill came before this House the four representatives from the island joined hands in asking this House to throw it out, and our action was effective, for having made a protest on behalf of our province we received the support of a large majority of this House, who agreed with us that we had a right to speak for the province in such a matter as that, particularly in the Senate, a body which was constituted for the purpose of protecting provincial interests. That Bill was thrown out, although it was unusual to reject a private Bill at the second reading. It is a striking illustration of the power of a province in the Senate, when its representatives act together, as they are likely to do when a question of that kind arises in which the rights of the province are seriously affected. The Senate of Canada is valuable, and valuable only on account of its legislative functions. Beyond this it may be said to have no functions at all, because in the matter of divorce the function is after all legislative. It ends in our passing a Bill and does not differ very materially, only in the matter of form, from the course pursued in regard to any other private Bill. It is only with regard to legislative functions of the Senate that we are called on to answer to the charges against us, although it is open for us to give reasons why under the Birtish constitutional system, we think this body should not be charged with any other than legislative functions. I will now turn to an opinion from Todd, in his book on parliamentary government in the colonies, in which he lays down the doctrine:

> It is only as a legislative body that the upper house in any colony can claim identity

with the House of Lords. No kindred institution created by statute can be the counterpart of that august and venerable chamber, either in respect to its unique position in the English political system, or in the dignity and eminent personal qualities for which its individual members are usually conspicious. The adoption by a colonial upper chamber of the peculiar forms of parliamentary procedure which regulate the practice of the House of Lords, is indeed a suitable method of making a difference between themselves and the popular branch. But in no other way should a colonial senate or legislative council invite a comparison between themselves and the time-honoured hereditary House of Peers.

The Australian Senate is elected. The entire electorate of each province elects their quota of senators by a popular vote. How that system is going to work out in practice we cannot say, but, from our point of view, and at our distance, we would be inclined to think that it is a very clumsy method and not likely to prove satisfactory. We now come to the Canadian Senate and its point of usefulness as a legislative body, and, as I have before remarked, the functions of the Senate are only in the matter of originating and amending Bills and for that purpose I would turn to some figures that have been already presented to the House by the hon. gentleman from Mille Iles, and which I will just refer to for the purpose of showing that in the last six years we have in this House originated on an average each session 26 Bills and amended 30. It is not a very large record, but it seems to me that it is an answer to those who say, and say very unfairly, that the Senate is doing nothing; but there is more than that. In one of these Bills that we amended in 1903 we introduced 97 amendments—that is the Railway Act of that year—and over 70 of those amendments were accepted by the House of Commons. In that case we amended but one Bill, but there were over 70 amendments which the House of Commons accepted and which now form part of the law of the country. I have no hesitation in saying, having watched the progress of that Bill with great interest, that it would have been a very bad thing if it had become the law of this country without the work done on it after it left the House of Commons. I do not say that the House of Comons did not do its work on that Bill fairly well. A great deal of labour was put on it, but, after all they did, the wise and experienced men who applied themselves to it, and the time devoted to it, nevertheless it turned out that the measure required over 70 amendments after it came to this House, and those amendments were inserted in the Bill rendering its efficiency much greater than it would have been had it not been amended. The result of the work done on that Bill in this House is that very slight amendments have been found necessary to the Railway Act since then.

I will turn to another Bill which passed the House of Commons last year, came to the Senate and was sent to our Committee on Railways, and handled there and handled here also. I refer to the Ontario and Minnesota Power Bill. It contained eleven sections when it came here, and not one single section of that Bill went back to the House of Commons. We introduced amendments and made it a new Bill except the preamble, and the House of Commons accepted the Bill we sent back to them submissively and gracefully as a better one than they had sent to us. Although the number of Bills that we amended is not large, some of them were amended drastically, and the amount of labour put on them in this House and the care and attention they receive in the Senate and its committees demonstrate the usefulness of this House as a legislative body. I now come to another point which has been dealt with by the hon. Minister of Trade and Commerce. Speaking from experience he said, as a minister, and having the misfortune of having arrayed against him in this House an adverse majority, if I heard him correctly, he was very sensible of the power of mischief which the upper House was capable of exerting when such a state of things occurred.

For the purpose of replying to my hon. friend and at the same time to remove many misunderstandings that exist in the country with regard to that subject, I shall refer very briefly to the record of this House during several periods since 1867. From 1867 to 1873 a Conservative government was in power and they had a Senate favourable to them. During that time, although there was a majority of the Government's friends in the Senate, one very

important government Bill was rejected. It was a Bill introduced in 1868 for the purpose of applying the criminal laws of old Canada to the other provinces. A very strong opposition to that Bill came from Nova Scotia, and to some extent from the other provinces, and the senators notwithstanding the fact that they were politically in sympathy with the government of the day, rejected the Bill, because they thought there was not sufficient time to consider it and to compare the provisions of the criminal law of old Canada, with the criminal law still in force in the other provinces in order that justice might be done to the other provinces. That is the only instance of any important Bill being defeated between 1867 and 1873. Coming to another period between 1873 and 1878, I have a list of the government measures that were defeated during that period, and I have no hesitation in claiming that in every instance in which the Senate exercised its power to reject measures during that time, history has proved that they were right. It is all very well to make statements in the gross, but when you come down to particular and definite statements I do not think there is very much ground for argument. The first measure defeated in 1874 was a Bill to apply the election laws of Canada to my own province, Prince Edward Island. In passing that measure, the House of Commons and the government were ill-advised, because they interfered with the franchise of the province. We had an elective legislative council, and the councillors were elected by freeholders—£100 freeholders were the only persons who could vote for legislative councillors while the House of Assembly was elected by manhood suffrage, and the government of that day introduced the principle of making this freehold franchise the franchise on which members should be elected to the House of Commons from the province of Prince Edward Island. The representatives of the island in this body, irrespective of party, opposed that, and it was thrown out by the Senate, and the Senate did right. There was no second opinion in Prince Edward Island on the subject, and I had the pleasure of hearing my old friend and neighbour, Senator Haythorne, who was a Liberal senator and voted against the government Bill state that he could not come back to Prince Edward Island and look the poor men and the young men in the face and tell them that he had voted to take away their franchise.

Another Bill which the Senate rejected was the Tuckersmith Bill. It was introduced as a private Bill in the House of Commons and made a government measure in the Senate. Mr. Cameron of Huron had been elected in the general election and his seat was contested. He felt satisfied that he would be unseated and have to seek re-election. He introduced a Bill in the House of Commons to take the township of Tuckersmith, which had a large Liberal majority, from another riding and add it to his own, and thus make his election safe. The Bill was so unjustifiable that although fathered by the government of the day, the Senate threw it out. Mr. Cameron was unseated and went back to his constituents without the advantage he expected to derive from the addition of Tuckersmith to his riding, and was defeated.

We next come to the Esquimalt and Nanaimo Railway Bill. That was a project adopted by the Mackenzie government as compensation to British Columbia for the delay that had occurred in the construction of the Canadian Pacific Railway. It was not called for by the terms of union with British Columbia, but the terms of the union required that the Canadian Pacific Railway should be built within a stated period connecting British Columbia with the eastern provinces of Canada. The government of Canada at that time showed an apathy in dealing with that question. They were understood not to be keeping faith with British Columbia. The British government was appealed to by the provincial government, and certain terms known as the Carnarvon terms, were suggested as a compromise, and a part of those Carnarvon terms was the proposition to build a railway by the Dominion on the Island of Vancouver, between Esquimalt and Nanaimo. When that measure came before the Senate it was strongly opposed and ultimately defeated by a small majority, but not on a strictly party vote. I have looked at the division and I find that the hon. senator from Richmond supported the government on that measure. However, a very small

majority of the Senate threw out the Bill, and who will say to-day that it was not a good thing that the Bill was thrown out? If that Bill had passed and become law it would have delayed for many years the construction of the Canadian Pacific Railway, because the argument would have been used in the other provinces that British Columbia had got a fair compromise and should not press for the building of the railway. Both parties, after that, addressed themselves to the fulfilment of the terms with British Columbia, and the result was that the Canadian Pacific Railway was built, not immediately, but in due course of time, greatly to the credit and honour of Canada, and I do not think any one who will look at history carefully will fail to come to the conclusion that the senators of that day were far-seeing, because in throwing out that Bill they conferred a benefit not only on British Columbia but on the whole Dominion of Canada. There is only one other Bill of sufficient importance to be named at all, and that was the County Courts of Nova Scotia Bill. In 1876 the provincial government having arranged the jurisdiction in Nova Scotia so as to necessitate the appointment of some judges in that province, the federal government brought in a Bill for the appointment of more judges. The ground was taken that the government in power in Nova Scotia was a moribund government, was on the point of going to the people and it was doubtful whether the interests of justice in Nova Scotia called for the appointment of additional judges, and the Senate rejected the Bill in order to test that question, as to whether that was the opinion of the people of Nova Scotia. An election was held in the province and the government was sustained at all events on that point, and the legislature of Nova Scotia pressed for the appointment of judges, and the Senate next year passed the Bill. They only did what my hon. friend the Minister of Trade and Commerce pointed out was right for them to do, that was suspend the Bill. They held it over for consideration and enacted it the following year. If I have omitted any important Bill between 1873 and 1878, I am open to be reminded of it, but if these were the only important measures rejected by the Senate between 1873 and 1878 I will say this to my hon. friend the Minister of Trade and Commerce that if the Senate had power to do mischief they took very great care not to exercise it during that period.

Now I come to another period, between 1878 and 1896. I do not know but that in all fairness the Senate may be exposed to more criticism during this period than in the former one, inasmuch as the government of Sir John A. Macdonald and the succeeding Conservative Premiers had a very large majority in the Senate, and the record of rejected Bills is not at all as large as probably it should have been. I may say that I believe that in those years, from 1878 to 1896, there was not as full a performance of duty on the part of the Senate as there might have been. However, there were two instances in that time of independent action on the part of members of this House. One of these was the Harvey and Salisbury Railway Bill, which was a government measure pressed upon this House by Sir John Abbott with all the ability he possessed, and that, as hon. gentlemen all know, was very considerable. My hon. friend from Richmond, although then as he still is, a strong Conservative, took the initiative in opposition to that Bill, although it was, as I have said, a government measure. I think if I have noted the record aright, my hon. friend moved the six months' hoist to that Bill, and it was rejected, not by any means on a party vote, for I notice that the member for Halifax, a very strong Liberal as he was then and is now, voted for the Bill; but nevertheless the measure was thrown out, and it embarrassed the government a good deal at that time. The Senate exercised its undoubted right on that occasion, and it is clear that the Senate was right, because no Bill has been introduced since for the purpose of building that railway. If the measure had been one which was justifiable we may be sure that in subsequent years the Senate would have been asked to deal with the measure again. They have never been asked to deal with it, although it is possible it may be covered to a partial extent, in the location of the National Transcontinental Railway through the province of New Brunswick, but it will not be completely and fully covered by that line no matter how it is located.

Now we come to the next period, within which the present government has been in

power, and this I will divide into two parts, first from 1896 to 1902, during which time there was a Conservative majority in the Senate, and a Liberal administration in power supported by a large majority of the members of the House of Commons. The occurrences of this period of from 5 to 9 years ago are no doubt very fresh in the memory of hon. gentlemen in this House, and I dare say that this is the period which my hon. friend the Minister of Trade and Commerce had more particularly in view when he spoke of the mischief which the Senate is capable of doing with a majority adverse to the government controlling the upper House. Now I propose to deal with what it has done during that period, and I do not hesitate to say that I am confident of being able to satisfy most hon. gentlemen—I would even hope all hon. gentlemen in the House—that the Senate did nothing seriously wrong during that period. It would be a marvellous thing if we did nothing wrong, but I take the ground that during that period the Senate conducted itself with great moderation, and that history will determine that the action of the Senate with regard to the measures that were thrown out during this period was justifiable. Take first the Drummond County Railway Bill of 1897. Is there an hon. gentleman within the hearing of my voice who will say now that the Senate was not right in rejecting the Bill which was presented to us in 1897? Have events not proved that we were right with regard to that? It was thrown out on account of the improvidence of the financial terms made with two railway companies. As hon. gentlemen know very well that was the direction which the discussion took in this House, when that measure was before us, and the measure was rejected. It was reintroduced two years later by the government with very important modifications. So great were these modifications, these changes in the interests of the people of Canada, that an hon. gentleman in this House sitting on the other side, but whom I am sorry to see is not in his place just at this moment, in the discussion which took place on the Bill when it came before us in its amended form, made the admission that the Senate of Canada by its action in regard to the first Bill had saved no less than $400,000 to the country. I am speaking of the hon. member for Cobourg. I know that he was very much below the mark, that the amount would be nearer a million dollars than four hundred thousand, but I am taking a statement that will not be disputed as coming from the hon. gentleman from Cobourg, who we know is very careful in his remarks. Two years later, as I have said, that Bill was reintroduced with important changes and modifications, and the Senate on that occasion, although there was still a strong Conservative majority in the House, passed the Bill. Whether they did right or wrong, I am not prepared to say at this moment.

Hon. Mr. LANDRY—They did wrong.

Hon. Mr. FERGUSON—I know some hon. gentlemen here will say that we did wrong.

Hon. Mr. MILLER—There is no doubt about that.

Hon. Mr. FERGUSON—I am not going to argue that point. The point I want to make is to show the moderation which actuated the Senate. The Commons having asserted their position by making another contract, and having admitted the stand we had taken in 1897 by greatly modifying the terms of that contract when they brought in the new Bill, there was moderation enough amongst the Conservative majority of this House to vote for the second Bill and allow it to become law. Further, in 1897, when the first Bill was rejected, a crisis in this country was averted in consequence of the moderation of the Senate. There can be no doubt that the action of the House of Commons on the very night that the Senate rejected the Drummond County Railway Bill, when they brought in, about 11 or 12 o'clock, by means of a message from the Governor General, estimates containing provisions to over-ride the action of the Senate by leasing the very lines which we had refused to sanction the purchase of, was not justifiable. I shall not forget as long as I live the occurrences of the next day in the Senate, and the serious consideration which the senators gave to the issue which the government forced on them. I am bound to say that were it not for the moderation of the older men in this House, the men who had long experience in public

life, among whom I may mention the late Senator Allen and my hon. friend the leader of the House at that time, the hon. member from Belleville, the hon. member for Richmond, and the hon. Mr. de Boucherville, many of the younger and more hot headed men would have provoked a crisis, by throwing out the Supply Bill. Had they done so on that occasion there is very great reason to doubt whether Sir Wilfrid Laurier's government would not there and then have come to an ignominious termination. But moderate counsels prevailed at the time, and the Drummond County Railway Bill became two years later the law of the land. Let me say before I leave that point, that a great deal of credit was due to Sir Oliver Mowat, the distinguished gentleman who led the government in this House during that trying time. If it were not that he was so conciliatory, and so reasonable, and made such acceptable promises to the House about the information that was to be given to us regarding the working of these leased lines—if it were not for that, I question very much whether, notwithstanding the moderate councils on this side of the House, the Senate would have pursued the mild course it did. It is a matter of great regret that Sir Oliver Mowat did not continue to hold his position in the House in order to carry out the promises which he made, and which he no doubt would have carried out. It is not to the credit of his colleagues that they persistently refused to this House the information which Sir Oliver Mowat solemnly promised us, when, as the result of such promise, a crisis in the affairs of the country had been averted.

It has been suggested that I should move the adjournment of the debate at this point. It is not convenient to stop at this juncture, but if it would suit the convenience of the House I am willing to do so. I move that the debate be adjourned until May 31.

The motion was agreed to.

BILLS INTRODUCED.

Bill (14) An Act to amend the Weights and Measures Act.—(Right Hon. Sir Richard Cartwright.)

Bill (49) An Act respecting La Banque Provinciale de Canada.—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (50) An Act respecting the Pacific Bank of Canada, and to change its name to the United Empire Bank of Canada.—(Hon. Mr. Kerr, Toronto.)

Bill (91) An Act to incorporate the Minnesota Canadian Bridge Company.—(Hon. Mr. Frost.)

Bill (100) An Act respecting the Alberta Railway and Irrigation Company.—(Hon. Mr. Lougheed.)

Bill (127) An Act respecting the Farmers' Bank of Canada.—(Hon. Mr. Coffey.)

Bill (155) An Act to amend the Criminal Code, 1892.—(Hon. Mr. Scott.)

Bill (70) An Act respecting the British Canadian Loan and Investment Company, Limited.—(Hon. Mr. Kerr, Toronto.)

Bill (121) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (125) An Act respecting the Algoma Central and Hudson's Bay Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (131) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—(Hon. Mr. Young.)

Bill (W) An Act respecting the Citizens' Bank of Canada.—(Hon. Mr. Mitchell.)

The Senate adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Friday, May 18, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PACIFIC AND ATLANTIC RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. CASGRAIN (de Lanaudière) from the Committee on Railways, Telegraphs and Harbours, reported Bill (K) An Act respecting the Pacific and Atlantic Railway Company.

Hon. Mr. KERR (Toronto)—I move suspension of rule 71 as far as the same relates to this Bill.

Hon. Mr. LANDRY—I want to know the reason of the suspension of the rule ?

Hon. Mr. KERR (Toronto)—The Bill passed the committee to-day, and it has to go to the Commons for consideration ; under those circumstances I should like if the House would suspend the rule so that the Bill may be read the third time to-day. It will facilitate the transaction of business and avoid any delays which might occur in consequence of our adjournment.

Hon. Mr. LANDRY—Is that a Bill originating in this House ?

Hon. Mr. KERR (Toronto)—Yes.

The motion was agreed to.

The Bill was then read the third time and passed.

SOUTH AFRICAN CONTINGENTS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Was any money as commission, rebate, bonus, compensation or otherwise paid directly or indirectly by the imperial authorities or by any officer or person acting for or on their behalf to the Militia Department of Canada, or to any officer or member thereof, or to any person acting for or on its behalf in connection with the outfitting of any Canadian troops, drafts or contingents to South Africa during the late Boer war ?
2. If so, by whom was the money paid, to whom and what was the amount ?
3. What was the service for which such amount was paid ?

Hon. Sir RICHARD CARTWRIGHT—I am informed by the Department of Militia that all expenditures out of Canadian funds on account of the South African Contingents are accounted for in the Auditor General's Reports of 1899, 1900, Q, pages 115 to 130, and 1900, 1901, Q, pages 107 to 129.

With reference to any expenditures on account of the South African Contingents not voted by the parliament of Canada, the government has no information to give.

Hon. Mr. LANDRY—That means the information is withheld. The government decline to give any information.

Hon. Sir RICHARD CARTWRIGHT—The government decline to give any information about any amounts not voted by the parliament of Canada, the imperial government are the proper parties to apply to, if my hon. friend desires information on that head.

VACANCY ON THE SUPREME COURT BENCH.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to know from the hon. Secretary of State, whether any progress has been made in the nomination of a judge of the Supreme Court ?

Hon. Mr. SCOTT—Not that I am aware of.

Hon. Mr. LANDRY—I suppose we will have the information when we come back !

Hon. Mr. SCOTT—I cannot answer that.

GAME PRESERVATION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (154) An Act to amend the Unorganized Territories Game Preservation Act, 1894.

(In the Committee.)

Hon. Mr. SCOTT—This Bill simply continues the law which was passed in 1894 for the preservation of the buffalo. The Act of 1894 prohibited the killing of them up to the 1st of January, 1900. In 1899 it was extended for two years ; in 1902 it was extended to the 1st of January, 1907. It is now proposed to extend the time for another five years.

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

The Bill was then read the third time and passed.

SECOND READINGS.

Bill (N) An Act to incorporate the Pacific and Eastern Railway Company.—(Hon. Mr. Bostock.)

Bill (O) An Act for the relief of William Napoleon Vaughan.—(Hon. Mr. Perley.)

Bill (P) An Act for the relief of Charles William Holmes.—(Hon. Mr. Perley.)

Bill (Q) An Act for the relief of Minnie Florence Irvine.—(Hon. Mr. Perley.)

Bill (R) An Act for the relief of Harriette Wesley Baker.—(Hon. Mr. Kerr, Cobourg.)

Bill (M) An Act respecting the Monarch Bank of Canada.—(Hon. Mr. Kerr, Toronto.)

BILL INTRODUCED.

Bill (X) An Act for the relief of Eileen Mary Mackintosh.—(Hon. Mr. Perley.)

HARBOUR COMMISSIONERS OF MONTREAL BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (124) An Act respecting the Harbour Commissioners of Montreal.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—I may state that the object of this Bill is to enable the government to replace the present board of commissioners in the harbour of Montreal by three commissioners to be appointed by the Governor in Council. Those commissioners will be paid officers and will hold office during pleasure. That is the whole purport of the Bill.

Hon. Mr. SULLIVAN—Is the old board altogether dissolved ?

Hon. Sir RICHARD CARTWRIGHT—The old board is altogether dissolved, and three gentlemen receiving salaries are appointed to look after the interest of the harbour. Of course they will be paid out of the harbour revenue.

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

The Bill was then read the third time and passed.

SECOND READING.

Bill (50) An Act respecting the Pacific Bank of Canada, and to change its name to 'United Empire Bank of Canada.'—Hon. Mr. Kerr, Toronto.)

ERROR IN MINUTES.

Hon. Mr. FERGUSON—Before the Senate adjourns, I wish to call the attention of the House to a little misunderstanding about the date to which the debate on the question of the Senate was adjourned. It was my intention, and I think I said the 30th ; but I was not heard distinctly, and it was put down for the 31st. That day will not be convenient for me ; and if it does not inconvenience any other hon. gentleman I wish to have it set down for the 30th, as I could not be present on the 31st.

Some hon. MEMBERS—All right.

Hon. Mr. FERGUSON—I move that the order of yesterday be rescinded and that the debate on the question of the constitution of the Senate be continued on the 30th May.

The motion was agreed to.

The Senate adjourned till Tuesday, 29th May, at eight o'clock p.m.

SENATE.

OTTAWA, Tuesday, May 29, 1906.

The SPEAKER took the Chair at Eight o'clock p. m.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (Y) An Act to incorporate the Prince Albert, North Saskatchewan and Hudson Bay Railway Company.—(Hon. Mr. Davis.)

LEASE TO SIR CHARLES ROSS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. What is the superficial area, in feet, of the land in the city of Quebec at present occupied by Sir Charles Ross and rented by him from the federal government ?
2. What is the yearly sum paid to the government by Sir Charles Ross for the rental of this land ?
3. For how many years' rental has the contract of lease been signed ?
4. Is there in the contract of lease a clause which gives Sir Charles Ross or his heirs a prolongation of term, and for how many additional years, and at what rate ?
5. Is one of the Martello towers comprised in the land leased to Sir Charles Ross ?
6. Is there a special stipulation concerning the use, the maintenance and the repairs of this tower ?
7. Had Sir Charles Ross the right to put on top of the roof of this tower a reservoir for industrial purposes ?
8. Did the government consent to lease to Sir Charles Ross the land he now occupies, in spite of the representations of the citizens of Quebec, but with the approval of Mr. S. N. Parent, then mayor of the city ?

Hon. Mr. SCOTT—The answers placed in my hands by the department are as follows :

1. 19·1 acres or 831,163 superficial feet, more or less.

2. $1 per year.

3. 99 years.

4. Yes, 99 years at same rental, renewable.

5. Yes.

6. No.

7. There was nothing in the lease to prevent his doing so.

8. There was no objection on the part of the citizens of Quebec. The application was recommended by His Worship S. N. Parent, mayor of Quebec.

It would seem from a resolution passed at a public meeting of the citizens of Quebec, duly convened in the fall of 1904, by his worship the mayor on requisition to that effect, in order to afford them an opportunity to consider an application made by Sir Charles Ross for additional land to enable him to extend the cartridge factory, that the citizens of Quebec were then strongly in favour of having the rifle factory on its present site.

The following is the resolution referred to :

Resolved, that this public meeting of the citizens of Quebec, duly convened by his worship the mayor, on requisition to that effect, in order to afford them an opportuntiy to consider the application made by Sir Charles Ross to the federal government for a part of the cove fields in addition to the tract already granted to him, desires to express its sincere gratitude to the government for what they have already so wisely and generously done to encourage an enterprise of such great present and prospective advantages to the country at large expense and to the city of Quebec in particular, and further to express the ardent hope of the overwhelming majority of the population of the latter, and especially of its working classes, that the government will do everything in their power to facilitate for the public benefit the extension of an undertaking which already furnishes employment for three hundred men at a weekly outlay of three thousand dollars for wages, and which will increase the number to one thousand, with a proportionate outlay, if the pending application of Sir Charles Ross be granted.

And furthermore we, the undersigned citizens of Quebec, desirous of promoting industrial enterprises in the city, which will give employment to labour and at the same time benefit the tradesmen and business interests of the city in general, pray the federal government to grant the promoter of the Ross Rifle Factory permission to enlarge the premises on the cove fields and thereby afford employment for at least an additional 500 men.

The petition, signed by 10,000 citizens in support of the application for additional land, was in the fall of 1904 presented to the premier.

Hon. Mr. LANDRY—There was no opposition ?

Hon. Mr. SCOTT—No record of any opposition.

Hon. Mr. LANDRY—I will remind the hon. gentleman on a future occasion of the opposition which he told us was against that building, brought up by the citizens of Quebec and which he announced himself to the House. It was contained in a petition. He said at that time it was given after the approval made by Mr. Parent.

THE GRAND TRUNK RAILWAY ARBITRATION.

INQUIRY.

Hon. Sir MACKENZIE BOWELL inquired of the government :

Whether arbitrators were appointed under the powers vested in the government by cap. 16, 4 Edward VII., intituled : 'An Act respecting an arbitration between His Majesty and the Grand Trunk Railway Company of Canada' ?

If so, has an arbitration been held, and a report of the result of such arbitration made, and will it, if made, be laid upon the Table of the Senate ?

Hon. Mr. SCOTT—The answer to the first question is yes ; to the second, an arbitration has been held, and I beg to lay on the Table copies of the awards as rendered by the arbitrators in all except two cases in which a decision has yet to be given.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell us what the two cases are ?

Hon. Mr. SCOTT—No, I have not a memo of it.

Hon. Sir MACKENZIE BOWELL—He will remember that when this question was before the Senate and the Bill was passed, many were anxious to know what the points of difficulty were which had arisen between the Grand Trunk Railway Company and the government in reference to the bargain made between them as to the conveyance of freight from the west to the east via the Intercolonial Railway, and whether that bargain has been carried out. The hon.

gentleman will also remember that though a number of the concessions were made at the time which induced the Senate to consent to the passage of that Bill, it was pointed out that the wording of the Bill was of such a character as to lead to the difficulties which I apprehend have taken place, and the House will be somewhat interested to know what the result has been, also what the two points are to which the hon. gentleman refers, that have not yet been decided.

Hon. Mr SCOTT—I have not had an opportunity of reading the papers; in fact I only found them on my desk when I came into the House. I do not know whether reading the awards I have laid on the Table will throw some light on the subject. However I shall inquire as to those cases which stand over.

ORDER OF BUSINESS.

MOTION.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I would move that as the House is rather thin we take the unopposed motions to-night, in order that they may be advanced a stage. Any motion opposed, I suggest, should be allowed to stand over until to-morrow, if that is the wish of the House.

The motion was agreed to.

VACANCY ON THE SUPREME COURT BENCH.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, will the hon. leader of the House be kind enough to let us know if the government has made a nomination of a judge to fill the vacancy in the Supreme Court?

Hon. Mr. SCOTT—Not that I am aware of.

Mr. LANDRY—I wish to call the attention of the hon. gentleman to this very grave fact that all the cases relating to the province of Quebec were last week once more postponed—to next week, I think. The other judge coming from the province of Quebec, Judge Girouard, refuses absolutely to sit upon any cases coming from the province of Quebec until such nomination is made; and I think the government ought not to refuse this justice to the province. To keep these cases over from session to session of the court without disposing of them is really a denial of justice, and I hope my hon. friend will be in a position to-morrow to let me know if something has been done to remedy this condition of affairs.

THIRD READINGS.

Bill (74) An Act respecting the Harbour of North Sydney in Nova Scotia.—(Hon. Mr. Scott).

Bill (34) An Act respecting the Columbia and Kootenay Railway and Navigation Company.—(Hon. Mr. Bostock).

Bill (99) An Act respecting the Mather Bridge and Power Company.—(Hon. Mr. Gibson).

LA BANQUE PROVINCIALE DU CANADA BILL.

SECOND READING.

The Order of the Day being called:

Bill (49) An Act respecting La Banque Provinciale du Canada.—(Hon. Mr. Casgrain, de Lanaudière.)

Hon. Mr. POWER—I think it only fair, since we have a great many banks in this country now, that the hon. gentleman from de Lanaudière should briefly explain to the House the purport of this Bill.

Hon. Mr. CASGRAIN (de Lanaudière)—I understand this Bill is for the purpose of increasing the capital of the bank. It is a private Bill and when it goes before the Committee on Banking and Commerce, the promoters of the Bill will appear and make all the necessary explanations as is usual in cases of this kind. The Bill also provides for giving power to re-divide the shares and to give options on exchange of shares. This bank was formerly the Bank Jacques Cartier of Montreal. It had in the past a rather checkered career, but for the last five or six years it has been put on a very good basis; and it has been so successful that now the directors of the bank believe that with an increase of capital they could meet the growing demand for branches throughout the province of Quebec. I have no doubt that when this Bill is fully explained before the committee the committee will see fit to grant the powers asked for.

Hon. Mr. POWER—I am very much obliged to the hon. gentleman for his lucid explanation. I do not myself see anything in the Bill about any increase of capital, but I suppose there might have been something of the kind there.

SECOND READINGS.

Bill (91) An Act to incorporate the Minnesota-Canadian Bridge Company.—(Hon. Mr. Frost.)

Bill (127) An Act respecting the Farmers Bank of Canada.—(Hon. Mr. Coffey.)

Bill (121) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (125) An Act respecting the Algoma Central and Hudson Bay Railway Company. (Hon. Mr. Kerr, Toronto.)

Bill (151) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—(Hon. Mr. Young.)

COLONIAL BANK OF CANADA BILL.

Hon. Mr. YOUNG moved the second reading of Bill (T) An Act to incorporate the Colonial Bank of Canada. He said :

This Bill is to incorporate a bank to operate largely in the west. The rapid development of the part of Canada renders it necessary that we should have increased banking facilities. It is the usual application for an Act of incorporation.

Hon. Mr. POWER—I have no special objection to this particular Bill ; but it strikes me that the Senate should proceed slowly and carefully in the matter of adding to the number of banks in this country. We have a great many banks ; and, up to the present time, most of them have been successful and are quite capable of doing all the banking business which the country requires to be done. There is some danger that if we go on incorporating numerous banks each session the results which may come, after the present high tide of prosperity passes and the flood recedes a little, may not be satisfactory to the country at large. I suppose the hon. gentleman from Killarney is able to tell us if the gentlemen mentioned in the Bill as provisional directors are all men of considerable means and the sort of men who ought to be at the head of a banking institution ?

Hon. Mr. YOUNG—If the hon. gentleman will read the names in clause four of the Bill he will find some of them at least are a guarantee of good faith on the part of the applicants. I know some of them myself to be men of standing. I agree heartily with what the hon. gentleman said, that we must have sound banking institutions, and if there is anything in our Banking Act which will permit of loose incorporation, then it would be well for the Senate to look into that and prevent it. I am advised by one of these gentlemen that the promotors have the capital ready to proceed with the establishment of the bank. Some two years ago they contemplated starting a bank with certain provisions which were in conflict with our Canada Banking Act. The gentlemen who, I understand, are behind this, are from the other side of the Atlantic, and were desirous of having a peculiar charter of their own. The Finance Department would not vary any of the conditions of the banking system of Canada. Since then these gentlemen, I am advised, have come to the conclusion that the provisions of the Banking Act of Canada are good enough for them to invest their money under. They apply for a capital of three million dollars and it is evident they are ready to put money into the institution, and under the same conditions that apply to all banks in Canada.

Hon. Mr. GIBSON—I am glad the hon. gentleman has mentioned the fact that they are applying for a capital of three millions. That is the worst feature of the Bill. All the other banks in Canada have started usually with one million dollars, and after the rest was brought up to a reasonable amount, further extensions were asked for and granted from time to time. Under our banking system, unfortunately, the circulation of this new bank without any rest would be equal to its capital of three million dollars. The greatest care should be exercised with respect to the amount of capital that any new bank should be granted. Let them go slowly like the other banks which have built up not only a reputation but a reserve in addition to capital. It is

true that we require a double liability, but it would be unfair for a bank of this kind to be allowed a capital of three million dollars with a circulation equal to its paid up capital and without any reserve whatever.

Hon. Mr. MACDONALD (B.C.)—The warning given by the hon. member from Halifax might very properly apply to insurance and loan companies. Before incorporating any new companies of the kind we ought to go very carefully. We have seen what those companies are coming to.

Hon. Mr. YOUNG—I do not think that any of our insurance companies are in jeopardy.

Hon. Mr. McMULLEN—I largely agree with the remarks of the hon. member from Halifax with regard to the propriety of going very cautiously in the matter of granting bank charters, and I also agree with the remarks of the hon. member from Lincoln. Some steps should be taken to restrict the granting of charters. I do not ask that the line be drawn at this particular Bill. These gentlemen have as good a right to a charter as any of their predecessors, but I know that in some cases where charters have been granted the promoters have had to canvass to get men to contribute the necessary amount of capital to put the institution into operation, and in several cases they have had to come here for an extension of time to enable them to procure the necessary funds. I am very much afraid that we are laying the foundation for serious financial disasters in future years when a stringency may unfortunately strike us. Some of those weak institutions will make every effort to do large business, but the result may be that they will be caught with a lot of sail out and very serious injury to the business community may arise. I do think that the government should give their close attention to the present law with regard to the chartering of banks, and that in place of simply asking that the minimum paid up capital should be two hundred and fifty thousand dollars, and the capital subscribed a million dollars, it would be well, that the paid up capital should be raised to half a million, before a charter is granted enabling a bank to go into operation. I agree entirely with the hon. gentleman from Lincoln (Hon. Mr. Gibson) when he points out the danger of granting a charter for three million dollars, thus giving the bank the opportunity of increasing its circulation when perhaps there is not sufficient funds behind it to warrant their going on and doing a large business. We should be very careful. We are all very proud of our banking institutions in Canada, and we have a right to be proud of them. They have received great credit for the way in which financial matters in this country have been conducted for many years, and we are glad to say we have had but very few failures. That is one chief reason why we should go slowly, why we should guard in the future against the establishment of weak institutions that might bring discredit upon our whole banking system, and I quite agree with the remarks which have been dropped in that direction. I would like to see the Finance Minister carefully review and recast the present Banking Act so that greater stability would be given in the establishment of new banking institutions, than there is under the existing law.

Hon. Mr. FERGUSON—I agree with the remarks of the hon. gentleman with regard to the desirability of going slowly in the matter of chartering new banks. Very often, if not in every case, when these new banks are launched it is as a result of the efforts of some gentleman who is looking for a position as manager, and he takes the matter up and solicits support in order to get the bank started. It is undeniable that the banking institutions of the country at present are in almost all respects furnishing ample facilities for doing business. They are opening up branches to a surprising extent. Competition of the keenest kind is going on in towns and villages where it is hard to conceive that they can get sufficient business to warrant their action. There is just one respect in which there may be necessity for more banking capital, although I do not think it should come in this way; and that is with regard to the circulation. For the past two years, with the heavy crops which we have had in this country and the other products which had to be moved, it was found that many banks had reached the limit of their circulation and efforts had to be made in order

to meet the increased demand. I am one of those who believe that the better way of meeting that demand would be for the existing banks to increase their capital. They are in a position to do it advantageously; they can put their new stock on the market on such terms as will give better security to the country, and, at the same time, add largely to their rest account. I think that would be a better way of getting any additional banking facilities that are needed, rather than chartering new and weak institutions which will have as the hon. gentleman from Lincoln pointed out, a right of circulation equal to their capital just as much as a bank that has a rest of two or three times as much as its capital, thus really imposing a burden upon existing banks, because they guarantee the circulation of these weak banks. Taking all these things into consideration, I think the department should be advised to look very carefully into all these new applications and prevent weak institutions from coming into existence. Whatever encouragement may be necessary—I do not say that any is necessary—should be given to the existing institutions, and I think all needs will be fully met if the established banks were to increase their capital. With that would come the increased circulation which the country needs.

The motion was agreed to.

NORTHWEST COMMERCIAL TRAVELLERS' ASSOCIATION OF CANADA BILL.

SECOND READING.

Hon. Mr. YOUNG moved the second reading of Bill (V) An Act respecting the Northwest Commercial Travellers' Association of Canada. He said: I am advised that the Northwest Commercial Travellers' Association is incorporated under the laws of Manitoba. They desire to extend their usefulness beyond the confines of the province, and, therefore, they are making application for a Dominion charter. There is some slight change in the management of the institution.

The motion was agreed to.

On the motion that the Bill be referred to the Committee on Miscellaneous Private Bills.

Hon. Mr. FERGUSON.

Hon. Mr. POWER—There is one point with respect to this measure. Parliament is asked to recognize as a corporation a body which has been incorporated by the provincial legislature of Manitoba. I remember that some years ago our Committtee on Railways, Telegraphs and Harbours adopted the policy under which it was rendered necessary that when any provincial Act of incorporation was, so to say, made a portion of the law of the Dominion, the provincial law should be given as a schedule to the Bill which made it law. I do not see the hon. chairman of the Committee on Miscellaneous Private Bills in the House now, but I think that the attention of the committee should be directed to that point; and if we are going to give this company certain powers which are set forth in the Manitoba Act, that Act should appear as a schedule to this Bill, so that we may know what we are doing.

The motion was agreed to.

SECOND READINGS.

Bill (W) An Act respecting the Citizens' Bank of Canada.—(Hon. Mr. Mitchell.)

Bill (X) An Act for the relief of Eileen Mary Mackintosh.—(Hon. Mr. Perley.)

BILLS INTRODUCED.

Bill (21) An Act respecting the Huron and Erie Loan and Savings Company.—(Hon. Mr. McHugh.)

Bill (25) An Act respecting the Niagara, Queenston and St. Catharines Railway Company.—(Hon. Mr. Gibson.)

Bill (35) An Act to incorporate the Western Trust Company.—(Hon. Mr. Watson.)

Bill (54) An Act to incorporate the Pacific Marine Insurance Company.—(Hon. Mr. Bostock.)

Bill (65) An Act respecting the Richelieu and Ontario Navigation Company.—(Hon. Mr. Mitchell.)

Bill (72) An Act to incorporate the Quebec, Montreal and Southern Railway Company.—(Hon. Mr. David.)

Bill (103) An Act respecting the Quebec and Lake Huron Railway Company.—Hon. Mr. Choquette.)

Bill (104) An Act to incorporate the Hamilton, Waterloo and Guelph Railway Company.—(Hon. Mr. McMullen.)

Bill (132) An Act respecting the Ontario, Northern and Temagami Railway Company. —(Hon. Mr. McHugh.)

Bill (141) An Act respecting the Quebec, Saguenay and Gulf of St. Lawrence Railway Company.—(Hon. Mr. Tessier.)

Bill (112) An Act respecting the Huron and Ontario Railway Company.—(Hon. Mr. Frost.)

Bill (156) An Act to amend the Exchequer Court Act.—(Hon. Mr. Scott.)

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

SENATE.

OTTAWA, Wednesday, May 30, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CONSTITUTION OF THE SENATE.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David :—That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.—Hon. Mr. Ferguson.

Hon. Mr. SCOTT—Would it not be well to allow the unopposed orders to go through first.

Hon. Mr. FERGUSON—After consulting with the hon. gentleman from Mille Iles (Hon. Mr. David), we have agreed, with the consent of the House, to put this motion off until Tuesday next, as I understand there are quite a number of gentlemen who wish to speak, and by postponing the debate in this way, it could then go on continuously.

Hon. Mr. MILLER—Have you any arrangement ?

Hon. Mr. FERGUSON—I have no arrangement except that I have spoken to the hon. gentleman from Mille Iles.

Hon. Mr. MILLER—I do not see why the debate cannot go on now ? I think there should be no unnecessary delay.

Hon. Mr. FERGUSON—There will be this advantage—it is understood that quite a number of hon. gentlemen wish to speak and the debate could go on continuously without being broken into. What led up to this was that the hon. gentleman from St. John (Hon. Mr. Ellis) asked me, as he was not going to be present to-day, to have the matter put off, and therefore I make the motion that the order of the day be discharged and that it be made the first order of the day for Tuesday next.

Hon. Mr. MILLER—Two hon. gentlemen have spoken on the other side of the House and only one on this. Do you want three to go on on that side of the house ? You have no right to make an arrangement of that kind.

Hon. Mr. FERGUSON—I made no arrangement with Mr. Ellis or with any one else as to the order of speaking. I merely said when he spoke to me, that with the consent of the House, I would have the motion adjourned until he should be present.

The motion was agreed to.

BILL INTRODUCED.

Bill (Z) An Act to incorporate the Fording Valley Railway Company.—(Hon. Mr. Watson.)

BAKER DIVORCE BILL.

THIRD READING.

Hon. Mr. KERR (Cobourg) moved the third reading of Bill (R) An Act for the relief of Harriette Wesley Baker.

Hon. Mr. POWER moved in amendment :

That the said Bill be not now read a third time, but that it be amended by adding at the end of the first section, the words : 'so far as regards the said Harriette Wesley Baker,' and by adding to the second section the following subsection :—

2. The said Francis Shaw Baker may not lawfully marry any other person during the lifetime of the said Harriette Shaw Baker.

He said : In pursuance of the notice which I gave, I propose to move this amendment to the motion just made by my hon. friend from Cobourg. It seems to me that, whatever our views may be as to the propriety of divorce in any case, it is the duty of every hon. member of this House to

do what he reasonably can to discourage the violation of the marriage vow, and to discourage all conduct which leads to that violation and opens the door for divorce. I submit that in passing this Bill in the form in which it now appears, we do not do that, but, on the contrary, we rather encourage the violation of the marriage vow and offer a sort of premium to it. The amendment which I have given notice of, provides that in case a divorce is granted by parliament the guilty party shall not be at liberty to marry again : that the innocent party, the petitioner, shall be allowed to marry again, but that the guilty party shall not be allowed to marry again during the life time of the petitioner. I think on the face of it that is a reasonable propositon. Now, take the way in which the present system operates. We will say a husband violates his marriage vow. What is the penalty ? The penalty is that he is separated from the woman to whom he is married, but is at liberty to marry any other woman. In what respect is the petitioner better off than the respondent ? In no respect ; but the petitioner is really worse off. The petitioner has to take the trouble, and go to the expense, of bringing about the passing of a divorce Bill through parliament. The wife who is the innocent party has to advertise in the 'Gazette' and in the newspapers ; she has to employ counsel, and she has to pay the expense of the printing of the Bills and other papers and she has to appear before the committee. The husband, the guilty party, simply sits still and does nothing. When the Bill becomes law he is free just as his wife is free, and he is free to marry again just as she is. I contend that that is not an equitable condition of things. We can see that this really leaves it open to a man—it is better to put it in that way I think—it really leaves it open to a man to designedly commit the offence with the view of being separated from his wife. If he gets tired of her, or if he sees some other woman who pleases his fancy more, he simply violates his marriage vows and the onus is put on his wife of getting the divorce. I think the course we have followed of late years is really not in the interests of morality, nor is it consistent with our sense of justice. I may say with respect to this last point that sometimes the result under our practice has really encouraged the commission of adultery. The equity judge of Nova Scotia whose duty it is to try divorce cases, informed me some time ago that he had no doubt but that in many cases the offence was committed simply with a view to leading the other party to bring the divorce suit and free the guilty party from the bonds of marriage. Suppose we adopt the amendment which is proposed, and that this House adopts the policy of prohibiting the marriage of a guilty party, one effect of this would be to put an end, at once, or as soon as the policy of parliament became known, to what is, although not technically collusion, is practically collusion—where one party commits the offence with the view of having a divorce granted to the other party, or where a party who might possibly make a good defence refrains from doing so because he wishes to be free. If this amendment is adopted, that practice will not prevail. The new policy would offer an inducement to men and women to observe their marriage vows, and I think that is a policy which should commend itself to the members of this House. I do not propose to say anything more. I simply make this brief statement of the reasons why I think we should adopt the policy indicated by the amendment, and, perhaps, if any objection which seems a strong one is brought up, I may be allowed to say a few words in reply in support of my amendment.

Hon. Mr. CLORAN—For some three or four years I have considered it my duty to express my views in regard to this question of divorce as it now prevails in Canada. I remember distinctly having stated some three years ago that if divorce was to obtain any sway in this country through the authority of the Senate, the Senate should be very careful in exercising that authority ; and I held that if in married life causes were sufficient to grant a separation to either the wife or the husband, that parliament should not grant to the guilty party the right of re-marrying. That was the stand I took on the floor of this House when I came into it, and I am now proud to find an eloquent echo of the views that I held then and hold now, coming from the mouth of the hon. senator from Halifax. I hope that his colleagues in this House will en-

dorse the stand he has taken, and will limit the evil results of divorce in the way he has proposed in this amendment. If a divorce is necessary—and I believe that no divorce is necessary—if a divorce is to be granted by this honourable House, let not the Senate of Canada give to the guilty man or the guilty woman the same rights that it affords the innocent party. I fully endorse, and the country will endorse, the attitude assumed to-day by the hon. senator from Halifax. I think he is echoing the sentiment and the best moral opinion of the country. We should not stand here to-day and be called upon to vote, whether we be Protestant or Catholic, for a separation between man and wife and give equal rights to both parties. Where both parties are guilty there should be no divorce. It was pointed out here at one of the last meetings of this honourable House that the question was not put to the husband: 'Are you equally guilty?' I forget which hon. senator brought the point up, but I think it was a necessary question to be put. The Divorce Committee did not put the question to the husband. The husband proved the wife to be guilty. That is admitted; but the committee did not put to the husband the question as to whether he was equally guilty of a similar offence. When the petitioner and respondent are both guilty, no divorce should be granted. I am in hearty sympathy with this amendment not only on account of my personal views but on account of the feeling that I have for the social welfare and morality of our community. I think that the hon. senator from Halifax should have in this matter the unanimous endorsement of the House. It is not asking too much from those of us who do not believe in divorce. It is an initial step in the right direction. I am prepared to support the hon. gentleman from Halifax in limiting the evil results that flow from divorce unfairly granted, granted I am sorry to say, on evidence that would not hang a cat in an ordinary court of justice. That I am bound to say, as a man who knows what the law of evidence is. Under the circumstances I feel it my duty to express before the House and before the country the view that parliament must respect the sanctity of the marriage tie as far as it is possible to do so.

Hon. Mr. MACDONALD (B.C.)—I think any hon. member of this House will agree that the Senate and parliament are not the proper tribunal for divorce proceedings. Some change ought be made, and while I fully agree with the resolution moved by the hon. gentleman from Halifax, I should like to see him go further and propose some scheme to remove divorce altogether out of parliament and out of the Senate. I was on the Divorce Committee some years ago, and I can say that many senators, myself among the number, were not qualified to dissect evidence and to take evidence in the proper way, and I have seen senators carried away by their feelings against the evidence in favour of one party or the other, so that it is very seldom that people coming before the Senate for divorce really get justice. If, therefore, the Senate would agree to refer the subject of divorce to a court of law, or some such tribunal, I think that is the only proper way. Our present system is too old-fashioned. It was the custom in England some years ago that the House of Lords should grant divorce, but it is now referred to the courts of law. Some years ago I brought in a Bill to refer divorce cases to the Exchequer Court of Canada. As hon. gentlemen know, the Catholic members of this House and parliament were strongly opposed to anything of that kind. They thought it would encourage applications for divorce, but I do not think it would. The evidence taken in the divorce courts would be properly dissected and a proper judgment would be given, and not given to this party or that party on account of individual feelings. I hope that before long some measure will be taken to lift this matter entirely out of parliament and out of the Senate and that it will be referred to the courts of the country.

Hon. Mr. KIRCHHOFFER—I must say a few words on behalf of the abused body of men which constitute the Divorce Committee of the Senate. None of us sought the position we occupy. It is not a matter which is at all attractive for any one to be engaged in. Parties outside are very apt to think that juicy morsels of scandal come before the members of the Senate committee, and that they are rolling these morsels around under their tongue all the time, and

that they are anxious to be on the committee that they will sacrifice anything to be there. I know there is not a gentleman on that committee who does not more or less view all the proceedings that are taken before us with distaste, and for the members of the committee to be attacked as we are in this House almost every time—it has got to be almost every time we present a report—is a little too much. We simply try to do our duty. We have a law which provides that the Divorce Committee shall hear divorce cases and make their reports to this House. But we have no interest in the cases that come before us. All we have to do is to hear the evidence. We are instructed by our rules to hear the evidence, determine the case and to report accordingly. We try to do that to the best of our ability. If we fail, in doing so, it is only because all human beings are liable to error and we are no more infallible than our fellows. But we have had experience on that committee. Some hon. gentlemen have been appointed to the committee recently but there are others who have been there fourteen or fifteen years. We have the opportunity of hearing the evidence given before us, and we see the way in which the witnesses who appear before us comport themselves, which is denied to the general body of senators who have not that opportunity, and, therefore, we can weigh the evidence that is given before us better than hon. gentlemen who have not heard the witnesses. But it seems to me that we are always on trial, and we are liable to attacks and I do not think this House will tolerate such a remark as has been made, that the committee have granted divorces on evidence on which a court of justice would not hang a cat. I think it is an outrage to characterize a body of men in this House, who are trying to do their duty, in such a way, and to allow such a remark to be made in this House.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. KIRCHHOFFER—We have nothing whatever to do except construe the law as it appears before us, and we do our duty in that way. I have a great deal of sympathy with the gentlemen who belong to a certain religion who are opposed to divorce. I sympathize with them in every way, where they are conscientiously opposed to it, and I am sure that if I had the same views I would probably press them, not in the same way as one hon. gentleman who has spoken here has done, but in the moderate way in which the hon. gentleman from Halifax has put forward his opinions. He is a gentleman whose views are entitled to a great deal of regard and respect in this House. He pays a great deal of attention to matters which come before us. His opinions do not always meet with the approval of the House, perhaps, but he is trying to do his duty. Now in reference to the matter in respect of which the motion has been made to-day, whether or not this committee should be entitled to debar the guilty party—that is really what it amounts to—from being married again, that matter has never been relegated to them and we have not before this had the opportunity of doing so at all. But my experience, and I think the members of the committee who have been a long time on the committee will agree with me in saying that our experience has shown that where, as often has occurred, two young people marry in early life, before their judgment has matured, and they have afterwards found they were incompatible and unable to live together and have drifted apart, one or other of the parties has committed adultery, and that party is divorced accordingly. Now it may easily happen—and I venture to say there is scarcely a gentleman in this House who cannot instance a case himself where men and women have transgressed in that way and have again married. They can cite instances where this occurred among the most respectable people of the community. Many a couple have been married and afterwards concluded they had made a mistake, but those same parties may later on meet the counterpart of what they fancy and be married again and become respectable members of the community. I can mention people occupying high positions in this country who have been divorced and remarried and raised their families and have been happy members of the community. I say, therefore, supposing that it be the woman who is divorced and who may, perhaps, in only one instance have transgressed, if she is debarred from being married again what is the result? She is thrown upon the

world. She has no protector. There are natural feelings that come to everybody, yet a party so situated cannot marry again. She has no way of starting in life. Are we to perpetuate the fault that this woman has herself indulged in? We perpetuate it by keeping her in a position where she can never be an honest woman again if we agree to the proposed amendment. Whereas if we give her a start again we will have two happy parties who otherwise would be driven into a life of celibacy or a life of prostitution as the case may be. I think it would be an unfortunate thing to put this House on record to bind every case that came before us to make a rule of this sort, that the respondent in a divorce proceeding cannot marry again.

Hon. Mr. SULLIVAN—I think it is my duty as a Roman Catholic to say a few words on the subject. First let me say that the feeling I entertain for the Divorce Committee is one of the most profound respect and gratitude for doing a duty which no other committee is entrusted with, a duty which is the most arduous, difficult and painful to people's feeling which it is possible to entrust to man, and therefore I think this Senate is bound on every occasion possible to give that committee exceptional honour and to have confidence in their judgment and in their deliberations. For my part I have confidence in the committee. I come here as a Catholic opposed to divorce. What right have I to vote at all? The duty of a Roman Catholic here is to refrain from putting in his oar in this business at all. Leave it to the wicked Protestants. We should not meddle with the matter in any way. If other people chose to commit sin let them do it. We cannot restrain them.

Hon. Mr. CLORAN—That is a wrong doctrine.

Hon. Mr. SULLIVAN—The hon. gentleman from Hawkesbury is in a peculiar position at this time. I do not wonder at his speaking with a great deal of feeling. Supposing the Roman Catholics—because they are the ones that are always kicking up a row about divorce—persist in their course, what will be the result? The result will be that the committee will not continue its laborious and painful duty any longer, and you will have a divorce court established, and then the Catholics will have contributed to immorality because there will be a great many more divorces granted as soon as the court is established in Ontario than at the present time. I contend as a Catholic that it is the duty of Catholics not to interfere in this matter, because it is the lesser of two evils. If they should, by their nagging at this committee, be the cause of such a change and a court is established, then the evil will be greater than it was before. I beg, as a member of this Senate, to inform that committee, as I have said inside of this House and outside of it, that they are deserving of every honour and confidence and consideration which this Senate can show them.

Hon. Mr. McSWEENEY. I quite agree with the last speaker. I think the Divorce Committee of this Senate deserve a great deal of credit for the pains and trouble they have taken in the various cases brought before them. The hon. gentleman from British Columbia (Hon. Mr. Macdonald) states that he is in favour of a divorce court. The province of British Columbia with a divorce court of its own from 1868 to 1902 had sixty divorces granted; Nova Scotia, with its own court, 125 cases; New Brunswick, with its own court, seventy-five cases, a total of 260, with a population of 1,000,000.

Hon. Mr. ROSS (Halifax)—There were only six cases in Nova Scotia last year.

Hon. Mr. McSWEENEY—I am speaking of the period from 1868 to 1902. Ontario in that time had about eighty divorce cases granted, and Quebec about eighteen. Manitoba and the Northwest about six cases—less than a hundred—with a population of 5,000,000 granted by the courts, and here in the province of Ontario with a population of one million they have had two hundred and six cases. That speaks for itself. I do not think we want a divorce court in Canada.

Hon. Sir MACKENZIE BOWELL—There is one serious objection to this motion, and it is that it is not general in its character. If it be the opinion of the Senate that the provision or the doctrine laid down in the resolution should be adopted and carried out, then I would suggest that a Bill

be introduced confirming the principle involved in this resolution, in order to prevent in future constant debates on this subject, as must necessarily follow if this motion be adopted, because the motion only applies to the particular case which is before the Senate at the present moment. The hon. gentleman intimates, in fact his resolution says, that he proposes to make a similar motion in every case that comes before the Senate. If we had a Bill affirming the principles involved in this amendment, that would put an end to such discussions in the future, and we should not have upon every occasion debates of this unsavory character. There is another objection which suggests itself to my mind—or rather it is an objection to the general terms of this motion, because it applies to every case. It provides for the prevention of the marriage tie the second time in cases where it was established before the Divorce Committee that the crime had been committed for the purpose of obtaining divorce. Even then I am not sure that I would vote for it, because in that case it would show not only immorality but it would show a depraved state of mind on the part of the person who desired to obtain the divorce. Where the crime was committed for that special purpose I would deprive the parties of the right of marrying again, but there is a great deal of force in the remarks made by the hon. gentleman from Brandon. If you prevent in all cases a re-marriage you leave the parties who have been separated in a position in which probably they would continue for the remainder of their lives, in the same state of violation of the moral law. These are two points that have suggested themselves to my mind. I am fully in accord with my hon. friend from Kingston upon the question of a divorce court. I think it would be a curse to this country. We have seen results of divorce courts in the United States, where you may have a judge who has very loose ideas upon matters of this kind and if you go to Dakota or one or two of the states I could mention, the most trivial difficulties between man and wife are sufficient to secure a decree. We do not want that state of society in this country. I can readily understand the disagreeable character of the work which the Divorce Committee have to do, and under no consideration would I accept a position, speaking personally, on that committee; but, as the law stands, a committee must be appointed under the constitution and the duties must devolve upon that committee of deciding these questions.

Hon. Mr. MACDONALD (B.C.)—Supposing the members all decline to act, what will happen then ?

Hon. Sir MACKENZIE BOWELL—Then perhaps so much the better. I am inclined to think that if I occupied a position on that committee and the remarks which have been made by certain gentlemen in this House were repeated, if they were worth paying attention to, I would throw up the sponge at once and tell him to go there himself. When hon. senators have uncomfortable and unsavory duties to perform they are entitled to every consideration. That is my idea of the matter. The hon. gentleman from Halifax introduced this motion in a manner unobjectionable to every member of the Senate, considering the strong views that he holds. I am not at all surprised that he has taken this moderate form of trying to cure what he considers to be a moral evil that exists in the country. Still if we want to put a stop to these constant discussions, and it is the opinion of the House that the views embodied in that amendment are correct, let us have a general law to put an end to it for all time to come. We have four or five cases now and there would have to be a similar motion made for each case. There are certain cases in which this crime has been committed for the purpose of obtaining a separation, and I am not so sure that I would vote for it if it were confined to such cases, but under the present circumstances I am very much inclined to the view that if this should be done it may lead to the evil which the hon. senator for Kingston has pointed out, the changing of the constitution, and placing on the statutes a law referring these things to the judges. Then if we understand human nature and look at the results which have followed that system in the neighbouring republic, I do not think the proposed change would lead to anything creditable to this country.

Hon. Mr. PERLEY—I have no hesitation in seconding the motion of my hon. friend from Halifax. I believe in divorce where

divorce is necessary, as it is defined under the laws of Canada. There is but one cause for which divorce can be granted under our system and there is nothing so objectionable and revolting to higher manhood and womanhood than a law which would compel man or woman to live with a person guilty of adultery. I am strongly in favour of a law which will grant separation from any one guilty of that offence, but the guilty party should not be allowed to marry again. I do not take any stock in the argument advanced by the hon. senators from Belleville and Brandon. The idea that a woman, because she has been found guilty of the offence charged and refused permission to marry again, would live a life of debauchery is absurd. We have millions of women who live virtuous lives who have never married. My hon. friends assume that because a woman is denied the right of marrying she will therefore resort to a life of shame. That is a preposterous idea. I shall vote for my hon. friend's motion, because I believe that any person, man or woman, found guilty of violating the marriage vow, and divorced therefor, should not be allowed to marry again.

Hon. Mr. McMULLEN—As a member of the Divorce Committee I assure this House that not a member of that committee fails to discharge his duty with an honest and sincere desire to see justice and nothing but justice done in every case. We never recommend a separation unless the committee is clearly convinced by the evidence, that the crime charged has been committed. Now, with regard to the amendment of the hon. gentleman from Halifax, it might on the face of it be looked upon as a prudent thing to debar the guilty party from entering into the marriage covenant again, but when you come to consider the question you find that it is impracticable. Supposing you do adopt that as the law, you cannot prevent the divorced person from crossing the St. Lawrence river, contracting a marriage there and returning to this country. Is it the desire of the House that such a condition of things should prevail ? Suppose in this Baker case you deny the respondent the right to marry again, owing to the manner in which he has treated his wife; he can go to the United States, marry there, and return with his wife to live in Canada, and you cannot punish him for so doing. There is nothing to be gained by a law of that kind. If that were the law the committee would have to enforce it in every instance, but it would prove ineffective. The question is whether it is better when the law has been violated by either party to the marriage contract to let that person form another union as the law of the country permits, or restrict them in such a way that they will go elsewhere and get married.

Hon. Mr. CLORAN—Does the hon. senator state that is the law ?

Hon. Mr. McMULLEN—That is the law, certainly.

Hon. Mr. CLORAN—It is not the law in our province.

Hon. Sir WILLIAM HINGSTON—I wish to say, first of all, that although I am not in favour of divorce—indeed strongly opposed to it—I think the Divorce Committee in discharging, honestly and well, the duties imposed upon it, has placed this country under a deep debt of obligation, and has made the Senate much more important than it would be if that work were not being done by it. From time to time I receive literature in the shape of reports, and I can unreservedly bear testimony to the thoroughness and at the same time the delicacy with which the examinations are conducted. I have not heard one word against the committee's methods : on the contrary I have heard nothing but praise. But I will not advance the opinion of others : I simply state my own conviction that the work of the committee is done in an admirable manner. I was amused at the sophistry of one hon. gentleman when he seemingly thought that marriage, for a woman, and especially for a fallen woman, was a necessity to help her, with a new husband—or a second, third or fourth, perhaps, to return to the path of virtue. I cannot allow that to pass without challenge. There are virgins, thousands upon thousands of them all over the world, who remain virgins all their lives and whose hearts and morals remain pure. Remarriage is not a necessity, I think if there was a novitiate for marriage as there is in regard to the taking of religious vows, there would not be so many who would enter married life. As the French have it : 'Si le mariage

avait un noviciat il n'y aurait que très peu de professes.' I am glad that this amendment has been proposed by the hon. senator from Halifax. To me it is a necessary amendment to the law. Last session we had reports containing evidence of actions the most abominable I have ever heard of. Hon. gentlemen know the cases to which I allude. I have never read anything so foul in my life. To whitewash women of that kind, and to let them go forth into the community to become the wives of honest men should be prevented. I have known young women to fall through poverty, love of dress, excitement, fear and so forth, but longed for a virtuous life, and I have known them, subsequently to have become the strongest exponents of virtue in our community. There are not many of them it is true. Because women when they fall, fall from a higher plane and fall much further than men do, and unhappily those of their sex do not readily help them to rise. Men fall more quickly; not so far, but more quickly. I would prefer to see a discretionary power left to the committee; but if that cannot be granted I would be strongly in favour of preventing an obstinately vicious woman from contracting a second marriage with an honest man and ruining his life, or an obstinately vicious man from contracting a second marriage with an honest woman and blasting her happiness.

Hon. Mr. WILSON—It was not my intention to make any remarks in reference to this motion, although I may state at the outset that I disagree with it. I think it will have no beneficial effect, and perhaps it may have an injurious effect. That being the case, I do not think it is in the interests of the Senate, that they should adopt this amendment. I wish to refer to a remark made by some of the speakers in reference to the conduct of the committee. One hon. gentleman went so far as to say that we granted divorces on evidence that would not hang a cat. That gentleman may have the opportunity of weighing the evidence if he wishes to do so, because it is all published, and before the House. He will find, if he reads it, that the greatest precaution is used in that committee to see that the evidence is ample and sufficient. As far as the proposed amendment is concerned, will it prevent guilty parties from marrying again? If it did so what would be the result? As has been pointed out by the chairman of the Divorce Committee, they will live together in immorality, violating the law in the future as they did in the past; therefore, I think the amendment will not accomplish any beneficial effect. Further, if we believe, as the amendment conveys the impression, that we ought to do a certain thing, why not pass a divorce law to cover the difficulty generally? Why not introduce a Bill to prevent all who have been divorced, from remarrying? Why attach a rider to each and every divorce Bill, as much as to reflect upon the Divorce Committee in granting the petition? In Ontario we have only the divorce court held here in the Senate. In other countries they have divorce courts in which they grant not only legal separation but divorces. Go to England, or to any other enlightened country; have they arrived at the conclusion to adopt a principle such as my hon. friend from Halifax has introduced? Do they prevent divorced people from remarrying? As has been stated by the hon. gentleman from Wellington, if these parties, after having been divorced, wish to get married again, all they have to do is to cross over into the United States and go before some justice of the peace there and remarry. Can we interfere with them? I think that argument of itself is ample and sufficient to show that this amendment will not accomplish the object which is desired. Can we prevent people who violate the marriage tie, and violate the vows they have made before their Maker, can we make them pure and upright, just and honest, by any legislation of this kind? I fail to be able to apprehend any such idea, and feeling very strongly upon this matter, I say that I think the amendment is not desirable. As regards the remarks made by my hon. friend from Wolseley (Hon. Mr. Perley) that he believed so-and-so, I have just as high an appreciation, just as warm a heart, towards female society I think, as he possibly can have; but I know full well what human nature is. I have seen enough of human nature, and therefore I feel that no woman or no man who has been guilty of the crime of adultery should be deprived of the privilege of marrying again. Supposing they are de-

barred by law from remarrying, will it prevent them from going elsewhere and marrying again under the laws of a foreign country ? Under the circumstances I have no hesitation in vindicating the action of the Divorce Committee. I say they are conscientious, they are desirous of doing right, they are desirous of rendering no decision in favour of any party unless they have positive and sufficient evidence to sustain them. I, therefore, shall vote against the amendment.

Hon. Mr. KERR (Cobourg)—The matter before the House has been one of painful interest, but I trust the discussion will be productive of good. The acting chairman of the Divorce Committee has so ably vindicated the action of that committee, that I will not attempt to say anything further than to state that his views are entirely my own. I think, looking at the record of divorces in the several provinces of this Dominion, as presented by the hon. senator from Moncton, that this Dominion is to be heartily congratulated that the evil has not assumed greater dimensions within our borders. Canada will compare favourably with the records of any other country in the matter of divorce. My own opinion is, and I give it after intelligent consideration, that the Divorce Committtee of this Senate, and the method of granting divorce by legislation only, has been one cause of keeping the evil down to a minimum ; and I think that every hon. senator, upon reflection, whether he is or not opposed in principle to divorce, will come to that conclusion. It is an evil, but we have to deal with it ; and the question is how to deal with it in the best possible manner, to repress the evil. I am not at all in sympathy with the amendment proposed by the hon. senator from Halifax. I do not believe in keeping an erring one continuing a life of shame. I think that would be the effect of this amendment. I would always, on all occasions, and everywhere, say to an erring one : 'Go in peace and sin on more,' rather than condemn such unfortunates to continue in a life of shame. I was sorry that my learned and professional friend from Montreal considered the members of the Divorce Committee capable of being influenced by female charms. I claim—not for myself any more than for my colleagues upon that committee —that I believe we are actuated by the highest and most conscientious motives. So far as I, myself, am concerned, I am blind to anything but what I believe to be legal and sufficient evidence, and my finding is founded upon that. Now, it is a compliment to that committee, although it may not be so apparent, that so few of their reports have been overruled. And if any report has been concurred in by this Senate which ought not to have been concurred in, the fault is not so much with that committee, as with the Senate, because our report is only a report of the evidence and our findings upon that evidence ; but the members of that committtee are only human and they can only give the result of the best judgment with which Providence has favoured them. But this Chamber is composed of between eighty and ninety members, and they ought not to let any report be adopted which in their judgment is not a proper one. Whether the action of the House confirms or upsets the report of the committee, the House is the responsible party. Do not let us have a repetition of this discussion every time a divorce Bill comes up. We are trying to do our duty as British subjects to keep the good name and fame of this grandest tribunal in this Dominion, high in the estimation of the people of the country. It will not help us to do so if, every time a Bill comes up, these arguments are reiterated, questioning the ability and the impartiality of the Committee on Divorce.

Let us lift ourselves to higher plane, and the committee will try to do its duty, its whole duty and nothing but its duty. We all have a strong abhorence of divorce. None has a stronger abhorence of it than I have ; but highly as I regard the sacredness of the marriage tie, it seems to be necessary that for one particular offence—and I am glad it is limited to one—the fathers of confederation and the imperal parliament saw fit to place in our constitution provision for divorce. Therefore I think this country, as the hon. gentleman from Montreal (Hon. Sir William Hingston) has said, is under a great debt of gratitude to the man (Sir James Gowan) who so wisely framed the rules governing divorce, because I believe in years to come, after he has left this life, thousands of people in Ontario will rise up and

call him blessed for what he has done to avert the terrible evils that would flow from the establishment of a divorce court, especially in the province of Ontario.

Hon. Mr. De BOUCHERVILLE—Being opposed to divorce, as I am on principle, I cannot but compliment the hon. senator from Halifax for trying to diminish at least the evil of divorce, but it seems to me that the question is so important, and so many members having spoken on this question, it is only fair that further discussion of the subject should be postponed for a few days. I for one should be very glad to read in the debates the speeches which have been made here to-day, some of which I could not hear distinctly. It strikes me that no attack has been made on the Divorce Committee, and I have heard nothing which should cause any hon. senator to get excited about a supposed reflection on the honour of the committee. The question is simply whether we should vote for or against the amendment, and I therefore move the adjournment of the debate for two days so that we may have an opportunity of reading the printed report of the debate.

Hon. Mr. POWER—I hope my hon. friend from Montarville will not press his motion. There are on the order paper to-day three or four third readings of Bills of this kind. These Bills have to go to the other Chamber to be dealt with there, and to undertake at this stage of the session to postpone all these measures involve a risk of the Bills not getting through.

Hon. Mr. CLORAN—So much the better.

Hon. Mr. POWER—That may be the hon. gentleman's private opinion, but speaking as a member of the Senate I do not feel that way. Every one of these cases should have fair-play. I wish to say at the outset that the hon. acting chairman of the committee was altogether mistaken in supposing that the amendment which I moved implied any want of confidence in the committee, or that it was intended in any way to reflect on the committee. Not at all. I sympathize with the views expressed by the hon. senators from Kingston (Hon. Mr. Sullivan) and Rougemont (Hon. Sir William Hingston). The Committee on Divorce discharge their disagreeable duties in a way which is very satisfactory, and which entitles them to the gratitude of their fellow members. And further I wish to say that I did not speak at all from a denominational point of view. No matter what denomination I might belong to, I think my sentiments upon this amendment would have been just the same. I wish hon. gentlemen to understand that distinctly. Now the hon. gentleman, the acting chairman of the Committee on Divorce, gave really the only possible argument to be used against this amendment, and that was that you cut off from the guilty party the chance of reforming and leading a good life. I fail to see that. I agree with the hon. senator from Wolseley (Hon. Mr. Perley) that the fact of the guilty party not having a chance to marry again does not necessarily prevent the guilty party ceasing to sin. I take this view, and I think it ought to commend itself even to the hon. chairman of the committee, that prevention is better than cure. It is better to do what we can to prevent people from violating their marriage vows than to undertake to provide that after they have done so perhaps in the most flagrant way, they will be able to marry again and, possibly, as far as this world is concerned, be happier than if they had not sinned at all. The hon. senator from Wellington (Hon. Mr. McMullen) said that this amendment even if adopted would be ineffective. I think he is mistaken in his law. If a party domiciled in Canada could not lawfully marry here, and married in the United States, the marriage would not be recognized when he came back to Canada.

Hon. Mr. CLORAN—Hear, hear, that is the law.

Hon. Mr. POWER—The principal objection of the hon. senator from Belleville (Hon. Sir Mackenzie Bowell) to this amendment was that we should have a general law—that parliament should pass a general law dealing with this question of the remarriage of divorced persons. I am disposed to think that would be the better plan. If divorce were not granted by Bill, that would be a perfectly correct view, but the Bill is going through, and it is like any other Bill, open to amendment, and I take it that the course which I have adopted even though my views—as they really are—were the same as those of the hon. senator from Bel-

leville is the proper course to bring about the result which he desires ; because if this House shows by passing this amendment that the sentiment of the Senate is in favour of adopting the course which the amendment indicates, then the government would have certainly a reasonable ground for introducing a general measure on the subject. The hon. gentleman from Belleville found another difficulty in supporting the amendment in this, that it was not limited to cases where the crime was committed for the purpose of getting a divorce. That would be a very difficult thing to establish, and while there is something to be said in favour of that view, at least while those are the cases to which the rule would most strongly apply, still it would be an almost impossible thing to do. As citizens of Canada, desiring to prevent immorality, we should support this amendment.

Hon. Mr. LOUGHEED—I have not had the opportunity of hearing the discussion that has taken place upon my hon. friend's motion, on account of my just having come into the Chamber, and not being here yesterday I was unaware of this being on the paper; but since I came into the Chamber and hearing what has been said upon the subject—it seems to me—and I say it with all due deference—that my hon. friend does not seem to have taken into consideration the fact that he is infringing upon the constitutional privileges of the provinces as well as of the Dominion with reference to the motion which he has just proposed. At the time of confederation, as is very well known, power was delegated to the Dominion of Canada to legislate with reference to marriage and divorce. The provinces, relying upon the powers which were vested in the Dominion under the Confederation Act, would naturally suppose that those powers would remain intact in their entirety and without any interference or infringement thereupon by the federal power. Now, there is only one divorce known to English law, and that is the divorce which dissolves the marriage contract. There is no law analogous to what my hon. friend seeks to introduce, constituting a partial divorce. It would be an anomaly to say that if you dissolve the civil contract of marriage—because after all, according to the laws of Canada, marriage is but a civil contract—immediately you dissolve the marriage contract which is the only law known in England and throughout the empire, with reference to divorce, you, of course, leave both parties precisely in the position in which they were anterior to their having entered upon the marriage contract. Now this clause which is invariably inserted in divorce Bills, namely the clause to which my hon. friend has referred, and which he seeks to amend, is simply declaratory of what the law is with reference to divorce, because immediately you dissolve the marriage contract, the corollary of that is both parties are again at liberty to marry. There fore a grave constitutional question is introduced in the motion which my hon. friend has submitted to the House.

Hon. Mr. POWER—My hon. friend does not question the fact that this House has the right to deal with marriage and divorce to the fullest extent ?

Hon. Mr. LOUGHEED—While my hon. friend is right to a limited degree, yet, under the British North America Act, a compact was entered into between the provincial authorities of the various provinces and the federal authorities representing the Dominion. I say that any interference with the powers which were given to parliament to legislate with reference to marriage and divorce is an invasion of the rights which all parties throughout this Dominion have with reference to this particular subject. My hon. friend might as well move in this parliament to amend the British North America Act with reference to any other subject pertaining to the federal authority as this particular subject. He may say that parliament has a right to legislate upon this subject, but I would point out to him that previous to confederation there was a contract or a compact entered into between the provinces and the federal authorities, and whatever that may be, whether it may agree with the opinions which certain gentlemen entertain with reference to this subject, that contract is sacred as between the provincial and the federal authorities, and, as I have said before, without our giving any consideration to it my hon. friend, entirely apart from the invasion of the British North America Act, proposes to introduce practically into the constitution a

new law with reference to divorce namely, a partial divorce. The subject is a wide one, and certainly should not be entered upon in this, I was going to say, thoughtless way, because no consideration has been given to the far-reaching consequences which may be involved in the passing of the amendment introduced by my hon. friend. I mention those considerations to show that this matter is not one which should be dealt with lightly, but is entitled to the most serious consideration not only that this Chamber may give, but that the law officers of the Crown should give it, inasmuch as it is an invasion of the rights and privileges guaranteed to the people of this Dominion under the British North America Act. There are certain provinces in the Dominion which have not the right to deal with the question of divorce. Other provinces have preserved those rights which pertained to them when they were Crown colonies, and they exercise those rights, among them exercising jurisdiction with reference to divorce. Consequently all the provinces of the Dominion are not in the same position, and I think those provinces which cannot exercise jurisdiction on this subject should watch jealously any invasion of such rights as are involved in this question. Now I am not dealing with the moral aspect of it. So far as this parliament is concerned there is a more serious question than that which my hon. friend may regard as the moral one. Under the circumstances, he having introduced this subject and caused a discussion upon it which may possibly result in consideration being given to the question which may be productive of very good effects, I would suggest to my hon. friend to withdraw his amendment and that we should not lightly enter upon so radical a change as that proposed.

Hon. Sir MACKENZIE BOWELL—Supposing this amendment were passed, what would be the position of a divorced party who is not permitted to marry, but who does marry again ? Could he be prosecuted for bigamy, or for what offence ?

Hon. Mr. BERNIER—The hon. senator from Halifax has intimated that he will not accede to the request of the hon. senator from Montarville. I think he should accede to it. The question is not so clear as the hon. gentleman seems to think it is. There is certainly a constitutional question raised. In so far as his amendment tends to restrict the evils of divorce, I am, to a certain extent, in sympathy with him, but other questions are involved. First of all is the constitutional question ; have we the right to pass such a resolution ? As the hon. senator from Calgary (Hon. Mr. Lougheed) has pointed out, there is a contract between the provinces and the Dominion which should be respected. Besides that, though some of us are in sympathy with the amendment to a certain extent, voting for this resolution implies that we should grant divorce to the other party. Some of us could not do that, and besides it seems to me that the amendment is not complete in itself. It does not mention who will determine who is the guilty party in the case.

Hon. Mr. POWER—The amendment mentions the names of the petitioner and the respondent. Those are the innocent and guilty parties.

Hon. Mr. BERNIER—But the evidence does not say explicitly who is the guilty party. I think if the amendment of the hon. gentleman should be adopted, then it seems to me, as suggested by the hon. gentleman from Belleville, it should be in a general law or in a regulation working as a direction to the Divorce Committee ; otherwise it seems to me that the action of the Senate would not be sure. Under the circumstances, it seems to me that it would be an agreeable thing for the hon. senator from Halifax to adopt the suggestion of the hon. gentleman from Montarville to let this matter stand.

Hon. Mr. FERGUSON—I had not the advantage of being in the House when this discussion began, but I was here when my hon. friend from Halifax gave notice of his amendment last evening, and I have looked into the matter and am of the opinion that this parliament has not the power to do what my hon. friend has suggested in the manner he proposes and if we were to pass this motion we could not enforce it. The question asked by the hon. gentleman from Belleville goes right to the point. There is a law against bigamy, but it would not be bigamy if a divorced man married again, notwithstanding this prohibition. There is

a natural right in every man and woman to be married, and that is confirmed in British law which applies to Canada. The canonical law may have a different application, but there are only two things to prevent people from being lawfully married. One is, that one of the parties has been married before, and the other is that the parties are within the prohibited degrees. We have dissolved the marriage between this man and woman, and we turn around and say that one of the parties may not marry again, although he is not now married. This person we are prohibiting from marrying is not shown to be within the prohibited degree with the other party. Nor yet is this person married to any other person. The person is unmarried and has a right to marry again. If we were to pass this amendment, I am strongly of the opinion that it would not be effectual, and if we did it we would have to amend the Criminal Code and constitute something else bigamy besides a man marrying again during the lifetime of the person to whom he had been previously married. I do not think it would have any effect if we did pass it, except possibly in making the offspring of such marriage illegitimate, which would be punishing innocent parties.

Hon. Mr. GIBSON—Being a layman and having heard the opinions of legal gentlemen who are versed in the law I feel somewhat at a loss. I do not think the hon. gentleman from Halifax had any intention to cast reflections on the work of the committee, because he knows that it does not lie in the mouth of any hon. gentleman on either side of this House to say one word reflecting on the work done by the Divorce Committee. I do not often attend it, but I do read the work they do, and they deserve from this House every assistance and every support, and while it is perhaps not possible to change the Act, as pointed out by the hon. leader of the opposition, still it seems to me there might be other questions asked the party applying for divorce. One of the prominent questions is: Have you connived at or is there any understanding between you as to any arrangement being made that this divorce should be granted—collusion? It seems to me that this further question should be put to them: Are you engaged to be married to somebody else? Perhaps it might appear a little senseless to put a question of that kind, but I venture the assertion that in nineteen cases out of twenty, other parties are providing the money with a view of the petitioner being married to somebody else, and that is the reason why we have so many divorces before us.

Hon. Mr. LANDRY—There is a nigger on the fence.

Hon. Mr. GIBSON.—Perhaps he has not got on the fence, but he is within easy reach of it, and I honestly believe if that question were put to the petitioner, if it is within the power of the British North America Act, where there is a feeling that money is supplied to any one for the purpose of granting a divorce, we would have fewer applications. Then there is another feature. The time within which the acts were committed, and the time when the application is made are often very far apart. In many cases years elapse, and for the reason that no one has offered to assist them until then, and perhaps there has been no offer of marriage. When the time arrives, they come down here and apply for a divorce which, in my judgment, should not be granted.

Hon. Mr. CLORAN—Before the debate closes I have one word to say. I used an expression which was simply giving vent to my opinion of the evidence as produced in print. I do not know what influence the evidence had on the committee except through their report. But, as the hon. gentleman from Cobourg has stated, every hon. senator in this House is master of his own judgment in regard to the report of any committee, no matter how small his opinion may be, and I still hold, after the discussion, that divorces have been granted by this honourable House on evidence that would not justify the result, and we have evidence before this honourable House that would not justify us in finding anybody guilty. I hold that opinion. My expression of 'hanging a cat' may be a little strong, but still I hold to the opinion that to a man who wants to give a conscientious verdict in the matter, divorces are granted on evidence that is not sufficient. Now in regard to the constitutional question raised by the leader

of the opposition, I have this to say: that there is no constitutional question in the matter, no more than there would be in a revenue question; no more than there would be in a customs question; no more than there would be in any question under the British North America Act. It is said that it is a question of pact. I do not admit that it is a pact. The provinces and the Dominion made no pact. It is a constitution and if the government have a right to change and vary the provisions which grant to the government the power of regulating inland revenue questions, and the power of regulating customs, so it has the same power regulating the other provisions of the Act, whether they fall under the marriage clause or the customs clause or any other clause. Parliament is master of this question and when the leader of the opposition points out that it would interfere with the rights of provinces with the Dominion, I ask him when the department varies regulations in regard to inland revenue or customs, does that interfere with the pact and understanding existing between the provinces and Dominion when they became one? It does not. Consequently I hold that there is no constitutional question involved in the matter, and that the proposition made by the hon. gentleman from Halifax is a safe one and one which would be upheld by the courts of this country, and one which does not need any sanction by the Criminal Code. This parliament has power to penalize persons whether under the marriage clause or customs clause or inland revenue, and, holding these views, I think there is no danger to be expected from the adoption of the motion proposed by the hon. gentleman from Halifax. Senators who ought to know much better, I was going to say the older they get the more sympathy they seem to have for people who ought not to break the marriage tie, but who do so. I hold that this honourable House will be doing its duty in limiting the evil results of divorce.

Hon. Mr. ROSS (Halifax)—I thought the subject before the House was the adjournment of this debate. We have been wandering away from that altogether. I will not oppose the motion for the adjournment of the debate. I would like to support the motion of the hon. gentleman from Halifax, but I think in that event we would likely have a repetition of this discussion over every Bill of divorce that would come up. But if the suggestion of the hon. senator from Belleville should be adopted, that a general Bill should be introduced it would do away with a repetition of discussions of this kind. Supposing a Bill of that kind were introduced and passed, would that law not affect the whole Dominion of Canada in its general principles, and how would you apply that to a province where divorces are granted by judges of the Supreme Court? The argument that has been used here, and used repeatedly, that to submit the matter to judges would have the effect of increasing the number of divorces, does not hold true in Nova Scotia, where there have only been 68 cases of divorce in the last thirty years, which is about two and one-eighth per year. I was going to say that I do not concur in the suggestion of the hon. senator from Montreal that the question of divorce was one that did credit to the Senate. I am of a different opinion, I do not think it tends to elevate the dignity of the Senate in any shape or form that this subject should be before us at all, because this is not a proper tribunal for divorces. I do not think any member in this Chamber has stated—and I certainly would oppose such an insinuation—that the Committee on Divorce is not doing their duty in a just and unselfish manner, just as if they were trying a case of life and death. I think they are acting conscientiously and justly according to the evidence placed before them, and I would be sorry that any member of this Senate should cast any reflection on that committee who are doing their duty, I believe, as faithfully and conscientiously as it is possible for any human tribunal to perform a duty.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is misrepresenting—not misrepresenting intentionally—but I think he misunderstood the remarks of the hon. gentleman from Montreal. What he said, if I understood him correctly, was that the manner in which the Divorce Committee had conducted the business was a credit to the Senate and not that the divorce laws were a credit to the Senate.

Hon. Mr. JONES—If I understand this question aright it is asking the House to vote upon two principles which, it does not appear to me, members of this House should be asked to vote upon, with the information and knowledge that some of us have with reference to this matter. The motion implies, if it does not say so in so many words, that one of the parties referred to is to be released from the other, and so in voting for this amendment the House votes that in this case the man shall be absolutely divorced from the wife. Now that involves a difficulty in this House, because a large number of gentlemen in the House do not desire to vote that one of the parties should be released, because they have, so far as my knowledge goes, always refrained from voting when two parties should be released. It has also brought up the question as to whether it would be legal if we passed that amendment. If there is any doubt on that subject, surely the House ought not to be asked to adopt a resolution which we might afterwards find we had no power to pass and it would not be creditable to place the Senate in that position. If the motion the hon. gentleman has made was separated from the individual case and came up on its merits, it would invoke a careful consideration by which those of us who are not conversant with the law would be enlightened, and would thereby acquire definite views and would know how to vote. The hon. gentleman from Victoria has indicated that this House has absolute power beyond all question to pass this resolution, and that it would become law and we could deal with it in such way as we desired. I infer from his remarks that our power in that regard is beyond question, and goes even further than he has said. It goes so far that I do not see why he should not have the courage of his convictions and allow this House to have the pleasure and the honour of tieing together certain two people in the early part of next month, and in that way show how clearly the power rests in the House to do it. If it is as wide as he indicates, then his case which I have heard something about, ought to come to the House, and while the House is in session give us that honour of connecting the two people together, a cause in which he is so plainly interested. It does appear to me that the hon. gentleman who has introduced this motion ought to meet what I feel is the wish of a majority of this House, that this should not be pressed to a vote, but that it should come up as a general question, not on each divorce Bill, because in each case the same subject of debate will arise. If it is the desire of the House to have the law changed, surely it would be a great relief to the Senate hereafter, and would do away with all this discussion in the future, when we would deal with the cases as they come before us, leaving the common law to settle which of the two were free, or if either of the two were not free because of the granting of the divorce.

Hon. Mr. KIRCHHOFFER—I do not intend to make another speech, but I wish to put myself right with regard to the remarks of several hon. gentlemen who have spoken, which would seem to imply that I had accused the hon. gentleman from Halifax of having made some adverse statements against the committee. I do not see how anybody could place such a construction upon any remarks I made. I did allude to some remarks made in the House, but not by the hon. gentleman from Halifax, and I said nothing but what was complimentary about the way he introduced his amendment. I would reiterate that anything he said and the way he introduced the resolution was in a moderate, temperate, and certainly in a most gentlemanly manner.

Hon. Mr. CHOQUETTE—I am so strongly opposed to divorce that I am willing to support with pleasure the motion of the hon. gentleman from Halifax, because I think it will operate as a check upon divorce. When it becomes known all over the country that the Senate have decided to punish the guilty party by preventing him from marrying again, it is my opinion that it would be a great check upon divorce, and that we will gain much credit by it. The hon. leader of the opposition has raised a point which, at first sight, seems to be serious ; but, though I have the greatest respect for his opinion, it seems to me it is not so serious as it looks. The British North America Act, section 91, provides that :

> It shall be lawful for the Queen by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order and good government of Canada, in relation to all matters not coming within

the classes of subjects by this Act assigned exclusively to the legislatures of the provinces.

Subsection 26 of that section declares that marriage and divorce do not come within the jurisdiction of the provinces. Legislation on these subjects rests with the Dominion, therefore, if we had the right to grant a divorce or to refuse it, I do not see—at least at first sight—why we should not have the right to incorporate in a Bill of divorce any clause we wish to put in; and I do not see where the right of the province is invaded. The province has nothing to do with it according to the constitution, because it is a question relating to divorce; and I repeat that if we have the right to pass a Bill declaring that two parties are divorced, and if we have the right to say that they shall not be divorced, I do not see why we have not the right to grant relief as far as one of the parties only is concerned. I do not see that it would attack the constitution given to us by the imperial government. If we have the right to do the greater thing, we have the right to do the less. If a divorce should be granted to one party only, we have the right to do so, and I think it would be a good thing. As the hon. gentleman from Beamsville has said, there is always behind one of the parties in a divorce Bill another party who is furnishing the money with a view of marrying that very individual. It has been said, and it is true, that a man may commit the crime of adultery with a view to having a divorce obtained by his wife, because we do not know everything which happens in relation to these cases. But I say that we certainly have the right to deal with this question under the constitution. This court—because we are a court—has the right to deal with this question, and to grant, if not all the petition asks for, at least a part. If we have the right to grant a complete divorce we have the right to grant it with a modification—to one of the parties only.

Hon. Mr. SULLIVAN—Would we have the power to imprison either party?

Hon. Mr. CHOQUETTE—I do not think that is pertinent to the point in question. I have given my opinion, but I am quite willing to correct it if occasion arises. I am willing to let the matter stand until we have the opinion of the Minister of Justice, because I consider it a most important question. There is another statement made by the hon. gentleman from Wellington and Elgin that if we were to grant a partial divorce and a man is debarred from marrying again, he could go to the United States and get married there and come back here and live with his wife, and that no one could interfere with him. I completely differ from my hon. friend. If a man is debarred from remarrying he is supposed by law to have a wife and he has no right in this country to marry any other woman. He would be guilty of bigamy.

Hon. Mr. LANDRY—Under what law, the federal or the local?

Hon. Mr. CHOQUETTE—The federal law. He may be prosecuted for bigamy.

Hon. Mr. McMILLAN—On what grounds? Will my hon. friend allow me to ask him a question? He has stated that a man in such a case could be sued for bigamy. For the violation of what law?

Hon. Mr. CHOQUETTE—The law of this country.

Hon. Mr. McMULLEN—No, he has not married again in this country.

Hon. Mr. CHOQUETTE—It would make no difference at all.

Hon. Mr. McMULLEN—If he has married again in the United States, could you prosecute him in Canada for the violation of a law of the United States?

Hon. Mr. CHOQUETTE—He may do what he likes as long as he lives in the United States, but if he comes back from the United States—comes to live in Ottawa, as was suggested—I say he cannot do that. A man has no right to have two wives living, which would be the case under such circumstances, because if we pass a Divorce Bill in favour of the wife declaring that he has no right to remarry, if he goes to the United States and comes back here with another wife whom he marries in that country, he will have two wives living. It will be against the law of this country, and he would be liable to be sued for bigamy. I have given my opinion candidly, but as I have said, I am willing to let the matter stand until we obtain the opinion of the Department of Justice on both questions. If we are called upon o vote now upon this

resolution, I am satisfied we have the right to pass it, and I am willing to support it.

Hon. Mr. McGREGOR—I will not detain the House; I am not going to speak upon the question itself, but merely wish to explain my own vote. I am largely in sympathy with the amendment. I have often expressed myself along its lines, but at the same time I am not prepared to vote for it, for the reason that I think every case should be judged upon its own merits, or rather upon the evidence submitted. At all events the committee might have the power of bringing in a recommendation, either for or against. Then, again, what has decided me against voting in support of it is the point raised by the hon. gentleman from Calgary. He is a constitutional lawyer, and he says we have not the power to do it. Another constitutional lawyer says we have. I should be glad if the hon. gentleman from Halifax would take the suggestion of the hon. gentleman from Calgary, and not press his amendment to a vote, otherwise I shall have to vote against it.

Hon. Mr. BEIQUE—I have not given sufficient attention to the question to enable me to give a vote intelligently if the motion is pressed. I think that the hon. member from Halifax is to be congratulated for having raised the question. It is a very important one, but I incline to the opinion that it should be dealt with more fully than it would be by this motion. I think that the criminal law would have to be amended. I have no doubt in my mind that this parliament has absolutely the power to pass the motion as it appears on the order paper, and that no constitutional question is involved in it. The question which is involved is rather the logical question: a marriage contract having been entered into between two parties, is it logical to dissolve that contract merely as regards one party only, and what would be the consequences? Take A and B, who are married, and the marriage is dissolved only quo ad B, B getting the right to marry again, while A cannot marry. Suppose A and B choose to marry again. As far as B is concerned he could do so, whether it be with the same person as previously or not. As regards A, would A have the right to marry again?

Hon. Mr. POWER—If the hon. gentleman will look at my amendment he will see that it reads, 'marry any other woman.'

Hon. Mr. BEIQUE—I am not speaking of the Vaughan case in particular. I have no doubt but that the question which I have suggested is a possible one as to whether in such a case the wife should marry her former husband again, whether it would not be an act of bigamy. Any way it strikes me that if the question is to be dealt with, it is necessary that it should be dealt with by way of an amendment to the Criminal Code also. Now we have always known the English people as being a very practical people, and as far as I am personally informed I think we cannot find in the English books that any divorce has ever been granted only partially; and I take it to be—though I have not examined the question sufficiently to enable me to express a decided opinion on the matter—I take it to be because it would lead to very serious inconvenience and because it would be illogical to dissolve the marriage as regards one party only. As far as the merits of the question are concerned, I agree entirely with the hon. gentleman from Montmagny. I think if it was practical, that it would have a tendency to decrease the number of divorces, and I would be in favour of it in that respect; but, as presently informed, I would not be prepared to vote on the motion which has been made by the hon. member for Halifax.

Hon. Mr. DOUGLAS—I have had a great deal to do in the way of marrying people during the course of my life, but only since coming to the Senate have I had anything to do with dissolving the marriage contract. I feel very deeply on this question, and I am sorry to say that I cannot see my way fully to support this amendment. An amendment of this kind is far-reaching in its influence and would disturb the people of this Dominion to a very great extent. I see difficulties in regard to its relationship to the constitution, and I have still further difficulties about it in another aspect which, perhaps we are not called upon to consider, namely, the religious aspect, and because it affects the different social institutions of the Dominion. It would lead to endless discussion, and it is hard to say what the result would be.

Further, it seems to me it would mix up affairs decidedly, not only religiously merely, but to my mind, legally. I am not a lawyer, but I do feel that this amendment, if it were carried, would affect the relationships of the two parties concerned in relation to property, and in their relationship to the children that might be the fruit of the union which could be partially broken. I cannot in my own mind define the precise position of the one individual if you grant a partial divorce. It would be an anomaly in the Dominion of Canada. My own view is that it would be wiser for the hon. gentleman to withdraw this amendment. If it is to be the means of lessening the number of petitions for divorce, I am sure I would be only too glad to support it, but I do not think that the importance of the question, and the far-reaching influence of this amendment, call for a more dignified way and a fuller way of dealing with the case. It is precipitate, to begin with. The public has no notice of it. The House has only a day or two notice of it, and certainly a question of such grave importance ought to be brought fully before the people and fully before this House so that we might be able to discuss it intelligently and concientiously. I would rather see the matter brought up apart altogether from any particular case, brought up in the way of a Bill of this House and receiving in due time the full concurrence of both Houses. Then we might expect some good to come out of it. I do feel that if this amendment is adopted by the Senate, this House, which is supposed to be a check upon hasty legislation, could be charged with being hasty in this particular instance, hence I regret to say that I cannot support the amendment as it now stands, and further, I would like to have it entirely separated from any individual case and dealt with as a principle.

Hon. Mr. LANDRY—I rise to a point of order. This amendment is unconstitutional. It creates in the different provinces impediments to marriage, unknown up to to-day.

Hon. Mr. SULLIVAN—According to the canon law ?

Hon. Mr. LANDRY—According to the civil law. It is dealing with a question which the province alone has a right to deal with. The Dominion parliament has nothing to do with the matter of impediments to marriage. It is a local question altogether. If we look at our provincial courts—take the province of Quebec for instance—we find this. Clause 125 of the Civil Code says :

> In the collateral line, marriage is prohibited between brother and sister, legitimate or natural, and between those connected in the same degree by alliance, whether they be legitimate or natural ; but it is permitted between a man and his deceased wife's sister.

Clause 126 provides that marriage is also prohibited between uncle and niece, aunt and nephew. Clause 127 is as follows :—

> The other impediments recognized according to the different religious persuasions, as resulting from relationship or affinity or from other causes, remain subject to the rules hitherto followed in the different churches and religious communities.

Clause 118 says that a second marriage cannot be contracted before the dissolution of the first. From all these articles it will be seen that in the province, legislation regarding impediments to marriage is local legislation. This amendment is bringing forward a new status, a new impediment. If a woman is divorced from her husband, she cannot marry again because this amendment sets forth that she cannot marry during the lifetime of her former husband. Why ? Because she has been found guilty here before the Committee on Divorce. A report is made by the committee and the fact that she has been found guilty in this court of the Dominion is constituted an impediment against her future marriage. Her husband may marry but she would not be able to do so. I say that this is creating new impediments, and that we have no right in the federal parliament to create impediments to marriage. That is reserved to the local legislature, which is the guardian of our civil rights.

Hon. Mr. DeBOUCHERVILLE—I think the question is on my motion to adjourn the debate.

Hon. Mr. BEIQUE—It seems to me the point of order is badly taken for two reasons ; first because there is no impediment. The impediment would be because of the marriage which would not be dissolved by the act as to the two but only as to one, and, therefore, as regards the one

whose marriage would not be dissolved, that person would be prevented from marrying again, so there is no impediment. But even if there was a second impediment, from the fact that the British North American Act has vested the question of marriage and divorce in this parliament, this parliament is entitled to deal with it most fully as for instance when it deals with insolvency. Civil rights have been left to the provincial legislatures, but the courts and the Privy Council have held, nevertheless, that parliament is supreme in dealing with the question of insolvency, and in dealing with civil rights, because it is accessory to the power which is vested in the federal parliament, so that for these two reasons I shall support this amendment.

Hon. Mr. POWER—I propose, if the House does not object, to recognize the fact that this amendment is lost on a division.

Hon. Mr. De BOUCHERVILLE—No, I object.

Hon. Mr. POWER—Then I am prepared to withdraw the motion, with the consent of the House.

Hon. Mr De BOUCHERVILLE—I object.

The Senate divided on the motion to adjourn the debate, which was rejected: contents 10, non-contents 28.

The SPEAKER—The question is on the amendment.

Hon. Mr. POWER—Lost on a division.

Hon. Mr. LANDRY—No.

The SPEAKER—The amendment is lost on a division.

Hon. Mr. LANDRY—I do not think the Speaker should declare it lost on a division. I was quite willing that the motion should be dropped.

Hon. Mr. SCOTT—The Speaker has decided.

Hon. Mr. LANDRY—My point of order should be decided first.

Hon. Mr. POWER—I do not think the point of order is well taken. In addition to the reasons given by the hon. senator from DeSalaberry, the hon. gentleman must remember that this is not a question of order, that it is a question of amending the British North America Act. That is not a question of order.

Hon. Mr. LANDRY—It is.

Hon. Mr. POWER—It is not a question about any section dealing with the Senate, and hon. members must bear in mind that only a few years ago the Dominion parliament passed an Act allowing marriage with a deceased wife's sister, showing that this parliament has a right to deal exclusively with the question of marriage and divorce.

The SPEAKER—I would ask the hon. gentleman not to insist on this point of order.

Hon. Mr. LANDRY—I want the decision of the Chair.

The SPEAKER—I do not think this is a question for the Chair to decide but rather for parliament. The amendment is lost on a division.

The Bill was then read a third time and passed on a division.

THIRD READINGS.

Bill (O) An Act for the relief of William Napoleon Vaughan.—(Hon. Mr. Perley.)

Bill (P) An Act for the relief of Charles William Holmes.—(Hon. Mr. Perley.)

Bill (Q) An Act for the relief of Minnie Florence Irvine.—(Hon. Mr. Perley.)

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (14) An Act to amend the Weights and Measures Act. He said: I presume it will be more convenient to discuss the details of this Bill in Committee of the Whole. The object of it is to fix a standard for each can in which milk is usually sold. It has been considerably amended from the introduction in the House of Commons and is now a good deal longer than when introduced.

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

FRUIT MARKS ACT, 1901.—AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (101) An Act to amend the Fruit Marks Act, 1901.

He said: This is not a long Bill. It is the result of the judgment given by the Fruit Growers' Association, who met here some three or four weeks ago, changing the marks on packages that are chiefly for export. As the law stands to-day the opportunity for fraud and deception is very great. X means the low grade, XX mean the higher grade, and XXX is the highest grade. It is an easy matter for any one to put on an extra X and deceive people when the original packer had no thought of doing so. This places the highest grade of fruit, 'Fancy.' Then No. 1, 2 and 3. Otherwise it is very much on the line of the law as it stands. We can consider the details at a later stage.

Hon. Mr. FERGUSON—I am sorry my hon. friend is proceeding with the second reading of the Bill. It is an important Bill, and I think there should be some opportunity of discussing it. Possibly that may be done in committtee.

Hon. Mr. SCOTT—We can discuss it in committee.

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

LEWIS ENFRANCHISEMENT BILL.

ORDER OF THE DAY POSTPONED.

The Order of Day being called,

Committee of the Whole House on (Bill 85) An Act for the enfranchisement of Jamieson Webster Lewis, an Indian of the Moravian Band of the Thames, in the province of Ontario.

Hon. Mr. WATSON—I move that the House resolve itself into Committee of the Whole on this Bill.

Hon. Mr. LANDRY—I object to that; this is a private Bill.

Hon. Mr. WATSON—No.

Hon. Mr. SCOTT— It arises from an error in the Department of the Interior some time ago. Some of the papers were not properly considered, and it was afterwards thought that as the individual was in no way responsible that he ought to be enfranchised; as the fault was in the department, the department should take it up and that is the reason it is a public Bill.

Hon. Mr. SCOTT.

Hon. Mr. LANDRY—I think it is a very poor reason. Suppose a man has a patent in Ottawa and he does not comply with provisions of the Act, his patent expires. He comes in with a private Bill to have his rights restored, though he obtained the patent under the general law. This Indian should have his rights by the general law, but fails to get what the law affords him. Let him come in with a private Bill. Bourinot says:

Private Bills are distinguished from public Bills in that they relate to the affairs of private individuals or of corporate bodies and not to matters of public policy or to the community in general.

This Bill only applies to that single individual.

Hon. Mr. WATSON—If the hon. gentleman will allow me to say, the Bill provides for the enfranchisement of this Indian. In 1899 he applied to be enfranchised and to acquire any rights he had to the moneys he was entitled to out of the band, and by some mistake he was not properly enfranchised at that time. This Act provides that he shall be enfranchised, and shall receive the amount he is entitled to, and shall also receive the amount of land, which, under the Indian Act, he is entitled to receive under the patent. The Bill is in the name of the Hon. Mr. Young now. It was really introduced in the House of Commons by the hon. Minister of the Interior (Mr. Oliver.) I do not think there can be any question as to the Indian, he had no right to apply as an Indian, because he is a ward of the government, but the government has provided to give him his franchise. The Bill could not be introduced by the Indian himself or be applied for by the Indian himself. It is applied for by the government.

Hon. Mr. LANDRY—All the reasons given by the hon. gentleman prove that it is a private Bill.

Hon. Mr. WATSON—It is not a private Bill.

Hon. Mr. LANDRY—Every Bill for a particular interest or the benefit of any person or persons is treated in parliament as a private Bill. Is it for a public or private interest?

Hon. Mr. WATSON—Public interest. It is a Bill introduced by the government to enfranchise this Indian.

Hon. Mr. LANDRY—The fact that the minister introduced it does not make it a public Bill.

Hon. Mr. WATSON—The hon. gentleman knows that the Indian himself could not apply for the Bill; he is a ward of the government until the Bill is passed. When it is passed it makes him an enfranchised Indian. My learned friend will agree that it would not be possible for him to make application on behalf of himself to be enfranchised.

Hon. Sir MACKENZIE BOWELL—It seems to me all this trouble might have been avoided if the government had introduced the Bill and made it a government Bill instead of a private Bill. The Indians are enfranchised under the Dominion Act, and the Dominion Act was introduced by the government and there are certain provisions in that Act which enable him to become what we call a free citizen, takes him out of the catagory of a ward of the government. That was a public Bill when it was introduced. The blunder has been made in this case in the attempt to enfranchise this Indian. Is he applying?

Hon. Mr. WATSON—No, it is the Minister of the Interior.

Hon. Sir MACKENZIE BOWELL—Then that makes it still stronger. The Department of the Interior is applying to parliament to rectify an error which the department made, in order that this man can be properly enfranchised. I can only repeat what I have already said, that it ought to have been introduced by the Minister of the Interior and made a government Bill, but whether that has been done or not it seems to me that under the circumstances, and the law under which Indians are enfranchised, it becomes a public Bill and not a private Bill, more particularly as it emanates from the Department of the Interior.

Hon. Mr. LOUGHEED—My hon. friend from Portage la Prairie will see that 'prima facie' the Indian is not a ward of the government, but a ward of the hon. gentleman from Portage la Prairie.

Hon. Mr. WATSON—I said the Bill was introduced by the Minister of the Interior. And I do not know how my name and that of the Hon. Senator Young became attached to it. The Bill sets forth the reasons for its introduction, I have looked over the Bill, and I have no hesitation in making the motion. It is a public Bill in every sense of the word. This Bill provides for enfranchising this Indian and giving him title to the land he has occupied for the last four or five years.

Hon. Mr. FERGUSON—I am clearly of opinion that this is a private Bill. A citizen has a grievance, and he applies to parliament to have it removed. That is the difference between a private and a government Bill. The fault may have been with himself or may have been with somebody else. The fact is that he has a grievance and seeks to have it removed. I think if the department is in error they should send the fee to the Senate and have it put through as a private Bill.

Hon. Mr. SCOTT—There is no other way of accomplishing it now. They got into a tangle; it passed the other House as a government Bill.

Hon. Sir MACKENZIE BOWELL—The Indian himself is not applying, so the position taken by my hon. friend to my left is not tenable. The Bill is introduced to rectify an error, and it comes from the Department of the Interior, and the Secretary of State says that it ought to have been introduced by himself or his colleague.

Hon. Mr. LANDRY—I think the title does not justify the Bill. The title states that it is for the relief of that particular gentleman.

The SPEAKER—Does the hon. gentleman insist on his motion?

Hon. Mr. LANDRY—Well, as long as the government admits they got into a tangle it is all right.

Hon. Mr. WATSON moved that the Order of the Day be discharged and that it be placed on the Order of the Day for to-morrow.

The motion was agreed to.

The Senate adjourned until three o'clock to-morrow.

SENATE.

OTTAWA, Thursday, May 31, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

GRAND RIVER AND WESTERN POWER COMPANY BILL.

BILL INTRODUCED.

Hon. Mr. McMULLEN—I move for leave to introduce Bill (AA) An Act to incorporate the Grand River and Western Power Company.

The Bill was read a first time.

Hon. Mr. McMULLEN—I move that the Bill be referred to the Standing Orders Committee.

Hon. Mr. YOUNG—If my recollecton serves me right a petition has been presented for this Bill. It is a Bill originating in the Senate, and a petition has been presented which, I understand, has not yet been passed upon by the Committee on Standing Orders. Therefore, this Bill does not go to the Standing Orders Committee in the same way that a Bill originating in the House of Commons would. It must rest upon a petition, and as the petition has not been passed upon yet, if the hon. gentleman will defer the second reading of his Bill until, say the 6th of June, possibly by that time the Committee on Standing Orders may recommend the suspension of the rules in reference to that petition. My recollection is that in considering the petition we found it was woefully short in regard to notice, and, therefore, it was not recommended to the House.

Hon. Mr. McMULLEN—I move that the second reading of this Bill be set down for the 5th of June next.

The motion was agreed to.

BILLS INTRODUCED.

Bill (BB) An Act for the relief of Asenath Ramsay.—(Hon. Mr. Perley.)

Bill (CC) An Act to incorporate the General Accident Insurance Company of Canada.—(Hon. Mr. Perley.)

THE EXPEDITION TO HUDSON BAY.

INQUIRY.

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

Call attention to the expedition and voyage of the ship 'Arctic,' commanded by Captain Bernier, to Hudson bay and the northern sea last year, and inquire of the government what the result of the expedition is; has any good been accomplished ?

Is Captain Bernier, officers and crew, still in the service, and pay of the Dominion ?

Is it the intention of the government to outfit, and send the same ship in command of the same captain on a voyage of discovery within the Arctic circle towards the north pole, at any future time ?

He said : In calling the attention of the House to the voyage of the 'Arctic' last year I do not intend to go into the question of economy or extravagance ; first, because I do not know whetner there was extravagance or economy, and, in the second place, I am aware from action taken in the House of Commons that the Premier has very properly moved for a committee to inquire into this whole matter. Of course I have my own opinions. I hope Captain Bernier had a good time with the old port wine, the cognac, and other good things. I am asking this question simply for information. I hope the trip resulted in some good, though the expense is no doubt great. With regard to future expeditions, I do hope the government will not undertake any. I would leave the north pole where it is ; it will not benefit or hurt any one and there are other nations with ships and experience who can search for it if they feel disposed to do so. Many attempts have been made by various nations, all of which have failed, and there is no necessity for Canada now to step in and at great expense try to make this discovery where others have failed.

Hon. Mr. SCOTT—The object has not been to discover the north pole ; it has been practically to assert possession of territory that seems to have been in the past nobody's land, but which properly belongs to Canada. Hon. gentlemen are aware that United States whalers frequent Hudson Bay and Strait and the land along there, and in the years past have paid no duty. They trade with the natives, and it was very important that we should assert our sovereignty. In regard to the first question, what the result of the expedition is; has any good been accomplished ? I am informed that the result

of the expedition marks a further advance in enforcing Canadian jurisdiction over our northern waters and territories, particularly with regard to the customs, game and fisheries and the acquisition of valuable information respecting the navigation of Hudson strait and bay as a commercial route, and the location of harbours suitable for shipping.

In reply to the next question: Is Captain Bernier, officers and crew still in the service and pay of the Dominion? The reply is: Captain Bernier, second officer, purser, second engineer and one sailor remained on board to look after ship; remainder of crew paid off.

As to the next question: Is it the intention of the government to outfit and send the same ship in command of the same captain on a voyage of discovery within the Arctic circle towards the north pole at any future time? I am informed that it is the intention of the government to send the 'Arctic' to Hudson strait and bay and northward thereof to establish British authority and collect customs dues in these northern waters. The 'Arctic' will be under the command of Captain Bernier and the vessel will leave about the middle of June.

Hon. Mr. MACDONALD (B.C.)—I should like to ask the hon. gentleman how the jurisdiction of Canada is maintained in those distant regions? I suppose the flag is hoisted and it is left there. There is no jurisdiction exercised?

Hon. Mr. SCOTT—Other than compelling the whalers to pay customs duty.

Hon. Mr. MACDONALD (B.C.)—When they are caught there.

Hon. Mr. SCOTT—Yes. They frequent those waters and apparently take possession of land at various points and it is necessary for us to assert our sovereignty in various ways and show them that we claim control and that they must account to us.

Hon. Mr. LOUGHEED—How many mounted police are in that territory?

Hon. Mr. SCOTT—I do not think there are any on the northeast coast. There are on the northern and northwest coast, at the mouth of the MacKenzie river, but I do not think there are any in the direction of Hudson bay and strait.

Hon. Mr. LOUGHEED—I thought a number of police accompanied Captain Bernier under Colonel Moodie?

Hon. Mr. SCOTT—I may not have correct information. I do not know whether they remained there or not. I was under the impression that they simply visited the locality, but I am informed by my hon. friend on the left (Hon. Mr. Power), who seems to be conversant with the subject, that some of them remained there.

Hon. Mr. LANDRY—Was the whole expedition of last year under the command of Colonel Moodie, or was it under Captain Bernier?

Hon. Mr. SCOTT—Captain Bernier only commanded the ship.

Hon. Mr. LANDRY—He was only the sailing master?

Hon. Mr. SCOTT—I think so.

Hon. Mr. LANDRY—And the command of the expedition was under whom?

Hon. Mr. SCOTT—Colonel Moodie.

Hon. Mr. LOUGHEED—Was not Colonel Moodie appointed governor of that territory? I understand so.

Hon. Mr. SCOTT—Possibly; I have no information on the subject.

EXPRESS FREIGHT ON THE INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has the government a contract with an express company for the carriage by the company on the Intercolonial Railway of goods and effects intrusted to it for that purpose ? And what is that company ?
2. Does the government know that such company refuses to make this carriage along the line of the Intercolonial ?
3. Can the government, by its contract, force the company to serve the public, and does it intend to avail itself of its right ?

Hon. Mr. SCOTT—The replies to the hon. gentleman's questions are as follows :

1. The government has an agreement with the Canadian Express Company giving that company the right to carry goods and effects on the Intercolonial Railway on regular passenger express trains to a limited extent. The government also has a similar arrangement with the Dominion Express Company between St. John and Halifax.

2. No.

3. The government cannot under the agreements force the companies to exercise their rights, but the government reserves to itself the right to grant like privileges to any other express company. The companies in exercising their rights, however, must serve the public in accordance with the terms of the agreements.

THE ICE BREAKER 'MONTCALM'.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has the ship 'Montcalm' ever had on board, at any time after its arrival or at the time of its arrival in Canadian waters, spare copper bolts intended to screw the blades of the propeller to the shaft, and thus to replace, in case of need, bolts which might be broken in the work of the vessel amongst the ice ?

Were there such spare bolts to the approximate value of $500, according to the bills furnished to the government ?

Was the vessel stopped in the spring of 1905 during several weeks on purpose to repair its propeller, the blades of which came off or threatened to come off from the shaft ?

Is it a fact that the removal of the said copper bolts was then ascertained, and that an inquiry was begun to find out the facts as to such removal ?

Hon. Mr. SCOTT—The following reply has been furnished by the department :

1. She had spare brass bolts on board on her arrival from the old country to make fast blades to the boss of her propellers, if necessary.

2. No such account has been received by the department.

3. Yes ; owing to very heavy ice work all the blades themselves of her propellers were broken and new ones had to be made.

As regards the last question I have not an answer for it.

Hon. Mr. LANDRY—I think I can account for the government not giving an answer to that question. My notice of motion was published yesterday in French and English but in the English translation of the original copy this portion of the question was omitted. I called the attention of the clerk to the omission and it was corrected in to-day's issue. I suppose that is why the government overlooked this point. I will let that part stand.

Hon. Mr. SCOTT—I only saw it to-day, I will have an inquiry made about it.

Hon. Mr. SCOTT.

FISHERY WARDEN AT LOBSTER COVE, QUE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is there in the service of the government as fishery guardian, or under any other title, but belonging to the Department of Fisheries, a man by the name of Jean Legouvé, and another by the name of John La Couvey ?

2. Do they belong to Lobster Cove, in the county of Gaspé ?

3. What are the respective situations which they fill, and how much has the government paid each of them annually for the past seven years ?

4. How much, on their part, has each of them annually remitted to the government, for the past seven years, on account of collections of licenses to fish, granted by the Marine Department ?

Hon. Mr. SCOTT—The answers are :

1. John LeCouvey or Legouvey (one and the same man), is a fishery warden at Lobster Cove, Gaspé county.

2. Answered by No. 1.

3. Fishery Warden John LeCouvey (or Legouvey) is paid a salary of $150 per annum.

His disbursements for the past seven years were :

1898-1899	$71 00
1899-1900	68 50
1900-1901	84 00
1901-1902	68 95
1902-1903	91 25
1903-1904	83 81
1904-1905	84 41

4. Received from John LeCouvey (or Legouvey) on account of fishery licenses :

1899	$ 27 43
1900	82 20
1901	52 20
1902	60 00
1903	41 20
1904	58 80
1905	102 00

SPECIAL FISHERY GUARDIAN AT MECCATINA.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is there in the service of the government and belonging to the Department of Fisheries a man by the name of Samuel Gaumond of Meccatina ?

2. What situation does he occupy ? What salary does he get ? What amount has he remitted to the government each year, for the

last seven years, on account of collection of moneys due for fishery permits or for other objects ?

Hon. Mr. SCOTT—The answers given to me are :

1. No. On March 19, 1906, the department was informed of his death.

2. Samuel Gaumond was a special fishery guardian at Big Meccatina Island, for which service he was paid $40 per annum. Being a special guardian, he remitted no money to the department, collections on account of fishery licenses having been made by Commander Wakeham, the fishery officer in charge of the gulf division.

COST OF RIFLES AND BAYONETS.

INQUIRY.

Hon. Mr. LANDRY inquired :

How much did the following rifles cost in their time, and how much do they cost to-day :

Snider, Enfield, Martini-Henry, Lee-Metford and Lee-Enfield, without the bayonet ?

How much for the bayonet, or for the sword-bayonet, of each of these different patterns of rifles ?

Has the government made arrangements for the bayonet or sword-bayonet of the Ross rifle ?

What are these arrangements ?

How much will the bayonet and the sword-bayonet cost with or without the scabbard ?

Hon. Sir RICHARD CARTWRIGHT—In reply to the hon. gentleman I may say that there are no data in the Department of Militia and Defence showing either how much the Snider, Enfield or Martini-Henry rifles cost in their time or what they cost to-day.

When the manufacture of the Lee-Metford and Lee-Enfield rifles in the Royal Small Arms factory was commenced on a large scale in 1888-9 the cost was $25.96 each for that year's output of 35,633 rifles. This cost did not include rent of land for factories, sites, interest on capital or other trade charges and risks not incurred in government manufacture.

In 1890-1 the cost of 100,000 B.L. ·303-inch magazine rifles, Lee-Metford pattern, Mark 1, purchased by the War Office from the trade was $26.52\frac{1}{2}$ each.

The last Lee-Enfield rifles bought by the department from the War Office cost approximately $24 each laid down here free of duty. The British Small Arms factory cost did not include rent of land, interest on capital or other trade charges and risks not incurred in government manufacture. In a report presented to his minister in December last the secretary of the Defence Department of Australia states that that department pays £5 9s. 3d. ($26.58\frac{1}{2}$) each for these rifles.

2. The cost of the bayonet or sword-bayonet for the Snider, Enfield or Martini-Henry rifle in their time is not known in the department. Sword-bayonets, pattern 1887, manufactured in the War Department Small Arms factories in 1888-9 for Lee-Metford rifles cost $3.08 each, not including rent of land, interest on capital or other trade charges and risks not incurred in government manufacture.

During the years 1888-9 and 1889-90 the War Department ordered a first supply of 325,000 sword-bayonets for Lee-Metford rifles from the trade at a cost of slightly over $3.16 each; these figures do not include the cost of the scabbards. The present cost of sword-bayonets is not known.

3. No.

4. Answered by No. 3.

5. Answered by No. 3.

ORDER OF BUSINESS.

Hon. Mr. SCOTT—Before proceeding with the first order of the day, I might say that there are fifteen or sixteen second readings which I think it would be well to take up first. If there is any objection they need not be proceeded with, such of them as are of a controversial nature.

Hon. Mr. GIBSON—I would like to comply with the hon. Secretary of State's desire, but really I see so many amendments to this first Bill on the order paper that I am afraid that there would be nothing left of the Bill except its title. I gave way yesterday and an adjournment has now taken place three different times. I made a motion yesterday on the distinct understanding that the Vancouver, Westminster and Yukon Railway Bill was to be made the first order of the day to-day.

Hon. Mr. SCOTT—It is only the non-contentious items that I proposed to go on with; it would not take five minutes.

VACANCY ON THE SUPREME COURT BENCH.

INQUIRY.

Hon. Mr. LANDRY—Before proceeding with the Orders of the Day, can the hon. Secretary of State say if there is any truth in the rumour that the Hon. Mr. Fitzpatrick is going to be made a judge of the Supreme Court in the place of the Hon. Mr. Taschereau, who has resigned, and that the cases of the province of Quebec can then be proceeded with ?

Hon. Mr. SCOTT—I am not a prophet, and I really cannot say. The hon. gentleman seems to know more about it than I do.

Hon. Mr. MACKENZIE BOWELL—I suppose then we may take it that the items appearing in the press are not correct; that the appointment is to be made to-morrow.

Hon. Mr. SCOTT—The hon. gentleman can put the same faith in the press report that I do. It is a matter of opinion with all of us.

Hon. Mr. LOUGHEED—I suggest to the hon. Secretary of State that he should make inquiry so that when the hon. member from Stadacona inquires to-morrow, a satisfactory answer may be given.

Hon. Mr. SCOTT—There is many a slip between the cup and the lip. It would not be proper to make any announcement until the appointment is an actual fact.

VANCOUVER, WESTMINSTER AND YUKON RAILWAY COMPANY BILL.

DEBATE RESUMED.

The second Order of the Day being called :

Third reading Bill (X) An Act for the relief of Eileen Mary Mackintosh.—(Hon. Mr. Perley.)

Hon. Mr. GIBSON—I submit, hon. gentlemen, that I have been fair in my requests, and have twice consented to postponement of the debate on the Vancouver, Westminster and Yukon Railway Company Bill. I think probably it would be unlucky to ask for a third adjournment of the same debate. I occupied the time of the House for a few minutes just before six o'clock on the 16th May, speaking in reply to the hon. gentleman from Wellington (Hon. Mr. McMullen). I had not time then to finish the few words I had to say with reference to this Bill. Many things have taken place since then, and I have had the opportunity to look over the hon. gentleman's speech made on the 6th instant. I see that he was painting a very doleful picture about this railway——

Hon. Mr. LANDRY—That is not on the second Order of the Day. It is the second order which has been called.

Hon. Mr. GIBSON—I did not give way as regards the first order.

Hon. Mr. SCOTT—If there is any opposition, my suggestion will have to be dropped. It would not have taken five minutes to run through the second readings.

The first Order of the Day was then called :

Resuming the adjourned debate on the motion for third reading (Bill 41) An Act respecting the Vancouver, Westminster and Yukon Railway Company ; and the amendment of the Honourable Mr. Landry thereto :—That this Bill be not now read a third time, but that it be amended by striking out therefrom paragraph (a) of clause 1.—(Hon. Mr. Gibson.)

Hon. Mr. GIBSON—Now that the coast is clear, and I have the permission of the House I wish to say a few words with regard to the motion which is before the House in regard to the amendment proposed by the hon. Secretary of State, and several other amendments proposed by other members of this House. I simply wish to say that when the House adjourned on the 16th of May, the hon. gentleman from Wellington was calling the attention of the House to a very doleful picture of this railway being extended to the boundary line in British Columbia for fear the trade of Canada would be taken into the United States. Well, if this were the first railway that was built to the boundary line or into the United States, perhaps we might have some reason for fearing such an undertaking at this, but my hon. friend is very well aware that every frontier city of any importance in this country has railway communication with the United States, communication which is instrumental to a great extent in increasing the trade of Canada. The Grand Trunk Railway runs via Rouse's Point to New York and runs from Mon-

treal through to the port of Portland, Maine. Then we have several railways crossing the frontier at Fort Erie to Buffalo by the international bridge, and at Suspension bridge by the Cantilever bridge, with the Michigan Central, then New York Central and Canadian Pacific Railway, the Toronto, Hamilton and Buffalo, as well as the steamers used by the Grand Trunk Railway and its associated lines. Then at the west end of Lake Erie we have a line of steamers carrying the trade of all the railways which extend to the frontier across to the United States. At Port Huron we have the same conditions, and in addition a tunnel built for the purpose of accommodating the trade between the two countries. I would point out to my hon. friend from Wellington that it takes two to make a bargain, and that we are benefited to as great an extent by getting trade from the United States as we are by carrying trade from Canada into the United States. Every railway in Canada has connections with the United States. The Grand Trunk Railway for instance has the Chicago and Grand Trunk line which carries an enormous amount of trade from the city of Chicago to the city of Montreal. We have the same facilities by the Canadian Pacific Railway to Minneapolis and by the McKenzie and Mann route to Duluth. So the hon. gentleman's fear is only a bogy so far as any real argument is concerned.

The hon. gentleman does not want the people of British Columbia to have a railway at all. One member proposes one amendment, a second proposes another and a third another, and as if that were not enough the hon. member from Wellington proposes by his notice of motion that no branch lines of this road shall be built until such time as two hundred miles of the main line is completed and in operation. Let me direct the hon. gentleman's attention to the conditions at Mount Forest where he lives. He was instrumental in getting a railway there and afterwards in getting another. He has no objection to the people of Mount Forest having ingress and egress by two different routes, but he is very much opposed to the people of British Columbia having a railway through the section referred to in the Bill. I am not so much afraid of paternal legislation as my hon. friend seems to be. The railway companies are large and strong enough to take care of themselves. My idea is that no opposition should be given to any enterprise that is for the benefit of Canada. Every railway company that comes to parliament asking for a charter and showing that their intentions are honest is proposing something in the interests of the Canadian people. They may spend any amount of money in the country in the construction of railways and every mile of their track remains in the country. It cannot be removed. Here it remains, adding to the wealth of Canada for all time to come. My hon. friend is very much concerned because he said you would require that this road should be carried on and used by other railways for three or four hundred miles, and he likewise drew your attention to what would happen if a breakdown should occur on this railway that is used by other lines. I would remind him that no railway manager can give the assurance to his board that accidents will not occur. They have happened in the past and will happen in the future, even with the greatest care that railway companies can exercise to prevent them. I am astonished at my hon. friend drawing this terrible picture, because he and I, when we went up to Toronto the other night together, were detained for two hours by a breakdown, with the result that my hon. friend lost his connection and had to remain all day in Toronto chewing his finger. Many railways are obliged to use the lines of other companies. Every individual railway that runs into New York or Chicago and other large centres of population is obliged by the very nature of things to use the track and rails of other companies. But this is not a parallel case at all, because in the early part of this discussion I tried to point out that there was no need for conditions of this kind being imposed upon this company, that they would be obliged to haul the cars of other railways over their track for three or four hundred miles, as the hon. gentleman from Wellington wanted to point out; for I can assure him on the best authority in Canada, the authority of the engineer who made the survey, Sir Sandford Fleming, that there is room for fifteen railways in this particular pass, so that we need not be concerned about running rights at all. But even if his contention were correct, the government of

this country has the power to compel any railway to give running rights to another if it is absolutely necessary. It happens that they are not obliged to do so in this case, but if they were the railway company which first constructs a line through this pass will incur all the expense of pioneering and other railways that follow will profit by the industry, the pluck, the energy and the ability of the first railway builders to the extent of saving five to ten thousand dollars per mile in the construction of their line. Now, if that is so, why should this House hold up a Bill that has passed the House of Commons, and why should member after member rise to move amendments calculated to destroy the usefulness of a railway for which no public assistance is asked? Even if they did ask for aid, surely they are not the first railway company that has asked and received bonuses and subsidies and subventions at the hands of this government and of all preceding governments in Canada, and surely if they are willing to build this line without a subsidy we cannot look upon it as a crime. We should rather encourage a railway company of this kind. But above and beyond all that, what have the people of British Columbia to say with regard to those who are opposing this railway? Why should the people in the east, who have no direct interest in the progress and development of British Columbia, object to this railway being built by a company that is willing to construct it without aid from the government? My hon. friend is willing that they should build to the Yukon. Well, I do not know that any railway company that ever came before parliament for a charter to build a railway east and west has been told that they could only build north and south. My hon. friend is afraid that our wheat will find its way down to Minneapolis instead of to Victoria and Vancouver. Well, I think the people of British Columbia are just as energetic and able to take care of the milling interest of our great Northwest and to grind the wheat and send flour to Japan where it is valuable and where tea is cheap. But, says my hon. friend, the millers of Minneapolis will destroy the value of our Canadian flour by mixing it up with an inferior grade of wheat grown in the United States, send it to England, and offer it upon the British market as being made from Canadian wheat, thus destroying the trade of Canada by exporting an inferior class of flour. Well, as the Quaker says, cheat me once, your fault; cheat me twice, my fault; and I venture to say that the people engaged in that line of business in the old land are just as keen and clever and capable of judging of the quality of the goods delivered to them as any member of this House is. My hon. friend objects to us having anything to do with the people of the south of us through British Columbia. Surely he has forgotten that we deal with the people of the United States by every one of our great railways. The Canadian Pacific Railway has the Soo line, and the Grand Trunk Railway the Chicago and Grand Trunk, and the Canadian Northern their United States connections, while the Père Marquette runs in and out of Canada, bringing the products of the west to our ports and taking the products of Canada back to the west. That is the true policy for us to adopt. The amendment that is proposed by the hon. Secretary of State is not a government measure.

Hon. Mr. SCOTT—That part of it is.

Hon. Mr. GIBSON—I understood the hon. gentleman to say it was simply his own proposition.

Hon. Mr. SCOTT—No, I said nothing of the kind. I said as far as the Bill itself was concerned the government left it an open question, but they insisted that the pass or the approaches to it being narrow, whatever the conditions may be on the pass itself, they would only consent to the Bill going through if that amendment carries.

Hon. Mr. GIBSON—It is very strange that this should only be discovered after the Bill has passed through the House of Commons—strange that the members of the lower House with the Minister of Railways and the minister representing British Columbia and other members of the government sitting in the committee, should allow it to pass through all its stages and be so negligent of their duties as to overlook such an important a provision as this. Every railway should be subject to the same regulations, and I am astonished at the hon. Secretary of State proposing to add this codicil to the Bill, because I understood, and everybody else understood, that under

the terms of the Railway Act they had this power.

Hon. Mr. SCOTT—The Minister of Justice gave it as his opinion that the law did not provide for it, and it is deliberately put in for the purpose of protecting the other roads in the approaches.

Hon. Mr. GIBSON—Chapter 58, section 137 of the Railway Act of 1903, is as follows :—

The company may for the purpose of obtaining a right of way over or through lands owned or occupied by any other railway company, and for obtaining the use of the tracks, stations or station grounds of another railway company or for the purpose of constructing and operating its railway, take possession of, use, or occupy any lands belonging to any other railway company, and use and enjoy such right of way, tracks, stations or station grounds, subject always to the approval of the board first obtained, and to any order or direction which the board may make in regard to the exercise, enjoyment or restriction of such powers or privileges.

2. Such approval may be given upon application and notice, and after hearing the board may make such order, give such directions and impose such conditions or duties upon either party, as to which may appear just or desirable having due regard for the public and all proper interests, and in case the parties fail to agree as to compensation to be paid in respect of the powers and privileges so granted.

Nothing can be wider than that. Our own government railway, I would remind the hon. Secretary of State, the Drummond County Railway that we have heard so much about, has the privilege of using the Grand Trunk Railway tracks from Rosalie Junction into the city of Montreal over the Victoria bridge, into the Grand Trunk Railway yards, with all its sidings, stations, elevators, buildings and everything else by mutual terms of agreement.

For years the Canada Atlantic ran from Coteau Junction into Montreal; hourly every day of the year trains of all descriptions ran between Montreal and Coteau Junction. There was no difficulty there, and there would be no difficulty in this pass ; but I would not think so much of the restriction that the hon. Secretary of State offers if some other members of this House were not so illiberal. My hon. friend from Wellington does not want to give this company any privileges until they have built two hundred miles of their main line. My hon. friend from Prince Albert wants to strike out subsections (c) and (b) so that they could build the road to the mouth of the Yellow Head Pass and there stop. Stop for whom ? Stop for McKenzie & Mann, the men who have been so praised by the hon. member for Wellington. I give them credit for their industry regarding railway building; but these men have become so powerful that they have turned their attention to buying out governments ; these very men hypothecated some of the bonds of the railways they are connected with for the purpose of turning the present government out of power. I would like my hon. friends of the Senate to get a committee to investigate this matter. It is public notoriety. Certain gentlemen said that Cox would not wait; but I will say that Andrew would not work. He balked, and the job fell through; and yet these men come here and ask this House to delay the building of a railway that is for the benefit of Canada so that they may have their way and that the progress of Canada shall stand until they are ready to build their own railway through the Yellow Head Pass. That is the condition of things. It is plain English, but it is the truth, and every hon. gentleman in the House knows it. I say that the interests of Canada to-day are too great —this country cannot stand waiting for McKenzie & Mann or for any other railway company. British Columbia is too large ; its interests have as much right to be respected in this House as those of any other province in the Dominion. I know nothing about Mr. Hill or his associates, directly or indirectly. I never saw the man but once in my life. I care not whether he is before or behind this railway company. I stand here to-day, not for Mr. Hill but for the Dominion of Canada. My hon. friend from Wellington advocates a policy of Canada for Canadians. I say, yes, Canada for the Canadians, but not for some of the Canadians. If McKenzie & Mann are not ready to build their road through the Yellow Head Pass, or the Canadian Pacific Railway or the Grand Trunk Railway I care not ; why should these people who are ready, who are willing, who are able to build through the pass and provide the people of British Columbia with a railway to increase the value of their mines, to carry their products to the sea and dis-

tribute those products over every part of the Dominion of Canada—why should they be held back ? It ill becomes the members of this House to stand up and object, and thereby hinder the progress of Canada. It is now beyond the reach of any one company, or of all the railway companies to stop the progress of this Dominion of ours. This Bill should be considered on its merits, not at the beck and call of any rival railway company. I say that Canada demands and requires this railway. If any province of the Dominion is in need of railways more than another that province is British Columbia. I therefore trust that when the time comes for this Bill to receive its third reading that the good sense of this House will prevail, that the interests of Canada alone will be considered, that private enterprises will be laid aside for the benefit of Canada. If that is taken into consideration by this House I have no fear but that the Bill which has passed in its present form through the House of Commons, will receive the same fair treatment in the Senate.

Hon. Mr. DAVIS—I am sure I am very much obliged to the hon. gentleman who has just sat down for the reference which he has made to me and to other gentlemen on this side of the House. It appears to me that any hon. gentlemen in this House has a perfect right to take whatever action he chooses on any proposition coming before the House, and has a perfect right to use his best judgment and to use his influence in the interests of the country as he understands them, without being lectured by the hon. gentleman. I do not object to the hon. gentleman taking the ground he has taken. He thinks he is acting in the best interests of the country ; perhaps he is, according to his light, which may not be very extensive. However, other hon. gentlemen have a perfect right to use their judgment and to take whatever action they see fit in the interests of the country as it appears to them. Now, the hon gentleman has treated us to quite a long speech this afternoon, and quite a long speech the other afternoon, with reference to this question. He has tried to leave the impression on the House that certain hon. gentlemen in this House are trying to obstruct legislation coming before the Senate ; that we are trying to prevent the people of British Columbia from getting railways. As far as I am concerned, I have not the slightest intention of trying to deprive the people of British Columbia, in whom my hon. friend takes such interest, from getting railways. But this is a large proposition. This is too large a proposition for the province of British Columbia alone. Here is a proposition which, as I understand it, is being introduced in the interests of one of the largest railway corporation in the United States for the purpose of building a railway through the fertile portion of the great Northwest, through what is known as the provinces of Alberta and Saskatchewan. If it was merely confined to the province of British Columbia, I do not suppose that I or any other member of the House who take different views from my hon. friend would have anything to say ; but we have certain parties coming before the House with a proposition to build, as they claim, a railway through to the city of Edmonton in the province of Alberta. My hon. friend did not take the House into his confidence. He did not tell the House that these gentlemen were not confining the scope of their operations to the province of British Columbia but that they are leaving British Columbia and coming into the city of Edmonton in the province of Alberta. Why not ? Why did not my hon. friend say so ?

Hon. Mr. GIBSON—The Bill speaks for itself. Every hon. gentlemen knows the scope of the Bill, where the proposed line begins and where it ends. I objected to the lopping off of the different branches. I am quite well aware that the proposed line runs to Edmonton.

Hon. Mr. DAVIS—The hon. gentleman spoke of the benefits which would accrue to the Canadian people from the introduction of this system. He said also that the opposition to this Bill in this House was created by McKenzie and Mann. He went on further to talk about some bonds that McKenzie and Mann had negotiated to turn the government out. As far as I am concerned, this is not a political question at all and I am not discussing it as such. I will simply say that I have just as good reason to claim that my hon. friend is advocating this pro-

position in the interests of Mr. Hill as my hon. friend has to say that I am here advocating the interests of McKenzie and Mann.

Hon. Mr. GIBSON—Pardon me, I never said anything of the kind.

Hon. Mr. DAVIS—The hon. gentleman sought to leave that impression on the House.

Hon. Mr. GIBSON—If the hon. gentleman insinuates that I am acting on behalf of Mr. Hill I give it a flat denial. I never mentioned the hon. gentleman's name except with regard to the two sections he wishes to amend.

Hon. Mr. DAVIS—I do not know what impression the hon. gentleman gave to the House, but the impression I had was that he tried to lead the House to believe that anybody opposing this Bill was doing so in the interest of McKenzie and Mann. That is what the hon. gentleman said and there is no use in dodging about the bush. I have as much right to say that the hon. gentleman and the others who have spoken on that side of the House are supporting the measure on behalf of Jim Hill as they have to claim that I am supporting the interests of McKenzie & Mann. It is as broad as it is long. This measure is one which requires a good deal of consideration. The transportation problem in this country is the greatest problem before the people. If we do not deal with it and lay the foundation of that transportation system properly at the present time, it is impossible to say where we are going to land in future. It is nothing but right and proper that any important measure of this kind coming before this House should be discussed in all its different phases. If there was neglect on the part of the House of Commons, it shows that the House of Commons was weak in that respect. My hon. friend not satisfied with scoring myself and some other members of the Senate saw fit to score the members of the government in the other House because they let the proposition go through without an amendment being moved. If the Bill went through the other House without amendment, and the government sees fit to amend it when it comes before the Senate, I do not see why they should not do so. But I simply wish to discuss the measure from my own standpoint. I do not think anybody in this House or in the other House will say that I have ever supported railway monoply in this country. I was one of the first in the other House who stood up and fought for free trade in railways in the Dominion, and I am prepared to do it now. If the government were to see fit—as I think they should—to give us absolute free trade in railways, to introduce a measure allowing any company coming into the country to build a railway by simply filing their plans as is done on the other side of the line, I would be only too happy to support a proposition of that kind. But our railway system is altogether different. Promoters have to go before a committee of the House to get power to build a certain railway in a certain place. If you once grant that charter, then they claim they have certain vested rights. My hon. friend says no, but I differ from him. I have sat in this House, or rather in the House of Commons, longer than he has. When these people come back with their charter and ask to have it renewed, they will tell you that they have certain vested interests and they generally get what they ask for. If any other corporation comes in and asks to have a charter over the same ground, the charter-holders will appear before the committee and say, we have a charter over that ground and we don't want you to interfere with our rights. If the government were to give absolute freedom it would be all right, but when you are not giving absolute freedom, when you are granting charters to build railways in certain portions of this country and thereby creating vested interests, I say we ought to consider very carefully what we are doing in granting these charters. Some of the gentlemen who are advocating this proposition say that Mr. Hill is at the back of it. Other hon. gentlemen say that he is not. I was going to suggest, seeing that Mr. Hill is going to be here in two or three days, it might be a good thing to send the Bill back to the Railway Committee so that Mr. Hill could appear before the committee and give us his views on transportation in this country before we do anything. I think that would be a very good suggestion.

We would then know whether he was behind this Bill, and find out what he proposes to do if he is granted the charters he is asking for at the present time. Some

of the parties connected with the Bill say he is behind it, and some say he is not. If he is not, then I claim it is not a proper thing to do to allow private parties to preempt all the available approaches to the Yellow Head Pass—parties who do not construct railways themselves, and who we do not suppose will construct a railway there if a charter is given them. If it is proven that it is not Jim Hill who is behind the road, I think we ought to be very careful in granting any charter at all. Now my hon. friend commented a moment ago on the notice of motion that I gave. I may have drawn it up in a hurry, and there may have been something wrong with it, but it was not my intention to stop Mr. Hill from building a railway from the main line to Edmonton at the present time, although I have an objection to Mr. Hill being allowed—if it is Mr. Hill—to hold all the passes that we have in the province of British Columbia that are available for building railways. I have a map here which shows Mr. Hill's system in British Columbia. Here we have what is known as the Victoria, Vancouver and Esquimalt, the charter for which was granted to Hill last year. The solicitors of that railway, before the Railway Committee of the Privy Council, agreed that if they got that charter they would build the line in eighteen months. The eighteen months are pretty well gone by, but still I understand from my hon. friend from Wellington that only seventeen miles of that railway has, up to the present time, been constructed. Several hundreds of miles are to be constructed yet. In place of fulfilling the promises made to the committee we find the gentlemen coming here are saying that they are acting for Mr. Hill, and they want some more. In the map that I have here the main line granted last year is shown in blue. The light red line shows the line which is working to the United States boundary. Hon. gentlemen who wish to consult the map can do so for themselves. Surely it would not be too much for us to ask that these two branches should be struck out and that Mr. Hill be given the right to build from the main line one road through to Edmonton, so that the other available passes may be left open for some other railway company who may want to go in there later. This is the proposition I am advocating. That is what I would like to see if my amendment goes through at the present time. With reference to these railway propositions it appears to me that we should make haste slowly. Two or three years ago we granted a charter to the Grand Trunk Pacific to build a transcontinental line running from the Pacific coast to the Atlantic. A great many of us, myself included, were in favour at that time of allowing the Grand Trunk Pacific to make their terminus at Portland, Maine, because we thought that they would be able to handle the grain crop of that western country cheaper than if they were compelled to build to some Canadian port. We were in favour of free trade, but the accumulated wisdom of the government and of the people of the country came to the conclusion that it was not in the interests of the people of Canada generally that we should allow the Grand Trunk Pacific to build to Portland, but that we should have a transcontinental line built through the whole of Canada from one end of it to the other. The Dominion government is now engaged in building a railway from Moncton through the northern country, which is going to cost the people of Canada over $100,000,000, and they are guaranteeing the bonds on the prairie section to a large amount. Now what are we doing that for? Is it not for the purpose of keeping Canadian trade in Canadian channels. That was my idea when it was done.

If any person at that time had risen in the House of Commons, or in the Railway Committee of the House of Commons, or in the Railway Committee of the Senate, and proposed that the Grand Trunk Pacific be allowed to build a line from Manitoba into Minneapolis, or to build a line from Manitoba into Duluth, there would have been a cry from one end of the country to the other; because, they would have said, you were diverting trade across into United States channels. My hon. friend read a list of railroads crossing the boundary in different parts of this country and coming into our territory. We are all very well aware that these roads were built into this country. They were built into this country at the time that the Grand Trunk Pacific Bill went through the House. The same

argument he used was put forward on that occasion, but the people of this country did not see it in the same light as he views it at the present time. If Mr. Hill were building his roads in from the boundary line directly north, cutting across the transcontinental line, whereby a lot of trade would flow into our railways, there would be no objection. But he does not propose to do that, I understand. He is going to Edmonton, and then he has a line running into Brandon, in Manitoba. All he wants is to fill in the loop between the city of Edmonton and Brandon, and then he has something in the shape of a C, by which he can gather all the trade and take it to the other side of the line. It is evident Mr. Hill has not the same great desire to forward the interests of the country that my hon. friend thinks he has, because it is only a few days since, in the city of Winnipeg, that Mr. Hill rose and told the people there that the Hudson bay scheme—which 99 per cent of the people in the west believe is a practical proposition, and are strongly in favour of—was not a feasible one, that we would not get any railroad built, or, if we did get one built there, that it would be practically useless, that we could not get our products out that way, but would have to take them out by the Gulf of Mexico, on United States soil. If that is not interfering with what we consider the fixed policy of this country, after having granted this charter, I am greatly mistaken. I understood that road was built to carry the trade from the Atlantic to the Pacific through Canadian ports, and it appears to me that if everything is allowed to be taken in the other direction, that the portion of the road between here and the sea-board is going to be useless as a through route. It may open up the country and act as a colonization road. There may good land there. There may be minerals and there may be timber. But as far as the wheat proposition is concerned—and we understood the road was built to carry the produce of the west to the sea-board—it appears to me it will not get the traffic it should get if you allow this other proposition to go through at the present time. I think we should have an understanding on this point before this Bill is allowed to pass, because it is the thin edge of the wedge if it is Mr. Hill's scheme. If it is not his scheme, I do not think the charter should be granted at all. As I said before, I do not think there is any such great hurry about the Bill going through. If the Bill were referred back to the committee we could hear what Mr. Hill proposes to do in the way of constructing roads in this country, and that would be beneficial to us in considering the question. Mr. Hill has slated the Hudson bay route and says it is not a practical route, but I venture to say that Mr. Hill is not a prophet, and I do not know that he is the son of a prophet. He has prophesied before. It is not more than four years ago that Mr. Hill was travelling all through Minnesota and Dakota and telling the farmers there not to move into this country at all; that it was not a practical proposition; that they could not grow wheat except in a certain limited area. It is not long ago since he tried to prevent us getting immigration into this country, and he said the country was practically no good. He finds out now that he was not a prophet at that time, that he made a mistake, and that the country was not what he represented it to be to friends on the other side of the line. An hon. gentleman says he is a false prophet, and I think he is. Hon. gentlemen will find when the Hudson bay route is established, as it will be in the near future, that he is again a false prophet, and that the great bulk of the products of the Northwest, if not the whole of them, will go that way. We hope to see them go that way through our own country. But if Mr. Hill would complete his lines north and south, cutting across our Transcontinental line, they might bring in trade from the east and the United States, which would go out to the west over our roads, and to the Hudson bay. But that would not bring the fish to Mr. Hill's net. He does not want to build anything to aid Canadian industries. He wants to come in and build lines that will divert our products over his own lines. That is as it appeals to us. I think we should be very careful in granting to Mr. Hill the right to tie up all the approaches through British Columbia to the Yellow Head Pass. There are three of them, as I understand, and I would be in favour of giving him one and one only. I think that is enough for him at the present time. That is the reason I gave notice of the

resolution standing in my name. If it appeals to my hon. friend who has left his seat as being different, that is a mistake. I do not intend to stop Mr. Hill going to Edmonton. If he comes to parliament for a charter to connect his line with the line to Edmonton, I may have something to say later on. As there are several more resolutions to be disposed of with reference to this Bill, I will not take up further time at present, but may have something to say on those resolutions when they are under discussion. I want it understood that I am in favour of American lines running north and south to the Hudson Bay, but not east and west to American cities.

Hon. Mr. BOSTOCK—I have listened with some amusement to what my hon. friend from Prince Albert has said with reference to this Bill. He produced before the House a map, and was starting to talk about the Victoria, Vancouver and Eastern Railway. He seems rather mixed up between the two charters. He seems to think the Victoria, Vancouver and Eastern and the Vancouver, Westminster and Yukon charters are the same. He says there are only seventeen miles of railway built on the Victoria, Vancouver and Eastern. If he will turn to the Railway Blue-book, which has just been issued dated June 30, 1905, he will seee that the company have built the line from Laurier to Grand Forks a distance of 14 miles; from Grand Forks Junction to Danville, 2·10 miles; then Grand Forks to Granby Smelter, 4·75 miles; Copper Junction to Phœnix, B.C., 24·62 miles, making a total of 45 miles.

Hon. Mr. POWER—That was up to the end of last year.

Hon. Mr. BOSTOCK—This is the report of June 30, 1905. That would be the condition of the railway two years ago, and that portion is running at the present time. But that refers to the Victoria, Vancouver and Eastern. It does not refer to the Vancouver, Westminster and Yukon Railway, which is the subject of the Bill we are discussing at the present time. I want to point out a few matters in connection with this motion. This amendment has been moved in reference to clause (a) in the Bill, and there is an objection to this railway being allowed to go down to the boundary line. Well, it is a very common thing in railway charters to allow roads to be built down to the boundary line, and I do not see anything to fear in that matter. This railway is going to be built, and it is going to open up a very important part of British Columbia. There is no reason to suppose that the mineral wealth of British Columbia, the country through which this road runs, is any less important than it is in the country to the south, and we know from our experience there that in order to develop the mining interests of the country it is necessary to have all the railway facilities that we can get, and that we require to be able to carry the ore from the mine to the smelter. It so happens that most of the smelters in British Columbia are situated near or along the southern boundary of the province, and, in the first instance at any rate, before we get the mines in the northern part of the province fully developed we shall want to carry that ore from the northern part of the province down to the smelters near the boundary and in the Kootenay country, and, therefore, this particular branch of this line that is being objected to at the present time is an important one for the development of British Columbia itself. With regard to the main objection, as to this railway being allowed to go through to the Yellow Head Pass, I should like to point out that at the present time there are three or four charters having running rights through the Yellow Head Pass, and, from all reports, that pass is a wide pass through which not one but several railways can be built. At the present time the Canadian Central Railway Company have a charter giving them rights to run through the Yellow Head Pass. That charter has some years yet to run. The Edmonton, Yukon and Pacific Railway Company have a right to run through that pass. The Grand Trunk Pacific have a right to run through that pass, and the Trans-Canada Railway Company has the same right, and then there are other local railways in British Columbia that have a right to run up to the pass and make connection with a railway coming through the pass. Now, as a matter of fact, any engineer or surveyor who has been through that part of the country

will tell you that the most difficult part of the pass is not in the pass itself but on the western side, and if there was any objection to the railways having the right to run up through that part of the country, the objection should have been taken not only to this Bill but to several Bills that have been put through the House this session. They have a privilege of running up to the Yellow Head Pass and if there is anything in this contention that we are obstructing these passes and preventing other railways from building, then objection should have been taken to these other charters that have been granted. So far as the question of corralling the passes in British Columbia is concerned, there is not the least intention on the part of the promoters of this railway to stand in the way of any other company that wants to build in that country. They have asked the privilege to build these different branch lines, because they want to get out the products of the country and develop British Columbia as far as possible, and in order to do that they have run branches from their main line on account of the geographical features of British Columbia ; so that although it may appear on looking at a map that this company is trying to corral these passes, as a matter of fact they have no intention of doing anything of the kind and simply ask the privilege of building a line along these routes which are the most feasible routes through the country, and with this clause that has been proposed by the hon. Secreary of State put into their charter I think that every other company building lines in British Columbia is thoroughly protected and will find that they will have no difficulty in pushing their lines through as they want to.

My hon. friend from Prince Albert has taken exception to the fact that it is possible that Mr. Hill may at some time make use of this railway. I do not think that Mr. Hill wants the railway or that it works in with his plans, but assuming that he does want the railway, I do not see any objection to letting him use it if he wants to. There has been a great deal of talk about the possibility of diverting trade from this country into the United States. Personally I am not at all afraid of anything of the kind. What we want in Canada is all the railway accommodation we can get. The farmers and the people generally will be benefited by competition in sending their grain out of the country to the markets of the world. Supposing this railway is built, the grain from Edmonton and that section of the country will be carried to Vancouver and shipped on vessels there. I do not think the grain carried by this road will ever pass Vancouver, because there is plenty of room for building wharfs and deep water for ships in the harbour of Vancouver, and it is only natural that any company carrying grain from Alberta and Saskatchewan to Vancouver would place it in vessels when it reaches the seaboard. Therefore, I do not think there is the slightest danger of that grain being carried down to the United States. The danger to my mind is in connection with the lines it is said Mr. Hill proposes to build from the boundary line in the provinces of Manitoba and Saskatchewan to the northern parts of these provinces. I am given to understand that one of those lines is being built by Mr. Hill under a charter known as the Brandon and Saskatchewan Railway. On looking up the history of that company I find the charter was obtained in 1903. When that charter was before the House there was a considerable amount of opposition to it, and my hon. friend from Prince Albert, who at that time was in the House, evidently had this matter in hand, and had considerable trouble in getting a charter through, but I do not remember that there was any opposition on the ground that this charter might be sold to Mr. Hill. He fought very hard for the charter and succeeded in getting it through, although the hon. gentlemen who were opposing it at the time considered that a clause should be enacted to prevent the promoters of the Bill selling the charter until after the railway had been constructed and put in operation. That amendment was voted down, and the charter went through in the ordinary form. I do not see that my hon. friend ever made any objection to that charter being turned over to Mr. Hill, yet he opposes a Bill which is in the interest of the province of British Columbia because there is a possibility of its being turned over to Mr. Hill. I do not think that is showing consistency. My hon. friend has asked for information about the history of the Vancouver, Victoria and Eastern charter. Possibly I can enlighten him on the subject. It

was obtained originally as a provincial charter from the legislature of British Columbia, and later on was brought to this parliament because the then promoters of the Bill considered it would be to their advantage to have a Dominion charter. They got that Dominion charter and then set to work to get subsidies. They got subsidies from the provincial government. I do not think they succeeded in getting a subsidy from the Dominion government, although they tried very hard. After holding this charter for some time they sold to McKenzie & Mann. At that time they had the provincial subsidy, but later on came a change in the government of British Columbia and the provincial subsidy was cancelled. Then McKenzie & Mann sold the charter to Mr. Hill. It was not the people of British Columbia who sold it or asked Mr. Hill to come into the country. It was McKenzie & Mann who proposed that he should come into the country and now we are told that we should not grant any charter for this road for fear it should get into the hands of Mr. Hill. The people of British Columbia are entitled to have railways built to open up their country, and I do not think that this Bill should be opposed on the grounds stated here. The charter is in the interests of the country and I am not afraid of our trade being carried out of Canada by this railway if the charter is granted.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Wellington and the hon. gentleman from Prince Albert have based their arguments on entirely false foundations. They have no proof that Mr. Hill has anything to do with this line; his name does not appear in any way in connection with it. Where Mr. Hill's name does appear, we do not conceal it. He is now building lines in British Columbia from Rossland down to the coast and we are very glad that he is doing so. Nobody else would build them, and if he had not come to build them that country would not be open as it is to-day. Those two hon. gentlemen have not the least foundation for their arguments. They are illusory; they have raised up a goblin; they have a nightmare over it, and there is nothing to sustain their arguments. I knew nothing about this project until it came before the Railway Committee, but after seeing it I approved of it as being a useful project to open up a part of British Columbia yet undeveloped. Hon. gentlemen do not know that in going to the Yukon the line will pass through four gold districts, Omineca, Cassiar, Atlin and the Yukon, and besides will open up territory rich in timber and other resources. The hon. member from Prince Albert opposed the railway going through Edmonton. He should be proud of its going there. If that country is worth anything, every railway should be glad to go there. Five charters have been before parliament this session for lines all heading to the Yellow Head Pass. Instead of hon. gentlemen objecting, they should approve of these enterprises.

Hon. Mr. DAVIS—How much of these roads will be built?

Hon. Mr. MACDONALD (B.C.)—I cannot tell; I am not a prophet. At all events this road is intended to open up a part of British Columbia that is at present inaccessible. It is intended to carry into the Northwest products that they very much require, timber, fish, fruit and products of that kind, and to carry the products of the Northwest down to the sea-ports of British Columbia. If they can carry wheat, cattle and products of that kind at all, the traffic will go to British Columbia ports. I do not know Mr. Hendrie personally, but he has telegraphed me twice to say that the road is entirely financed by people in British Columbia and England, and that the intention is to bring trade to the ports of British Columbia and not to divert it out of the country. If hereafter Mr. Hill should have an interest in this road I am not to be responsible. I believe Mr. Hendrie to be a creditable man and I give his statements for what they are worth. It is too late in the day to confine ourselves to the narrow gauge line advocated by the hon. senator from Wellington. The country must progress and there is no use trying to draw a distinction between the east and the west. We must open up every part of the country. Winnipeg is the commercial centre of the great Northwest where nearly all the commerce of that vast region centres. What did these people do when Mr. Hill visited them recently? They received him with open arms. They were glad to see him go

up into their country and develop trade, and so would any other part of the country be equally pleased to get such railway development. The House will not at this stage of the progress of the Dominion stultify itself. We would not have the progress we enjoy to-day over the whole of Canada were it not for the west. We would not have on the ocean to-day the beautiful ships we possess were it not for the Northwest, and would not have the Northwest at all were it not for British Columbia. If a compact had not been made to construct a railway across the continent, we would not have that province to-day. We want to be on equal terms with the rest of the country. The people of British Columbia are to-day paying three times per capita the taxation paid by any other part of Canada. Ontario and Quebec together pay about $9 per head; British Columbia about $20 per head. The Dominion government have got already from the railway belt we gave towards the construction of the Canadian Pacific Railway $1,250,000. These are facts from the official returns. The hon. senator from Beamsville (Hon. Mr. Gibson) has told us of the number of lines crossing the boundary in the east. A few miles east of where this road is to cross, the Canadian Pacific Railway crosses into the United States and no one is hurt by it. Already the British Columbia government has built a bridge across the Fraser river to give the railways of that part of the country access to Seattle and other towns on the United States coast. If those towns were not there that bridge would be useless. This road will probably take power to build to the boundary line and will likely connect with Seattle. I ask the House, in the interests of progress, and in the interests of British Columbia, not to oppose this measure which is intended to open up an inaccessible part of the country, but to pass the Bill without amendment.

Hon. Mr. WILSON—Last year when the Bill came before the Senate I took a certain line in opposing the granting of the Victoria, Vancouver and Eastern charter. I gave my reason for the position I took then, and I have seen no reason since why I should change the opinion I then formed. My hon. friend from British Columbia says that my hon. friends from Beamsville and Alberta are all wrong in their premises. If I am to be guided by facts I would not consider that the views he has expressed conveyed a sound idea of what the trade of this country requires. We were told by the hon. senator from Beamsville that there are roads running from Chicago through Canada, and that those roads carry our traffic and develop our country, but there is a wide difference between these roads and the line we are now asked to sanction. No doubt the people of British Columbia desire to have a railroad built. Every municipality would like to have money spent within its borders, and if it be true, as the hon. member from Alberta said, that Mr. Hill does not consider the Hudson bay route feasible, what does that mean? The great question to come before us in the near future is the question of transportation, and any policy we adopt now which may interfere with the future development of the country and lessen the transportation of traffic through Canada will be injurious to the country as a whole. If Mr. Hill is not interested in this project, who is? Why is the charter being applied for unless it be for the purpose of heading off other roads projected to this locality? If the Hudson bay route be not feasible it means that Mr. Hill can divert the traffic of the Northwest into the United States and prevent the development of our waterways and in other ways will have the effect of injuring us very materially. We want the Georgian bay canal. We know that water communication is the cheapest method of transportation, and if we prevent the development of our water routes we are doing an injury to the Dominion. Are we to consider that British Columbia must have another railway for its mere convenience? I hope we have a higher aim than that, and that we look upon Canada in a broader light. I would call upon my hon. friends from the maritime provinces and Quebec to consider this matter. What is the object of this road? Why are the promoters making this desperate effort to obtain a charter? If they get the charter, and it be anything like the hon. member from Prince Albert says it will, they will divert the trade of the Northwest to the United States, divert it from the maritime provinces, notwithstanding the large amount of money we are

spending to establish that trade. If the people of British Columbia are suffering to-day for want of transportation facilities, existing railway companies will build lines for their accommodation. Does any one suppose they would fail to do so if they thought those lines would be profitable? It may be that it is in the interest of Mr. Hill by means of this road to divert the trade of Canada to the United States. If that be so, the Canadian Pacific Railway or the Grand Trunk Railway, or the McKenzie and Mann line should be allowed to open up that country. They would not divert the traffic from their own main lines, and if they see there is any money to be made in building the road they may be depended upon to construct it without delay. We are told that the freight rates are too high. Will Mr. Hill diminish the rates ? No ; there will be no competition in rates. Mr. Hill will collect all the freight he can and take it over to his lines in the United States and ship it through United States ports. Looking at it from a national point of view, I cannot on this occasion, any more than on the former occasion, support this charter. My hon. friend said that this was not a government measure. What did the leader of the House say to-day? Does he represent the government here or does he not? He told us that it was a government measure, and that if this amendment be not made the government will be obliged to oppose the Bill in the interest of the Dominion. Therefore no one can question that it is the government policy for the protection of the public interest. Is not the amendment proposed by the leader of the House a danger signal ? Has he not given us to understand that our interests will be endangered if the Bill goes through without his amendment? Are we here to defeat the wishes of those who have the interests of the country at heart as much as any of us? I shall, therefore, vote in favour of the amendment proposed by the hon. Secretary of State.

Hon. Mr. FROST—It was not my intention to make any remarks on this question but the remarks to which we have just listened induces me to say a few words as a representative of the province of Ontario. I am sure the remarks of my hon. friend from St. Thomas (Hon. Mr. Wilson) do not represent the feelings and intentions of the people of Ontario. They are in favour of railroads, and if this wonderful Mr. Hill is behind this project—which does not seem apparent on the face of it—if we have any one who is willing to expend fifty to a hundred million dollars in this country to open it up as we want to see it opened up, then I say let him come in and build railroads wherever he likes. I have very great sympathy for the people of British Columbia. No province in this Dominion has more wealth in its natural resources waiting for development than the pacific province. How is it to-day that our revenue is increasing by leaps and bounds ? Every newspaper comments on the wonderful progress that is being made to-day throughout the older parts of the Dominion, and what is causing it ? Is it not the development of the western territories ?

Hon. Mr. DAVIS—Did Jim Hill develop our western territories ?

Hon. Mr. FROST—What is the matter with Jim Hill anyway ? If Jim Hill wants to come into British Columbia, where we have mines, fisheries, timber, and the most unexampled wealth on the North American continent, which even the railroads that are being constructed there to-day would not be able to develop in a hundred years, is it not desirable that we should have another line when men are willing to spend their own money to build it ? They are not asking any subsidy from this country; they are merely asking permission to build.

Hon. Mr. DAVIS—The promoter of the Bill says that Jim Hill has nothing to do with it.

Hon. Mr. FROST—All the better reason why we should support this Bill. If our people are prepared to build this line without any aid from the government, why not allow then to do it ? So far as we know, Vancouver is to be the terminus of the road. Is there not a line from the United States running into Vancouver ? Is there not a line running from the United States at Pembina to Winnipeg ? Have we not in the province of Ontario a score of lines running from the United States into this country, conferring wonderful benefits on our people ? Have not all those lines been helping us ? Just as much traffic comes

into the country as goes out of it. There is not one of them that has not conferred as much benefit on our people as on the people of the United States. We want those lines, and, therefore, I sympathize with our people in British Columbia, and when I see every representative from that province, in both Houses, supporting this Bill, I say we should give it our support. Not very long ago, when I was a member of the other House, the question of imposing a head tax on Chinese entering the country came up in the House of Commons, I voted for that measure because the people of British Columbia said, 'We must have it.' The government said we will accept the will of the people of British Columbia on that question, and we all accepted the measure as we should do now in this instance. Let us not put a brake on the prosperity of the country. If we are collecting a revenue of seventy-five or eighty million dollars to-day in consequence of the wonderful advance that is being made during the past few years in Canada, how much more will our revenue increase in the near future when this railroad is constructed, whether by Mr. Hill or anyone else ? This country has benefitted greatly by the building of the Canadian Pacific Railway and the lines constructed within the last ten years. How much greater will be the expansion of the trade of the country when the Grand Trunk Pacific is built and this additional line is constructed ? Does not every business man in Canada want the lines that can be built; and so long as men are willing to build them without asking for a subsidy or bonus, would it not be unwise to prevent the opening up of our country by new railroads lest some portion of our traffic may be diverted to the United States ? Why the railroads up there to-day are taxed to their utmost to supply cars and to render an adequate service in that section of the Dominion. It is straining the resources of the Canadian Pacific Railway. Only lately they have had to issue bonds to enlarge their plant and equipment for the purpose of meeting the growing needs of the west. Let us have faith in our country. Let us believe that Canada is going ahead, and that we are building up on the northern half of this continent a great nation, an empire, and that the time is coming when every road that can possibly be built by the capitalists of Canada, the United States and England will not be more than sufficient to meet the needs of this country.

Hon. Mr. ROY—I do not propose to speak on this amendment, but before proceeding farther I ask permission to correct a statement made by the hon. senator from St. Thomas with regard to my hon. friend form Prince Albert. He referred to that gentleman three times, I believe, as 'My hon. friend from Alberta.' My hon. friend (Hon. Mr. Davis) is from Saskatchewan. I would not like the people of Canada to believe that the people of Alberta, or those representing them do not want this railway constructed.

Hon. Mr. DeVEBER—I did not propose speaking on this amendment, but I am forced so to do. The hon. member for Prince Albert has been alluded to frequently in the debate as the member from Alberta. He is from Saskatchewan, I am from Alberta. Not only from the province of Alberta but the constituency of Alberta, and I should be sorry to have any of my people imagine that I held the views of the hon. gentleman from Saskatchewan on this question.

Coming as I do from the west, having absorbed western ideas and being fairly conversant with western requirements, I hope I may be pardoned if I take up a few moments of your time. The transportation problem, as the hon. gentleman from Saskatchewan has observed, is the problem of the west, and on its proper solution depends altogether the prosperity of the west, and on the prosperity of the west depends the prosperity of the whole Dominion.

Hon. Mr. SULLIVAN—Not by a jugful.

Hon. Mr. DeVEBER—A good deal of so-called patriotism has been introduced into the argument before the House this afternoon. When I make the statement that no corporation or government ever conceived the idea of building a railway purely out of patriotism ; when I state that no company or corporation ever constructed a railway purely out of philanthrophy ; when I state that no corporation or company ever operated a railway solely and exclusively in the interests and for the convenience of their patrons, I think I am making a statement that no member of this House will

have the temerity to endeavour to controvert. Railways are conceived and constructed and operated for one purpose only, and that purpose is the declaring of dividends. I am not against railways at all. I am very much in favour of them, but railways may be an unmixed blessing, but they may be at times nothing but an unnecessary evil. Every railway will give good accommodation and will give fair rates if compelled to do so, and to my mind nothing will compel them so to do but competition.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. DeVEBER—And therefore we in the west look upon it in this way ; give us competition wherever it comes from, let it come from north, south, east or west, Canadian Pacific Railway, Canadian Northern, the Grand Trunk Railway, or even from friend Jim Hill ; but let it come, and the more competition we have in the west the better for us. Hon. gentlemen who have not visited the west have a very small idea of the extent of that country. I am looking at the question in a very small way when I say that the wheat belt extends for 400 miles in width of territory, more or less. We have one line there, and one partly built ; the Canadian Northern, and one which is to be built, the Grand Trunk Pacific—three lines in a belt of territory 400 miles in width. What would the people of Ontario say if they had only three lines in 400 miles ? Would they be satisfied ? Can you blame us for wanting competition ? We have wandered afield in our argument this afternoon. We are simply discussing at the present time an amendment which strikes out subclause (a) of clause 1, which subclause reads as follows :—

(a) From a point on the main line between Anderson lake and Green lake, running along or near Lilloet lake, Lilloet river and Harrison lake, and thence southeasterly to a point on the international boundary line.

As I understand it, the only thing that is to be feared, if this subclause is adopted, is competition. Was there any cry or any fear of roads running into United States territory taking anything away when the railways were being built from New Brunswick, from Quebec and from Ontario into the United States ? Take the whole of the international line from the Bay of Fundy to the Pacific ocean, there are numerous lines running into the United States. Are they draining this country, or are they benefiting us ? I think hon. gentlemen will all agree that they are benefiting us. Why not allow us to have all the roads we want ? I call attention to the fact that in the original charter of the Canadian Pacific Railway there was a clause which prohibited any railway coming into Manitoba from the south. That raised such a storm in the west that the government had to buy that right, if I remember correctly, and had to pay some fifteen million dollars to get rid of that clause. The town I live in had to have a railway built from Medicine Hat to Lethbridge to take our coal out. The road there was narrow gauge, and it gave us no competition. But when this clause was expunged by the government, our roads were made broad gauge, and that gave us competition. The Great Northern, owned by Jim Hill, did not lower the rates at all, but they said, 'We will give you better service.' Prior to the advent of the road into Lethbridge, when we bought our goods in Montreal and Toronto, we had to wait three or four months for their arrival. Immediately on the advent of the roads from the south one of our merchants bought two car loads of goods in Montreal and ordered them to be routed by the Great Northern. We had every Canadian Pacific Railway freight official, from Mr. Peters down, inside of two days, wanting to know what the Canadian Pacific Railway had ever done that we should get a car load of goods by the Great Northern. They were simply told that whichever road gave the best service would be patronized. The consequence is that to-day we get our freight in Lethbridge in as many weeks as we formerly got it in months. And the cities between Lethbridge and Winnipeg, which are yet without competition, have to wait two or three months to get their goods. When the other clause comes up for consideration, it may be necessary to direct a few more observations to the question, but at the present time I think I can only say that I have no wish whatsoever to see blank charters issued by any government in Canada. If it were possible, I would like to see railway routes thrown open to competition, and if fifty companies applied for a charter over a certain piece of country,

that every one of them would be given a charter, and the company who got in there first could build a road first.

Hon. Mr. WATSON—Coming from the west, as I do, and having had something to do with the railroad building in the west for some years, and as a representative of the west, I feel called upon to make a few remarks on this occasion. We have a Bill before us to-day, introduced by a member of the House, promoted by Mr. Hendrie, who is I understand, one of the wealthiest men on the coast, a man capable of financing a good portion of the road himself, a large lumberman and mill-owner and the Bill is being opposed, and opposed very vigorously, by some gentlemen whose interests I am not informed of. Mr. Hill's name has been connected with this charter. As I understand, Mr. Hill has nothing whatever to do with this charter. It appears to me that if it is supposed that any one is back of a charter that charter is opposed. I believe we have had charters passed in this House as important as this is. I believe we have had Bills asked for by incorporators who have had as much chance of building a road as half a dozen niggers. I suppose this Bill would go through if it were supposed the people asking for a charter would not be able to build the road. So far as railway charters are concerned, I think that any person who wishes to build a railway, and has the money to invest and is able to file a plan, should be given the power to build that road. I think it is one of the great mistakes in our legislation that we have people coming here and lobbying for the purpose of getting charters on the pretense of building up the country. I believe we should have a general Act to do away with the applying to parliament for power to build railways. I think companies ought to be permitted, if they are able to comply with the Act, and when they have filed a plan, they should be permitted to go on with the railway. It is amusing to hear the remarks of some hon. gentlemen to-day, and particularly the hon. gentleman from Prince Albert. That hon. gentleman has promoted Bills in this House, and in the House of Commons, for enterprises that are owned and controlled by James Hill, and which he is building into Manitoba and notably into Brandon. I understand another road promoted by the hon. gentleman, which I believe Mr. Hill now controls or is about to control, is being built into Medicine Hat, by which he expects to reach Edmonton. That gentleman opposes this Bill to-day, after being an advocate of charters within the last twelve months that Hill now controls. It is rather surprising. Hon. gentlemen ought to have some consistency about them on these matters. Now if Hill is to be connected with this scheme, I would remind the House that he was in Winnipeg a few weeks ago, and he was tendered a great reception there. As far as Mr. Hill is concerned, my opinion is—and I do not think I can be successfully contradicted—that he is the greatest railway magnate in America. He has built more miles of railway, as an individual, than any other man in America. I feel proud of the fact that he was born and raised, as I was, in the county of Wellington, that he is a native of Guelph where my hon. friend from Wellington comes from. Several gentlemen around me say : 'me too,' they all want to be connected with Mr. Hill and I think it a credit to be connected with him. He has done more to open up and develop the Northwest—I am not speaking now of the Canadian Northwest but of the American Northwest—than any other man in the United States. He is now reaching over into Manitoba and the Northwest Territories and the people there are welcoming his coming in to develop that country. He has inaugurated a new system in regard to Canadian railways, building without asking for bonuses. That certainly is a new policy in Canada, and the Canadian people do not seem to understand it yet. If Mr. Hill is at the back of Mr. Hendrie who is applying for this charter, I think he ought to get the powers he is asking for because he will build the road. Hill is in Vancouver now over the Victoria, Vancouver and Eastern, the charter granted here a year ago. I understand that road is pretty well on towards completion, and the people of Vancouver want that road, the people of British Columbia want that road. It is true that a portion of the line diverges to the south and crosses the international boundary line, but it gets into Vancouver, and the people of British Columbia were practically unanimous in supporting the Victoria, Vancouver and Eastern Bill. If Hill be at the back of

this application—and the hon. gentleman for Prince Albert has used his name in that connection—I would support it all the more strongly than if it were Mr. Hendrie alone or some charter monger applying for a paper charter, because I expect if Hill is behind it he will surely build the road. If this charter were for a road that had for its object diverting Canadian trade to the United States, some objection might be urged against it; but there is no evidence of that before the House.

Hon. Mr. LANDRY—I would ask the hon. gentleman is he informed that Hill has running powers over that road?

Hon. Mr. WATSON—What road?

Hon. Mr. LANDRY—This road.

Hon. Mr. WATSON—It is not built.

Hon. Mr. LANDRY—A portion of it is built.

Hon. Mr. WATSON—Seventeen miles.

Hon. Mr. LANDRY—We were told just now forty-four miles. On the seventeen miles, is there any right of way given to Hill?

Hon. Mr. WATSON—I do not know—I do not care.

Hon. Mr. LANDRY—The hon. gentleman is not well informed.

Hon. Mr. WATSON—The hon. gentleman is not as well informed as I am; the seventeen miles that I spoke of, the road I referred to and the road the member from Prince Albert referred to was the Victoria, Vancouver and Eastern, an entirely different charter. I am informed that some three thousand men are working to-day on the construction of the Victoria, Vancouver and Eastern. They expect to reach Vancouver in the very near future. So far as this charter is concerned, which we are now discussing, the terminus of the line is Vancouver. There is no question about that at all. It runs northerly and easterly to Edmonton, that is the part which is opposed. The hon. gentleman objects also to the branch running to the international boundary. As far as that is concerned, Hill has an entry into Vancouver at present, and the branch cannot make the situation any worse. Why should any person suggest that if the road is built, trade is going to be diverted to the United States? The trade will be diverted to Vancouver. I believe that we will have in the west a sea-port from which the products of the prairies of the west will be shipped to China and Japan, just as we have at Fort William steamers carrying wheat from the eastern prairies to England through the province of Ontario. As far as I am personally concerned, I believe that the principal portion of the export of Manitoba and the Northwest Territories will be to the United States. I believe the United States will be the best market for our wheat products inside of fifteen years. If any person were to suggest that we should cut off the connections already existing between Canada and the United States it would be treated as simply absurd. No person advocates that in eastern Canada. He would be laughed at. You have connections all through Ontario and in Manitoba and the Northwest Territories. Jim Hill is going in there now on a charter procured by the member from Prince Albert, who opposes this Bill to-day. You must have that trade and the return trade. It is not all going one way. It was argued in connection with this very Bill that Hill would carry the wheat of Alberta to the Minneapolis mills. It is simply absurd to say that he would carry it through the Yellow Head pass down to Vancouver and back east to Minneapolis. Was there any objection made to the Canadian Pacific Railway building from Lethbridge to Minneapolis and Duluth and the Soo, a line running directly to the United States? I never heard of any objections to that line. The people of the Northwest and Manitoba supported it and we have these connections to-day. The hon. gentleman remembers, no doubt, that only a few years since rebellion was talked of in Manitoba because we could not get railways to the United States. The hon. gentleman is the supporter of a government which a few years ago granted $15,000,000 to the Canadian Pacific for doing away with the monopoly clause, section 15 of the Canadian Pacific Railway contract, to allow us to get connections which we asked with the United States. The parliament of Canada were seized with the importance of allowing the people of the west to have an outlet for their products. If Mr. Hill is to be discussed in this matter, I want to mention

some of his ideas. In delivering an address in Winnipeg a few days ago he made use of certain remarks which I do not think the people of eastern Canada should object to—and if the member for Elgin will take note of what Mr. Hill said I think he would support Hill's charter in the west. Mr. Hill talked of building from the Crow's Nest pass to Winnipeg another transcontinental line. As far as Winnipeg is concerned he states that he does not see any necessity for building east of that point. He considers that the Canada Northern, the Canadian Pacific Railway and the Grand Trunk Pacific are sufficient to take care of the traffic east of Winnipeg and he is satisfied to make connections there, giving these railways the freight to carry to Fort William, and he advocates the Georgian bay canal.

Hon. Mr. FORGET—Do you believe that —that he will build to Winnipeg ?

Hon. Mr. WATSON—He made that statement. As I stated before, Mr. Hill has done more to develop the west than any one man in the west. I believe him when he says he is in favour of the Georgian bay canal, for the reason that he would benefit by that connection, thus having water communication from Fort William east to the Atlantic seaboard. The people of Winnipeg, irrespective of party, the business men of Winnipeg, turned out en masse to do him honour. Seven hundred members of the board of trade sat down to a magnificent banquet in his honour, believing he was right. We have the city of Toronto represented by the board of trade—and I want to say I regret that any member of the Senate should practically ask for a lobby in this Senate on this or any other Bill. We saw by the press reports that the hon. member for Wellington sent a communication to the board of trade of Toronto asking them to come here and lobby against this Bill, because that is what it meant. There was no other means of doing anything against the Bill.

Hon. Mr. McMULLEN—The statement is not true. I did not ask them to come here and lobby against the Bill.

Hon. Mr. WATSON—He asked them to protest and oppose and denounce the Bill. What other means had they of doing so ? They could not at that time go before the House or any committee of the House, and the only thing they could do would be to lobby. They turned down the proposition, and they said since Mr. Hill had offered to build railways without asking for bonuses he ought to get bouquets rather than be turned down, and the letter of the member for Wellington was laid on the table, or put in the waste basket, I do not know which.

Hon. Mr. LANDRY—Is that the board of trade, or the board of control ?

Hon. Mr. WATSON—The board of control I think it was. Probably the hon. member for Wellington will correct me if I am wrong.

Hon. Mr. McMULLEN—It does not matter.

Hon. Mr. WATSON—It does not matter ; that is right. Fault was found because Mr. Hill, while in Winnipeg, made some remarks about the Hudson bay road. The member for Prince Albert was very wroth that Mr. Hill should express an opinion on the Hudson bay road. He expressed an opinion because a deputation from Dauphin, a town in the northwestern portion of Manitoba, waited on him, asking him to give them one of his branch lines from Portage la Prairie to Dauphin, and holding out as an inducement that it was on the short line to Hudson bay. I may say there were deputations there, not only from Dauphin, but from Deloraine, Brandon, Portage la Prairie, Gladstone, Minnedosa—practically every important point in the province of Manitoba, asking Mr. Hill to give them connections with his line. That is the way the people of the west feel towards Hill. When the Dauphin deputation suggested that it would be on the line to Hudson bay, Mr. Hill remarked he didn't want to build to Hudson bay. The suggestion was made that if he did not build to there Mackenzie & Mann would. He said, Mackenzie & Mann may if they like. They apparently build wherever they can get sufficient bonus. That was Mr. Hill's idea of the Hudson Bay route. He is leaving it to other people, but as far as he is concerned —my hon. friend may doubt his sincerity— he advocates for an eastern connection the Georgian Bay canal. The people of British Columbia, as has been stated before, have

unanimously asked for this legislation. I venture to say hardly any Bill has come before parliament which had the unanimous support of the representatives of the province, both in the upper and lower Houses, as this Bill has here to-day. The people of Alberta are interested in this charter also. Changes have taken place in our great Northwest in the last few years. Ten years ago if any person had suggested that they would be growing two million bushels of wheat in southern Alberta in 1906, people would have said he was crazy. It was thought to be fit only for grazing, and the land was rented to ranchers for two cents an acre a year. But a change has come about. People have demonstrated that they can grow wheat there, and last year there were over two million bushels of first-class wheat grown in southern Alberta. That wheat has got to find a market. Is it going to be freighted through to Fort William and the eastern provinces ? I think not. A market is being opened up in China and Japan for our flour, and I am satisfied that that wheat will find its way west and by the shortest route. We know to-day that mills are being erected at Calgary and Vancouver for the purpose of manufacturing that wheat into flour, and that flour will find its way to China and Japan. Flour is being carried to the far east to-day from the Lake of the Woods Mills ; large orders are being shipped. Why not take the wheat grown a thousand miles west of Winnipeg to the coast and ship it across the Pacific ? How is it to get to the coast. Some people may say by the Canadian Pacific Railway by the Kicking Horse Pass. It may, but the Kicking Horse Pass has very heavy grades, and I venture to say that the wheat will go by the Yellow Head Pass. Edmonton is two hundred miles north of Calgary, and it is eight hundred feet lower. It is down grade all the way from the international boundary to Edmonton. Some people think it is up grade, but really it is down, and that wheat will travel by the down grade and through the Yellow Head Pass where there are easy grades. It will be taken through by the Canadian Pacific Railway, because I think they will build a road, or by the Grand Trunk Pacific, the Canadian Northern or by this line for which a charter is asked to-day, I believe the wheat will go that way and be manufactured in Vancouver and the products will be shipped on to China and Japan. Why should any person in this House oppose a Bill to build a railway to open up and develop that western country ? It seems to me like turning the clock backwards. The time has gone by when we talked about the provinces controlling the charters of railways in Canada. That is 'Little Canada' to my mind. The country is too big now to discuss transportation matters in that way. There are hundreds of thousands of people rushing into that country. Do you want to stifle their energies by refusing them facilities for transportation ? If you do, adopt the motion of my hon. friend. We found this Bill opposed at every stage. Other charters have gone through this session, and there are other charters before parliament now, to which there is no objection at all, promoted by the very gentlemen who are opposing this Bill. Why ? They are afraid this charter will be gone on with. My hon. friend from Kamloops (Hon. Mr. Bostock), very properly, is willing to accept the amendment suggested by the hon. Secretary of State. Neither he nor any other member of this House, I venture to say, wishes to monopolize any pass through the Rocky mountains. I believe we ought to have a provision in the general Railway Act providing that the passes may be used by all roads that wish to build. I am informed that the Yellow Head pass, I heard Sir Sandford Fleming say so, has room to build ten or fifteen roads through it. There may be some points where it is a little narrow, but the provision suggested by the Secretary of State will safeguard that. In the other House an amendment was suggested to the general Railway Act which will give effect to what I have outlined here and protect all railways desirous of building through the passes, particularly through British Columbia. We only know of the Pine River pass, the Yellow Head, the Kicking Horse and Crow's Nest passes. There cannot be a railway built in British Columbia except it is built through a pass. That being the case, I say the member who introduced this Bill is wise in accepting that suggestion and with that amendment included it ought to be the duty of every member of the Senate to support the Bill. There

is no just reason for doing otherwise, except the fear that it may interfere with other interests in the carrying trade. I do not wish to occupy any further time. As far as I am personally concerned, I am strongly in favour of this road. I believe it will assist in developing the Northwest, not only British Columbia, but also the prairie lands in the west, by opening up a market for their products, and it will benefit the eastern country also, because my hon. friend who sits behind me and who is largely interested in manufacturing agricultural implements, knows whereof he speaks. Every settler you get in the Northwest assists in providing a market for the manufactures of the east.

You must have communication between the east and west, and if Mr. Hill, or any one else, will come in and build railways, especially if they will do so without bonuses, we ought to welcome them. We ought to say, as the Board of Control of Toronto has done, 'Give bouquets to Mr. Hill,' and as the city of Winnipeg has said, 'Give bouquets to Mr. Hill,' and as deputations from all parts of Manitoba have said, 'Give bouquets to Mr. Hill.' They all want competition in railways. I hope the Senate will be true to itself and true to the country, and not attempt to throttle any enterprise whose purpose is to open up and develop our country.

It being six o'clock, the Speaker left the Chair.

After Recess.

Hon. Mr. WATSON—When the House rose for recess I had been calling attention to the fact of the connections that we had in Manitoba and the Northwest and also in British Columbia with United States railways. I want to call particular attention to this fact, that when this Bill was before the House of Commons, before the people who are responsible to the electors for their seats in the House, it passed that Chamber unanimously. Not a dissenting voice was raised either in the House or the Railway Committee, notwithstanding all the opposing interests that are now here and lobbying in the Senate in opposition to this Bill. Knowing that the legislation was so popular in British Columbia and also that the Hill connections were so popular in Manitoba and the Northwest Territories no attempt was made to interfere with the Bill, not even to amend it along the lines suggested by the hon. Secretary of State, I suppose because they had passed Bills of a similar character without any conditions attached to them such as the one suggested by the hon. Secretary of State and which I think is a very wise provision. No doubt the lower House believed that the general Railway Act protected the passes against monopoly and that the railway commissioners had power to give running rights over a road where it was difficult to build two lines. I have no hesitation in saying that if the hon. senator from Prince Albert (Hon. Mr. Davis) were to attempt to carry an election on the views he has expressed here to-day he would not get 25 per cent of the electors to send him to parliament, because in the last election the people were entirely in the direction of favouring free trade in railways and railways without bonuses. Apparently the hon. gentleman has seen fit to change his views——

Hon. Mr. DAVIS—This is only a railway charter. Charters are not railways, and there is no guarantee that this road will be built without bonuses.

Hon. Mr. WATSON—I venture to say that the hon. gentleman would not rise in his place to oppose this Bill to-day if he was not satisfied that the people back of this road are prepared to build it. A year ago a Bill was introduced in this House, and a charter was granted, which the hon. gentleman had a good deal to say about. Inside of two weeks after it was assented to, it was sold to Jim Hill, and Jim Hill is building from the boundary to Brandon on that line. What has occurred to change the hon. gentleman's views ?

Hon. Mr. DAVIS—I want the hon gentleman to understand that I was in favour of Jim Hill building as many roads as he liked from the boundary.

Hon. Mr. WATSON—Does the hon. gentleman suggest that he is prepared to support railways to be built north and south and not east and west.

Hon. Mr. DAVIS—Yes, to Hudson Bay.

Hon. Mr. WATSON—Then I venture to say there is not a man in this House representing eastern Canada who will support that proposition, because the complaint is that if this charter is granted the trade will be diverted to the south. They want the trade of the country retained in Canada but the hon. gentleman wants to divert it to the United States.

Hon. Mr. DAVIS—Will the hon. gentleman allow me to correct him? I pointed out that this was a line, one end starting at Seattle and the other end going into Minneapolis. My idea was that the road should be run north and south, and part of the traffic from the north and south lines would be diverted to the main lines east and west.

Hon. Mr. WATSON—My hon. friend's logic is very poor. Last year he was supporting charters for roads crossing the Canadian Pacific Railway and running through into the United States.

Hon. Mr. DAVIS—The road I supported ran toward Hudson bay.

Hon. Mr. WATSON—The hon. gentleman is stuck on Hudson bay. We are discussing routes which are more practicable than the Hudson bay route just now. I have no hesitation in saying that the reason why the Bill was not opposed in the committee was that it was popular legislation and the gentlemen who had to depend on the votes of the electors for their seats in parliament would not dare oppose it. The hon. gentleman should not be solicitous for the other corporations in looking after their interests so strongly, because it is only two or three years since the Canadian Northern, a road which had a charter for years through the Yellow Head pass, became actively interested. We are not afraid of Jim Hill's opposition to the south. Mackenzie & Mann disposed of the Victoria, Vancouver and Eastern charter, and to whom? To the Canadian Pacific Railway? A Canadian company? No, but to Jim Hill, the very man who is building this road and the very man the hon. gentleman is afraid of permitting to build a road to the Yellow Head pass.

Hon. Mr. DAVIS—Allow me to state that I was prepared to support the proposition to allow Jim Hill to build a road through that pass, but not through all the passes approaching it, but simply through the Yellow Head pass to British Columbia.

Hon. Mr. WATSON—A suggestion was made by the Secretary of State and a Bill was introduced into the committee by the Minister of Railways to protect those passes. If the hon. gentleman is satisfied with that, then why should he not withdraw his opposition and support the Bill? The hon. gentleman is steering north by south in his arguments. He wants railways north and south, and not east and west. Is he afraid they are going to take wheat from Edmonton to Vancouver and then back to Minneapolis? Surely the hon. gentleman does not contend that for one moment?

Hon. Mr. DAVIS—No, but that they will build a branch from Brandon to Minneapolis.

Hon. Mr. WATSON—The last road the hon. gentleman was interested in was running from Medicine Hat, and Jim Hill won't get down to Brandon or Portage la Prairie, but will go south from Medicine Hat. I desire to say in conclusion that I do hope the government will see fit in the near future to introduce legislation that will empower any person who wishes to open up and develop our country by expending money in the construction of railways to do so simply by filing plans and proceeding with the work, the Railway Commission having control of rates, &c., and promoters will not then have to come to us for charters. Several charters are being applied for this year. We have a charter for a road from Vancouver to Hudson bay. I wonder if the hon. gentleman will support that? Another charter through the Yellow Head pass which is held up. The suggestion of the hon. Secretary of State to preserve these passes should be acted upon, because, as I said in opening my remarks, I believe it is a proper provision to place in the Bill, for I do not believe that any railway can be built in British Columbia without running through the passes, and those passes should be preserved. I do think that, after the Bill has passed the House of Commons as it has with no opposition there, and with no opposition in the Railway Committee, this Senate will stultify itself by interfering with legislation passed so unanimously by the popular chamber.

Hon. Mr. JAFFRAY—Hon. gentlemen, I do not know that a member so new to this House should have anything to say in a matter of so much importance as this, but although new to the House I am not new to this question. I had to discuss a question of the very same nature in British Columbia, and in the Victoria legislature I had to meet there the very same argument that we have heard to-day as against this railway, and when it is remembered how unanimous the British Columbians are, in face of this, if there were no other, it is one reason why we should not have any hesitation in deciding what our course should be in reference to this Bill. There is no province in this Dominion that is so rich in undeveloped resources and that has so much need to have every encouragement possible given to it, whether in the country or out of it, to develop the railway facilities in it. The mountains, the difficulties and troubles that there are in railway development ought of itself to be sufficient reason for us giving it every consideration. The arguments in favour of it have been so ably put forward and been so convincing that it is not necessary for me to say much about it. I have only to say that either party or any party that opposes the development of British Columbia will not have the support of British Columbia. That province will not tolerate interference with the development of their country, especially in railway facilities, and I hope that this Senate will never interfere in that respect. I would much rather see the construction of railways that are going to connect our country from the Atlantic to the Pacific, but in order to find business for those railways, in order to develop that country, we must allow the railway routes that are natural to it to be developed also, and it will be a selfish, narrow, indefensible policy if we attempt to repress British Columbia in any matter of this kind. I am certain we will only regret it and that it will not be for the benefit of Canada as a whole.

Hon. Mr. KERR (Cobourg)—Before this debate closes I would like to make a few observations upon the amendment now under consideration. I do so with a good deal of diffidence, and with some personal anxiety in this matter, because the vote which I may cast will be, perhaps, not in accordance with the views of some of my warmest friends in this House. In fact I cannot say warmest, for all are my friends, I believe. I feel a good deal of diffidence also in speaking on this question, seeing that this Bill has passed the ordeal of the committee of another branch of this parliament, and has come up to this House in its present shape. The first thought in my mind is, how the Bill ever got here in its present shape. I want to emphasize that. I understood that this country had entered upon something like a national policy in the matter of transportation; that we had committed ourselves to the expenditure of an enormous amount of money to build a national transcontinental railway. If that be so, then I think that this amendment strikes at what I believe to be a clear, distinct, deliberate and express violation of that policy. And I rise more to call the attention of the Senate to what is implied in subclause 'A,' which it is proposed by this amendment to eliminate from the Bill. I do not need any argument to convince me that perhaps this branch would be some benefit—immediate benefit at any rate—to the people of British Columbia; but as I see my duty, I am not here to have my political vision bounded by provincial lines. If I have any right to be here, and any fitness to be here, I ought to be able to take, not only a provincial, but at the same time a Dominion view of every question that comes before this House. My friends of British Columbia must not charge me with want of being friendly to that province. So long ago as 1874, when many of my political friends thought it was a pretty wild scheme—I do not give myself credit for any particular prescience—but it did so happen, and I am now glad it did, that I never was opposed to the building of the Canadian Pacific Railway and never voted against it. I did think, considering the comparative poverty of our country at that time, that perhaps we were paying a good deal for the support of that railway. Subsequent events have established the fact that it was a very wise expenditure, and if Canada to-day occupies a position which makes it the pride of the British empire and the envy of other countries, that credit is largely due to the Grand Trunk Railway of Canada and the Canadian Pacific Railway.

Hon. Mr. PERLEY—The Conservative party.

Hon. Mr. KERR (Cobourg)—I happen to be fortunate in this regard. I have not the honour of any intimate acquaintance with any of the authorities of either road, and no man has asked me how I intend to vote on this question. I have told no man how I intend to vote upon it, but I do intend to vote upon it, and to take the consequences of that vote. In another place, only a few days ago, I had occasion to remark that I feared to oppose any application for a railway charter for fear I would be responsible for preventing two blades of grass growing where only one had grown before, and on that line I have stood on all occasions, and, according to my light, have tried to support every application for a charter that I honestly thought had for its object the development of the trade and the growth of Canada, and that I would as persistently on all occasions oppose any application for a charter that had for its express object the diversion of our trade into an alien country. I repeat that now. I want to say further, that British Columbia must not complain that they are not friends who vote for this amendment, and they must not say that the people of the east are on that account unfriendly to British Columbia. The people of the east took their full share of the expenditure and the sacrifice this country made in encouraging and supporting the establishment of the first transcontinental line. In 1871, the late Prime Minister, Sir John Macdonald, entered into a bargain with British Columbia, when that province had only about 8,000 inhabitants, to build that railway in order that they might become one of the members of the federal family of provinces and enjoy all the advantages that that implied; and ever since that the east, the centre and every part of the Dominion has borne its fair share of that expenditure, so that Canada has shown its sympathy and regard for British Columbia; and on any other question than railways to divert our trade, British Columbia will find me, so far as my humble support is concerned, standing up for their rights and battling for them shoulder to shoulder. But I cannot do it on this question, unless I am told by the government that the policy I am speaking of now, and that I think has been wisely inaugurated, has been thrown to the winds, and that the great concern is to dump our trade over the border and let it be carried to the ends of the earth through alien channels. I am not in favour of that, and this line, if it means anything, means that. Of course, hon. gentlemen from British Columbia know more about it than I do; I am only speaking from a national standpoint; but I say, from a national standpoint, it would be a very great mistake to allow that line to be built, and I say further that so far as I can prevent it, that line never will be built. I do not believe it is in the best interest of Canada that it should be built. Some of my friends speak a great deal of Mr. Hill's coming into Canada. I am not acquainted with that gentleman, so that I am not able to speak of him familiarly as 'Jim Hill,' so he will pardon me if I speak of him as Mr. Hill. I have nothing against Mr. Hill. He is a Canadian; I am glad of that. He is a very shrewd man, and has railroading down fine, and he knows what he is doing when he is coming into Canada just at the present time. The time was when we would have welcomed Mr. Hill with open arms, but he reminds me of Americanus, who could discover America with the greatest of ease after Christopher Columbus, after eighteen years, had found the way. Mr. Hill comes in now, when the harvest is ripe and abundant, at the eleventh hour, but he does not say, 'I will take your trade through Canadian channels.' He says, 'I will scoop it down to the south.' I do not want to say anything unkind, or that would in any way disparage Mr. Hill's great ability as a railroad man, but I can understand that a man who has nearly all his interests in an alien country and in other roads, that his first object will be to feed those roads. I do not blame him, but I do not want him to feed them with Canadian trade which he will do if he takes it through alien channels. I want that thought impressed on every one who listens to my voice.

I would not be so vain, so presumptuous, as to suppose that I could influence a single vote in this chamber. I do not pretend to be right, but I do pretend—and a man always can be that—to be upright, and that is the position in which I think I stand today. Mr. Hill advised his fellow country-

men—it is not denied—against coming into Canada ; and I account for his coming into Canada himself at the present time because the reports from the people who emigrated from the United States and settled in our west were so encouraging and so flattering and so enticing that he could not resist the temptation to come in and share our prosperity ; but he does not come here as a patriot or philanthropist. He comes here to make money. He wants that branch line in order that he can have an outlet from Canada to his Great Northern road and divert to his own lines that trade which rightfully belongs to the railways of Canada. I am asked some times, would it not make a difference with your vote if he comes and offers to build a railway for nothing ? As I view it, I say no. If he built a dozen railways in British Columbia and the Northwest for nothing, if he diverts the trade that should come to our own ports, to an alien country, I say no. I am prepared to concede that the people of British Columbia feel very sensitive on this question, and do not like to hear a word said against it. Some of them perhaps have suffered from a want of railway competition suffered sorely, in the past. It is not my fault if that has been the case ; but if that has been the case in the past I believe Canada itself, without any alien help, is doing its level best, and doing it grandly, to meet all the requirements of every province, British Columbia included. Now, hon. gentlemen, you recollect, some of you, in your classical reading, that the Grecians and the Trojans were once at war. The Grecians could not get within the walls of Troy, and the idea occurred to them to construct a wooden horse, and get someone to persuade the Trojans that the mammoth wooden horse was filled with rich presents for them. The foolish Trojans wanting to get the presents, admitted the horse within the walls of Troy, and when it got within a spear went into the side of the horse and out rushed armed men, and Troy fell. I do not know that Mr. Hill's road will be a wooden horse, but I strongly suspect it will; at any rate I will use the exhortation that was used on that occasion which was 'Trust not the wooden horse, whatever it is, Trojans. I fear the Greeks, though bringing presents.' So Mr. Hill need not be surprised if I fear all his good promises and presents. I would respectfully decline them and say: 'We will not let your wooden horse within our walls.'

Hon. Mr. MACDONALD (B.C.)—Will my hon. friend allow me to ask him what is the difference between a hobby horse and a wooden horse ?

Hon. Mr. KERR (Cobourg)—There is a difference, though that hon. gentlemen may not be able to see it. I am not here as an advocate of the Grand Trunk Railway Company ; but I must dwell a minute on that company. I have been told that as a matter of bookkeeping that railway is in debt to Canada in the sum of $15,000,000 and about an equal sum in interest, aggregating about $30,000,000. I have said to my political friends and opponents, the Grand Trunk Railway Company of Canada does not owe Canada one dollar. Where they have had one dollar from us we have had directly and indirectly benefits from that railway of ten times, twenty times, the amount. There is a disposition in the country, I have found it for the last thirty or forty years in my legal practice, to raise a hue and cry against a railway on every possible occasion. The greatest Godsend this country ever had are the two great trunk lines we have now, and I do not propose by my vote to let them be disturbed. With the Grand Trunk Railway, the Canadian Pacific Railway, the Canadian Northern and the National Transcontinental Railway we shall be able to cope with even the wonderful developments of our western country. Now, what I have said, I have said in all kindness, with every good wish for the greatest possible prosperity and happiness of the people of British Columbia It is not because I love British Columbia less, but because I love this Dominion more, that I shall give the vote I intend to give to-night. The hon. gentleman from Beamsville for whom I have, as he knows, the most profound respect, because he is a great Canadian citizen, and a successful man and whatever he says is worthy of consideration—I do not know whether he meant it or not, but he said, as I understood from my seat in the House, that those who opposed this Bill are opposed to any railway at all in British Columbia.

Hon. Mr. LANDRY—He was not in earnest.

Hon. Mr. KERR (Cobourg)—I will not allow anybody to say that with impunity. I purpose to-day to vote for this amendment. When we come to other parts of the Bill we will consider them, but one at a time. According to my view this branch leading to an alien country is utterly obnoxious. We have been thrown by a neighbouring, not always a friendly, people back upon ourselves. According to my view, and I have studied the affairs of Canada pretty closely, that is the best blessing in disguise this country has ever had, that we should be thrown upon our own resources; but do not let us give them away. Let us cling to them. I need not remind hon. gentlemen of the importance of this question. You all know as well as I do, and a great deal better, some of you, that by a series of diplomatic disasters we have irreparably lost some of the fairest portions of this Canada of ours to the people to the south of us. I do not propose, so long as I live and can raise my voice against it, to let the United States get one pound of our freight that we can send by Canadian lines, and I do not propose they shall ever—and I hope Great Britain will stand by us in this—get another inch of our territory, not even a little island out in the Pacific. I sometimes get provoked with myself and with my fellow-countrymen to think that we are not on all occasions and at all times, as are our neighbours to the south, alive to our own interests. I desire to live side by side with them amicably, as a loyal Canadian under the British flag, but I desire Canada to respect herself more and more and to live up to that standard. I heard my hon. friend speak about giving free trade in railways and letting every man have a charter who would file plans. That may be good statesmanship. I do not believe in that policy. I do not believe in encouraging business enterpises to commit suicide. I think the government of Canada and the people of Canada can settle these matters for themselves, and that we have abundant roads constructed and now under construction to serve this whole Dominion. Let us rise to the occasion and decline Mr. Hill's offer with thanks, fearing all the time that it is the wooden horse seeking entrance within the walls of Troy. Toronto, I thought, lost its head the other day. They treated my hon. friend's business letter to the people of Toronto very lightly. I know Toronto is a very wise, as well as a very good city, but I think sometimes of the Bigelow papers:

"John P
Robinson he
Says they didn't know everything down in Judee."

I think they don't know everything down in Toronto. The people of Winnipeg, to the number of 600—brave 600—went into raptures the other day when Mr. Hill thundered to the right of them, thundered to the left of them and thundered in front of them, and they were prepared to shower him with bouquets. That may be all right, but I am not prepared to fall down and worship Mr. Hill. Someone suggested, I do not know who, that this matter should be postponed, and that the Bill should go once more before the Railway Committee and be reconsidered. If Mr. Hill should come there I would treat him as a gentleman, with all possible courtesy, as it would be my duty to do, but I think that that committee and this Chamber are competent to deal with the question without his help. Mr. Hill may employ himself in a more profitable way. So far as I am concerned, my mind is made up, and it is made up whether he or some other man or company is at the bottom of this application for a charter, that they shall not tap our trade and send it into a foreign country.

Hon. Mr. MACDONALD (B.C.)—I suppose my hon. friend has heard of the dog in the manger; that dog thought he was perfectly right. He could not eat the hay himself—

Hon. Mr. KERR (Cobourg)—But we are eating it ourselves and we don't want anybody else's dog to come and share it. I am not asked to advocate their cause. I am not advocating their cause, but I say something is due to the men who have borne the heat and burden of the day and have invested their all, invested their millions and I should be sorry to hear they had not, where they ventured all to have fairly won, and I do not propose by my vote to take that away

from them. I never could understand—it is owing to my stupidity, I suppose—why the men who only came in at the eleventh hour should get as much as the man who bore the heat and burden of the day. These railways that we have and are in projection have borne the heat and burden of the day and have given us a country unsurpassed on the face of the globe, and I ask my British Columbian friends if you should leave this life with a little less money in your pocket, a little less for your relatives to squabble about and divide amongst lawyers; better you should say:

No foot of land do I possess,
No cottage in the wilderness,
A poor way-faring man am I

That is the man I like, and that is the man the country likes, and those are the men who make the country great. I hope I have not offended any man. Although I am from Ontario I will not vote for anything that concerns Ontario unless I think it is in the best interests of the Dominion. It is as much my duty to see that Prince Edward Island out there in the ocean, the youngest of the federal family, receives just as much justice as I would if I lived in the far east, and if I do not do my duty in that respect I have no right to be here. But I want to say to my friends in British Coumbia, Alberta, Saskachewan and Manitoba and my own province, that no province so long as it is a member of this federal compact can have its own way at all times. We have each to give up something that we think dear to us for the general good, and it is only by acting in that spirit that we can make the people on this northern continent glorious, happy and free. We have a grand country. Some one has said that our country is a glorious land:

Our country, 'tis a glorious land,
With broad arms stretched from shore to shore,
The proud Pacific chafes her strand,
She hears the dark Atlantic roar.

I have always hated the word annexation, political annexation, and I have very little faith, no faith at all, in commercial annexation. I believe in Canada being what Providence evidently intended it to be, the great highway of nations, and that over Canada shall be transported to the Orient and to the Occident the trade of the northern part of this continent. I call upon you all to rise above your provincial feeling, and when a question of this kind comes before us let us deal with it from a national standpoint and give such a vote on the question that your children and their children will be able to point with pride in coming years to the vote you gave on this important question.

Hon. Mr. POWER—I propose to vote for the amendment moved by the hon. member from Stadacona, the first amendment, and under the circumstances it may be desirable that I should make some little preliminary explanation. I may say that I do not sympathize with the hon. gentleman from Cobourg. This House from the beginning has been supposed to represent in a special manner the interests of the several provinces. That was the theory upon which the Senate was constructed—one of its great offices was to represent the sentiment of the various provinces. Now, we know that all the members from British Columbia in this House are in favour of this measure, and we happen to know, although we are not supposed to know anything about it, that all the representatives from British Columbia in the popular branch are also in favour of it. Under the circumstances, I think that hon. gentlemen here should require very strong assurances that the measure is highly objectionable in itself before undertaking to vote against it in the face of the unanimous expression of sentiment on the part of the province of British Columbia. The hon. gentleman from Cobourg has taken his stand on the Dominion view. Well, if the hon. gentleman had shown how the Dominion at large was to be seriously injured by the passing of the Bill which is now before the House, I should be quite prepared to support him, but the hon. gentleman has not done that. He has told us the old story of the wooden horse at Troy. We have had several of those wooden horses in eastern Canada. The Canadian Pacific Railway has a branch running down through the state of Maine, and the main line of the Grand Trunk Railway runs to Portland in the state of Maine, The hon. gentleman from Beamsville (Hon. Mr. Gibson) this afternoon enumerated a number of those roads which run from this country into the United States. I do not think that even the hon. gentleman from Cobourg would be willing to part with one

of those wooden horses. He would not be satisfied to cut off one of the roads now leading from his province into the United Sates; and I do not see why he should wish to cut off the people of a distant province from the same sort of connection which his own province enjoys. I have heard more than one hon. gentleman, in discussing this question, speak as though the railway companies had certain mortgages on this country. They talk about interfering with the rights of the Canadian Pacific Railway in British Columbia, or some other company in the Northwest Territories. I was under the impression that the country was not for the railways, but that the railways were for the country. This country did not pay substantially one hundred million dollars to the Canadian Pacific Railway for the purposes of the company. They gave that assistance for the purposes of the Dominion, and the opening up and benefiting of our country, and the Canadian Pacific Railway Company on the whole have done the work very well. Whereas, twenty-five years ago we thought that we were paying, perhaps, rather dearly for the connection, history now shows that the expenditure was justifiable. My view is that the railways are intended for the benefit of the country in which they are built. When railways are built into our western country they promote settlement, and the settlement of the country increases the general business, not only of the region where the railway is and the region that is settled up, but the whole country east and west, and north and south. Then supposing that there should be as there actually is all through eastern Canada, ample means of access to the country south of us, that would not hinder our manufacturers from supplying the needs of the western country, because the Canadian tariff leaves the Canadian manufacturer an advantage which quite counterbalances the excess in the freight charges; and when we have a gentleman like the hon. senator from Smith's Falls (Hon. Mr. Frost), one who is connected with one of the largest manufacturing concerns in the country, advocating a scheme of this sort, it is pretty clear that he does not think that the manufacturing interests of the east are to be injured by railway building in the west, no matter under whose auspices the railway is built. I hope that I am able to look at the matter somewhat from the same point of view as the hon. gentleman who has just taken his seat; I hope I am able to look at this question from the point of view of a Canadian. It seems to me that the welfare of the whole country is involved, and must proceed together with the prosperity of all its parts. If east and centre and west are all prosperous, then the whole country is prosperous. Even though the farmer of Alberta is not obliged to ship his grain to England through Montreal, still, if he finds a good market for his grain, and gets a good price for it, he is prosperous, and the farmer of Alberta has just as good a right to be prosperous as the merchant or manufacturer of Montreal. Everyone knows that a little while ago when there was only one railway through that western country, the price which the farmer got for his wheat was comparatively small. It was not a paying price, because it cost him too much to get his wheat to market, to enable him to raise wheat at a profit. The more competition there is in the carrying trade, the more cheaply he can get his wheat to a market, the more his wheat is worth in the field, and my view is this, that if this company build a road from Vancouver to the Yellow Head Pass and get to Edmonton, their getting there will necessarily tend to lower the freight and increase the price of wheat to the farmer. That seems to me to be a reasonable proposition. I do not see how it is going to hurt the people in the east; because the farmer at Edmonton, or that neighborhood, cannot to-day send his wheat to England and sell it at much of a profit. The future market of the Albertan wheat fields will be found in Japan and other countries across the Pacific. The people of Japan are already beginning to consume flour, and Japan and China will afford an almost illimitable market for the flour made from the grain of Alberta and that region, and if the building of this railway tends, as it must tend, to reduce the rates of freight to the Pacific ocean, and necessarily therefore to the Orient, it is going to be a great blessing to the people of Alberta. Looking at the distance which separates, say Quebec

from the Pacific coast, looking at the vast extent of territory that intervenes and the mountain ranges and all that, it seems to me that you cannot compel the business of British Columbia, the bulk, at any rate, of the freight, to come down to Montreal and Quebec, and the best way is to give them easy access to the best markets they can reach. The hon. gentleman said something about our grain going to the United States. Well, hon. gentlemen, if our grain goes to the United States we will not give it away to them. If our grain goes to the United States they will pay us for it, and unless the United States gives us a price for the grain which pays our farmers better than the price paid in England it will not go to the United States, but will continue to go to England, and if our farmers are getting better prices south of the line than they get in England I do not see any reason why we should undertake to hinder them from getting the better price. Having said this, I wish now briefly to state why I propose to vote for the first amendmenl moved by the hon. gentleman from Stadacona. That amendment proposes to strike out the paragraph in the first clause of the Bill which reads as follows:

(a) From a point on the main line between Anderson lake and Green lake, running along or near Lilloet lake, Lilloet river and Harrison lake, and thence southeasterly to a point on the international boundary line, at or near the town of Huntington, in the province of British Columbia.

I have no objection to having that clause stricken out, and I did not gather from the remarks made by the hon. gentleman from Kamloops, who represents the feelings of the people of British Columbia, that he had any very strong objection to that paragraph being stricken out either. The reason why I think that under the circumstances one would be justified in voting for striking out that clause is this: You strike out that branch, and all the other lines that are proposed in this Bill having their terminus in the port of Vancouver. The branch which runs through the Yellow Head pass goes down to Vancouver. The main line terminates at Vancouver. The whole system ends at Vancouver, but this particular branch. The elimination which is aimed at by this amendment leaves the main line, not a very great distance to the northward of Vancouver, northward and somewhat east, and runs down directly to the United States boundary. Now you cannot say it is absolutely necessary for that part of the country that there should be a road built there, because the Victoria, Vancouver and Eastern runs east and west through that same region, and I have this feeling about it, because I understand what the feeling in in the east, in my own province, is about similar questions; there is just this danger that, if the railway company is allowed to build this branch, the traffic coming down through the Yellow Head pass and from the northern portions of British Columbia, the grain of the prairies and the minerals and lumber of British Columbia, instead of going to Vancouver to be manufactured there or shipped, may be deflected and run down into United States territory, to be there manufactured and shipped at Seattle. I do not feel very strongly on this point, because it is to a certain extent a departure from the free trade principle; still I do not see that it is going to hurt the whole scheme very seriously; and if, after the business has become fixed and settled in Vancouver, the people of British Columbia still desire that this branch should be built and they come two or three years hence and ask to have this branch built, I for one should probably be prepared to support its construction, but as I feel at present I think on the whole it would be wiser that that branch should not be built just now.

The question being put on the amendment, the amendment was declared lost on a division.

Hon. Mr. SCOTT—I move that the Bill be not now read a third time, but that the following be added as subsection (e) of section 1:—

2. The company shall grant running powers to any railway company applying therefor over the branch lines above described in subsections (b) and (d) through the Yellow Head Pass, and also over the approaches thereto on terms to be agreed upon or to be settled, in case of difference, by the Board of Railway Commissioners for Canada.

Hon. Mr. ELLIS—The form in which the amendment is put seems to me to reject the Bill.

Hon. Mr. SCOTT—Oh, no.

The motion was agreed to.

Hon. Mr. SCOTT—I move that the Bill as amended be now read the third time.

Hon. Mr. McMULLEN—I move that the Bill be amended so as to provide that none of the branch lines therein provided for shall be located or the construction thereof commenced until at least two hundred miles of the main line is completed and in operation. I desire to embrace this opportunity to offer a few remarks in reply to some of the speeches that have been delivered upon this question.

Hon. Mr. MACDONALD (B.C.)—That will be out of order. The hon. gentleman can speak to the amendment only.

Hon. Mr. McMULLEN—I have a right to speak to the whole Bill. Some remarks have been made with regard to connections that we have with the United States by eastern lines. That has been commented upon as a reason why we should pass the Bill that is now before the House. I desire to offer a few remarks in reply to the references to these different lines. In the first place it is well known that the line running to Portland and Boston was constructed for the purpose of giving Canada a convenient outlet for our commerce before we had the Intercolonial Railway. It was known that Canada required an outlet and we had to have it. It was constructed in the interest of the carrying trade of this country in getting us to the Atlantic coast. Then my esteemed hon. friend from Lincoln has referred to the principal lines that have been built, running from Ontario to the United States. At the time the most of the lines were constructed, as I pointed out before, we had trade relations of a very desirable character with the United States. We had free trade in natural products. We had that from 1854 to 1866. Now, we know that most of these lines were constructed during that time. For instance, take the Great Western Railway, it was constructed as the middle link between New York and Chicago, and it did form for a very long time that connection between the New York Central and the Michigan Central. In that vast trade that was carried on from New York and Chicago, the Great Western developed that trade and was constructed for that purpose largely. It is also well known to the hon. gentlemen in this House, that we in Ontario have been depending upon the United States side entirely for coal. It became absolutely necessary that we should have connection with the United States, in order to get that commodity. Unfortunately in the case of Central Canada, particularly in Ontario, we have no coal. We are thankful to say that we have an abundant supply of coal both east and west but in the central portion we have none, while in the United States out of 45 States, in 22 they have an abundant supply of coal. We are forced by present conditions to send there for our coal supply and, in order to get that it became necessary to construct these roads. There is not a road that has been constructed out of Ontario doing United States trade that has not been operated in the interests of coal supply in Ontario, unless one road, which I think runs from Belleville back to the mines, and was operated for a great many years in freighting the minerals of that section in a raw state down to Lake Ontario, whence they were taken across to the other side. I think that road was built for that purpose. That is the only road that I know of that was not built in Ontario practically for the purpose of bringing in a supply of coal. We had to have a coal supply. So far as these roads are concerned, they have unquestionably rendered a very desirable service to the province of Ontario. We have had them and we have to have them and will have continuously to use these roads for that purpose. Now, it has been said also that there is room through the Yellow Head pass for some fifteen different lines. There may be. We hope there is. All that we say with regard to the Bill before the House is that we should respect our lines, that have been constructed in British Columbia and are now building additional branches; that we should respect the efforts put forth by Mackenzie & Mann in order to get into that province, and also the Grand Trunk Pacific. Let them have first chance. What I claim by my amendments is that we should not give the promoters of this Bill now before the House, the opportunity of going on the ground, locating lines, partly constructing them, taking up the district and in that way interfering with, and very seriously crippling the future of lines that are now under way. I pointed out on a previous occasion that in doing

this we were unquestionably crippling the Mackenzie & Mann road. They will have to go to the European market to borrow money to enable them to carry out that scheme, and in laying that scheme before the money lenders of England they have to acknowledge the fact that a Bill has been passed in this House giving powers to another company to locate a line over the very section that this road purposes traversing in order to get to Vancouver. They will have to travel side by side with that line for some three or four hundred miles, and in doing that they will have the competition of that line for all time to contend with. I should like to know if men that are possessed of means will view with a hopeful look the future of a line that is to be opposed by a line of this kind ? They will see at once that competition in freight and traffic is likely to come up, and is going to very seriously cripple the earning powers of that line, and I question very much if it will not seriously interfere with the company financing their scheme. The statement has been made that the railway companies have been influencing members of this House to take the stand that they have with regard to this Bill. All that I can say is that I have not been interviewed directly nor indirectly, nor yet have I been written to or requested in any shape, form or way to take the stand that I have with regard to this question. I have never held even a conversation with any railway man on the question as to the attitude I purposed taking upon the Bill—not one. The stand I have taken is simply and solely from an honest patriotic view, I hold with regard to this question. I listened to all the remarks made by the hon. gentlemen. I did not point ridicule or pass any discourteous remarks. I endeavour always to cultivate a respectful demeanour towards members of this House. Sometimes, perhaps, I err. I concede to every man the right to his own opinion on this, as on any other, question and I only ask, on the other hand, the right to my opinion, and I am sure we can agree to discuss great and important problems of this kind without getting into each others' wool personally, or getting on any bad terms, or saying or doing anything that will be considered or might be looked upon as discourteous, one to the other. I do not desire to do that, and I hope nobody else does. Now, it is said that the question is one that is of sole interest to British Columbia. I do not look upon it in that light. I think that this entire confederacy is composed of nine members, and they are like the members of a partnership. What are they ? We are a confederacy linked together for the specific purpose of working out the future destiny of this united Dominion.

The east has an interest in the welfare of the west, and the west should have an interest in the welfare of the east. What did we construct the Canadian Pacific Railway for ? What were the inducements that we held out in justification for the expenditure of that road ? It was to provide interprovincial communication and to encourage interprovincial trade. It has come up to expectation of the people of the country admirably, I must say. Now I know that there has been a disposition to find fault with the rates charged on freight by the Canadian Pacific Railway. I at one time thought myself that there was a good deal in the charges made, when I had a seat in the other House, with a regard to excessive freights. I took the opportunity myself of going over the rates charged by the United States transcontinental lines, and I compared the rates of no less than four of them with those of the Canadian Pacific Railway, and I am here to testify on my word of honour that the rates of the Canadian Pacific Railway compared favourably with every single one of those transcontinental lines. I made that investigation without any suggestion on the part of any one else, and I made it with the hope that I might be able to show that the Canadian Pacific Railway was excessive in its rates. I was not able to show it; the rate charged in Canada compared favourably with the rates of transcontinental lines on the other side. Now with regard to the record of the Canadian Pacific Railway, we have a right to be proud, I admit, of that line. It has done a great deal for Canada. So has the Grand Trunk Railway, and we earnestly hope that the Grand Trunk Pacific will have a record equally creditable with that of the Canadian Pacific Railway.

There is not to-day a line in the United States southwest of the Missouri river with the exception, I think, of one, which has not, since the date of construction, been in

the hands of a receiver; every one of them has gone through liquidation to a certain extent, but our transcontinental line, the Canadian Pacific Railway, has never had any experience of that kind. It has met its obligations honourably and honestly, and I am willing to do anything in my power to defend it with regard to the territory through which it runs, and to defend the Canadian Northern and the Grand Trunk Pacific also. I want to see the interprovincial trade that should flow from the east to the west and from the west to the east increased so that we may become one united whole; and I maintain that even if a little sacrifice is necessary to be made on the part of the western provinces in the interests of the whole, until such time as our lines are completed, it is their duty to make it. What have we done in the east? We have poured out money like water in the development of the west, nobody can deny that. We have done everything for its development that could be done. We built the Canadian Pacific Railway; we have fed the Indians at a cost of a million a year; we have supported a mounted police at a cost of a million a year. We have built public buildings, we have gone into improvements wherever they were necessary. We have spent no less than $365,000 in public improvements in Regina alone. What did we do all this for? For the purpose of opening up that country and of reaping the advantages to the east that would come from the development of that western country.

Having done all this, having given to the west the best of our sons and daughters, contributed to its settlement and development, all we ask in return is, not that they should be enslaved or deprived of any rights as British subjects, but simply that they should give to the east the preference of their trade, and before the avenues are established for the carrying of that trade, let us not open up other avenues that would take it away. What would you think of a man who had constructed a canal for the purpose of irrigating a district of country who, after its construction would grant another party the right to tap it at the fountain head and carry away a considerable portion of the water to another place? You would think he was very foolish, I would think so too. That is the very thing I want to avoid in the railway development of the west. Let us say to Mr. Hill, or whoever is at the back of this thing, go on and show your bona fides by first constructing a large percentage of your line. Build two hundred miles of your road and put it in operation, and then, if there is still an opening for branch roads, or if you want the privilege of going in other directions, come to parliament and we will consider the question. I should like to know from the promoter of this Bill if any financial scheme has matured whereby a mile of this road will be built this year? I venture to predict that there will not be one mile of it constructed this year. Then why not wait until parliament meets again? Why ask us by this Bill to tie up all those passes and give them over to this particular company, I care not whether it is Jim Hill's or whose it is? I have nothing to say against Mr. Hill. He was born in the county in which I live; he is a great railway man and a great financier, but the greater he is in that respect the more dangerous he becomes. He has the Great Northern Railway running very close to the southern boundary of Canada, and his object is to drain away what he can of the trade of Canada and further build up the earning capacities of his own line. I quite agree with the remarks which have been made that the export of the produce of the Northwest may largely go out to the Orient. I hope that trade will largely increase. If it does, I want to see Canadian ships carry it from our own ports. Will it be the object of Mr. Hill, supposing he gets his railroad to Edmonton, to do his shipping at Vancouver? I say it will not? Why? Because his line of boats will run from Everitt, a point he will establish as one of the terminals of his line on the Pacific, or else Seattle. Do you think that after he builds his railroad that he will leave off the freight which will accumulate along the line, at Vancouver, and allow the Canadian Pacific Railway boats or some other boats to carry it to the Orient? We know that Mr. Hill is not such a fool. If he secures a large volume of trade he will take it to his own side of the line, and ship it by his own boats. People say it makes little difference

who builds the railroads as long as the country gets the advantage.

Hon. Mr. GIBSON—Hear, hear.

Hon. Mr. McMULLEN—My hon. friend says hear, hear. We know that sixty-five or seventy per cent of the earnings of every railroad goes to pay the operating expenses of that line. Suppose Mr. Hill does construct this line, it will be operated by men largely from the other side.

Hon. Mr. GIBSON—Why?

Hon. Mr. McMULLEN—I am informed that they come now even to Vancouver, bringing their dinner cans with them, and seventy per cent of the earnings of that road will go to the pockets of men who live on the other side of the line. Is that as good for us as if we had a line of our own ?

Hon. Mr. GIBSON—Does the hon. gentleman pretend to say that all the men who will be required for this Transcontinental Railway, several hundred miles in length will be supplied from the United States side, and that the men will go back and forward with their dinner cans?

Hon. Mr. McMULLEN—We have only to judge from the past. It is a fact that four fifths of the men that are employed on that short line come from the United States. We know also that the contractors and men working on that line belonged to the United States, drew United States money and spent it on the United States side. I say we want the money spent in Canada. We want those men to come over and bring their families and live here. If they do that, our population will been increased, our consumers will be increased, and the country will be built up. I contend, even from that standpoint, it is better for us that Canadians should build and operate the road than that it should be constructed and controlled by people from the other side. My hon. friend said something about my communication with the board of trade, Toronto. I never sent a letter to the board of trade. At the request of a man in Toronto to whom I spoke in getting on the train at Toronto, I sent a copy of the Bill to the mayor of Toronto with the 'Hansard' that contained the debate on its introduction. Now, my hon. friend says that my letter was referred to the board of control. Yes, it was. My hon. friend says that the board of control proposed to put a bouquet on Mr. Hill. The board of control did nothing of the kind—never said such a word. The paper that proposed that, I think, was the 'Globe,' and we know that the 'Globe' has very strong free trade tendencies. I do not find fault with them for that. They believe the more trade we have with the United States the better. I got a letter from the mayor of the city of Toronto in which he complimented me in the view I took, and I have the letter here. That is all there is to be said with regard to the board of control. My hon. friend has also said that the House of Commons having passed this Bill unanimously, and the members from British Columbia favouring it, we should accept it. If this Chamber is to accept all the Bills that are passed by the House of Commons, and that owing to the fact of any province being united upon a measure, that this House is not to take any action, that we should hesitate before we attempt to interfere with any of those Bills, we had better resign our positions. We are not going to be of any use to the people of this country if that view is taken. We have a perfect right, and that is what we are here for, to criticise every Bill that is sent to us, and if we have any amendments to offer to that Bill it is our duty to propose them. My hon. friend from Toronto said that there was no province richer in natural resources than British Columbia. I believe that, and I believe that Jim Hill is of the same opinion. He is a wise man in his own way, and he wants to get connection, no doubt, with that country, and I do not blame him ? From his own standpoint, perhaps he is right. I believe that out of the Rocky Mountains of British Columbia will come in the future a very large percentage of the wealth of this Dominion. From the United States section of those mountains is taken over sixty million dollars a year in silver and gold. I believe that our section of it is just as rich, and once it becomes properly developed, as I believe will soon happen, I have not the slightest doubt we will have out of British Columbia as large an amount as is taken out on the United States side,

and Mr. Hill, unquestionably sees that there will be a very large amount of business done there and no doubt he wants his road to tap that distance and have all the advantages and earnings that will result from its construction, and will bring to his smelters, perhaps, on the United States side a very large percentage of the mineral that will be taken out of that district. We know that prior to the construction of the smelter at Traill all the ore from the Rossland district was taken across to the United States and smelted there.

Hon. Mr. BOSTOCK—Did the hon. gentleman ever hear there was one at Nelson and one at Pilot bay?

Hon. Mr. McMULLEN—Before they were erected, the ore was taken to the United States. It will not be admitted after it is smelted, because then it is subject to a duty. It must be taken across in the rough or not at all. We have to consider whether it is our duty to treat our neighbours largely on the lines they have treated us. On every single occasion that Canada has had anything to do with the United States, as pointed out by my hon. friend from Cobourg, we have been euchered out of what was looked upon as our rights. Take the treaty of 1871, which contained the provision that we should have the right to use the canal which runs from Whitehall to Albany, and also from Buffalo to Albany. It was understood that in exchange for the use of our canals we should have the use of that canal on the same terms as their own citizens. What was the result? They admitted that we could send boats down there, but they said 'you can't send in any load. You may send in the boats and bring them back empty if you like, but you can't take in any freight.' That was their interpretation of the provisions of the treaty; consequently we never got any advantage from it. Then take the treatment that we received from the Americans at the time of our Northwest rebellion. These arguments I present to show that we should act independently for ourselves. When our troops started to quell the Northwest rebellion they went up to the Sault, and they were not allowed to pass through the American canal. Our boat had to go back unload on the Canadian side, have all the stuff transported up to a point where the steamer could get it and reload it. The boat was then allowed to go through empty, and after she had passed through she had to load up again upon the other side and proceed on her way. That was the treatment meted out to us on that occasion and treatment on that line has been meted out to us from time to time ever since. We do not owe the other side anything. We should endeavour to hold our trade ourselves. I know that British Columbia, apparently, is indifferent with regard to this question of holding the trade of the Dominion for ourselves. They may be as patriotic as we are; I am not going to say that they are not, but it does look, from their anxiety to make southern connection, as if their patriotism is in their pocket. They want, in the first place, to make American connections, get all they can in that way and whatever our own lines are able after that to take from British Columbia and bring east they may do so, but, in the meantime, they are not concerned as to whether it is going to interfere with the trade of the east or not. In our own interest we should endeavour to hold together and act as partners in common, and endeavour to be true to each other. What would you think in the case of a company consisting of nine partners if one partner commenced dribbling away the interests of the firm and throwing trade in a direction that would tend to cripple and interfere with the business of which he is a partner. You would say he was not true in his partnership. Now, we are all partners as provinces, and we should unitedly put forth our efforts to keep up our interprovincial trade. We have been going to very considerable expense in developing the ports of Montreal and Quebec, and I am glad to notice that the Canadian Pacific Railway are starting the new line of steamers from those ports, which will, no doubt, tend to develop and increase the trade coming from the Northwest. We hope it may continue to pour in there. Somebody has talked about the construction of the Georgian bay canal. I should be glad to see that built, and I have not a doubt if the volume of wheat produced in the Northwest continues to grow as it has for the last ten years, the Georgian bay

canal may become an absolute necessity and will have to be constructed by this country. If so, it is going to largely increase the trade of Montreal and Quebec. We want to see our own cities built up and to hold the trade of the west for our own towns and bring it through the avenues we have prepared for the purpose of carrying it. I do not wish to detain the House further. I have expressed these views, not because I have been prompted or asked by any person to do so, but I have expressed them honestly because I entertain them. I am quite willing to grant to every other member of this House the right to differ from me on this question. I am simply expressing the views I hold myself, and I earnestly hope that Canada may not experience in years to come the fulfillment of my predictions. I hope I may be wrong. I hope the country will hold its trade, but I am very much afraid that years after this then we will begin to experience that we in our simplicity were far wrong and that it was a mistake on the part of the country to consent to this measure.

Hon. Mr. DAVIS—Before the amendment is put I should like to say a few words with regard to it. Before doing so I wish to answer some criticisms which have been made of my remarks this afternoon. Some of my hon. friends from Alberta seemed to think that I had spoken against railway competition. I assure them they are entirely wrong and if they will take the trouble to-morrow of reading what I said they will find they were wrong. I am not in favour of choking off railway competition, because I have always been in favour of it, and I might say that I favoured railway competition in the western country eight or ten years before these hon. gentlemen had a seat in this House. No one can accuse me of ever being friendly to the Canadian Pacific Railway Company or any other corporation not doing justice to the people of Canada. But there is a great difference between the granting of charters and the building of railways. We know as a matter of fact that charters are very often asked for, not for the purpose of building a railway at all, but for the purpose of preventing a railway from being built. I took that ground in the past and I take it still, that the more charters you grant the less prospect you have of getting railways. We are told that the west has made a great deal of progress lately. That is true. Some gentlemen who were eulogizing Mr. Hill seemed to think that he had something to do with that progress, and they took occasion to speak in not very complimentary terms of the existing railways we have in the west at the present time, more particularly those of the firm of Mackenzie and Mann. Now I want to say as an old settler in the west, there is no company deserves more at the hands of the Canadian people to-day than this same firm, Mackenzie & Mann. In the dark days of the Northwest Territories, when it was very hard to get any one to put a dollar into railway construction, Mackenzie & Mann stayed with the proposition that they had entered into. I believe they hypothecated everything they had in the world to stay with it. They showed they had faith in the Northwest when Mr. Hill had not, and they have succeeded. They have done a wonderful lot of work in the last two or three years in that country, opening up the great Saskatchewan valley and filling it with people. I do not think any one claimed that it was Mr. Hill that filled the North Saskatchewan Valley with the people who are there to-day developing that country and producing wealth which will eventually run into the coffers of the manufacturers of the east. Mr. Hill had nothing to do with that. The hon. gentleman from Yale, (Mr. Bostock) has told us that it is not Mr. Hill who is interested. Then I submit if Mr. Hill is not wanting to build this transcontinental line that that hon. gentlemen spoke of this afternoon, it is all the more reason why we should not allow these applicants to blanket the whole of British Columbia because that will have a tendency to prevent Mackenzie & Mann or any other Canadian company from going through to the Pacific coast. It will prevent them from floating their bonds in the money markets of the world. What was the object of Mr. Hill's making the statement which he did about the Hudson Bay road? He knew perfectly well that Mackenzie & Mann had undertaken that enterprise just the same as they had undertaken in the dark days of the Northwest Territories to build the existing line. These men have absolute faith in this Hudson Bay road. Do you think that statement made

by Mr. Hill, the most emminent railway man on this continent, will assist them in financing when they go to England to look for money? His words will have a great deal of weight with monied men, and if Mr. Hill condemns the scheme it will be hard for Mackenzie & Mann or any other Canadian company to find money to build the road. The same thing applies to the charters that these gentlemen are asking for in British Columbia. If you allow all these rights they are asking to be tied up, when Mackenzie & Mann or any other Canadian company try to finance their projects they will be met with that difficulty. They will be told that the country will perhaps support one company but not two. While the financiers might be willing to advance money to build one road, might see a return for money put in that way, they would not see their way to advancing money where there are two or three railways to be constructed to that part of the country. Therefore I say that the granting of this proposition at the present time will have a tendency to stop Mackenzie & Mann from financing their proposition to build through to the Pacific coast. We are told, here you have a railway without money and without price. What guarantee have we that we are going to get a railway built without money and without price? Some hon. gentleman has said that Mr. Hill has made that statement. The promoter of the Bill said Hill is not behind it. No doubt the gentlemen in British Columbia that are behind it will be just as anxious to get a subsidy as Mackenzie & Mann or any one else. As a matter of fact it has been acknowledged this afternoon that they had already applied for a subsidy for this other charter that now belongs to Hill, the Victoria, Vancouver and Eastern. Mr. Hill, if he owns the road now, perhaps will not apply for it. If he does not own the charter now asked for, what guarantee is there that the promoters will not be down here to get a subsidy towards building the road? I submit that as the Canadian roads have shown a great deal of energy in developing the Northwest Territories and have taken the risk in the years when the country was in its experimental stage by putting their money into the building of railways, if there is any advantage to be given any railway at all, it ought to be given to the Canadian roads, not to cut off competition, because as I said before if we can get railways coming in from the south, I would be in favour of all the railways we could get from the south. If we have the three transcontinental lines we have now in view—we have the Canadian Pacific Railway—we have practically the Canadian Northern, and in the very near future we will have the Grand Trunk running through that country east and west, dividing it up—if these other roads could be brought in crossing from the United States boundary towards Hudson bay, we hope in the near future when the Hudson bay route is open—because we have absolute faith in the west in that Hudson bay road—we hope that not only will a great part of our own trade be carried by that road but we hope to get a lot of United States trade as well, going towards the Hudson bay. Any trade that would come from the United States across our country in that way, a portion of it must eventually find its way over our own transcontinental lines.

Hon. Mr. GIBSON—How do you expect to get that unless you go to the boundary line?

Hon. Mr. DAVIS—I am not opposing going to the boundary line. I am opposing this other proposition. If Hill were to come here to-morrow and propose to build a transcontinental railway on Canada soil right through from the Pacific Coast to the Atlantic Coast, I would hold up both hands to vote for it, but he is not doing it. He is side tracking the City of Vancouver, putting it on a branch. He practically puts his main line into Seattle. That is what it means, nothing else, and after he gets that you are allowing him to go through to Edmonton. What then? He has already a line running from the boundary line to Brandon, and he will find means to get another railway from Brandon to Edmonton; then he will have a railway with one end of it at Minneapolis to take the trade out to the Gulf of Mexico, and the other end at Seattle, coming in like a hoop and gathering up everything in the Canadian west and pulling it out across the line. There is a great deal of difference in that, from roads run north and south.

Hon. Mr. GIBSON—Wont you get anything in? You said a moment ago you were not opposed to lines coming in from the boundary and now you are speaking against that argument?

Hon Mr. DAVIS—No, what I say is that if roads come in from the south they will be pushed to the Hudson bay.

Hon. Mr. GIBSON—I am not speaking of the Hudson bay.

Hon. Mr. DAVIS—But I am speaking of the Hudson bay. It is a portion of the transportation problem, and we have a right to speak of it in this connection. These lines coming across the boundary line running towards Hudson bay would bring trade from our country to the Hudson bay, where as if you allow this other road to be built, starting in Seattle in the United States and ending in Minneapolis in the United States it will mean scouping everything out of the country and taking it across there. I simply say that I think my proposition is a better one. Speaking in the interests of the part of the country I live in, the Canadian Northern has opened up that part of the country and developed it, and we are in hopes that we are going to have a transcontinental line. We are in hopes now that that transcontinental line is not only going to run down to the older provinces and the coast in the near future, but that we are going to have a branch of the Hudson bay, and that all the trade from the east, from Japan and the east, will come through there, and down through our provinces, and to Hudson bay and I would rather see it, and I think every Canadian would rather see that, than to have it go to Minneapolis. If we are right to-day we were wrong two or three years ago. There are a number of gentlemen advocating this proposition who supported the Grand Trunk Pacific proposition to keep Canadian trade in Canadian channels a few years ago. If they were right then they are wrong to-day, and if they are right to-day they were wrong then. The Grand Trunk Pacific wanted to make the terminals in Portland, and that was opposed by these same gentlemen on the ground that we wanted a national railway policy and a national transcontinental line, which was adopted. You could not allow them to go to Portland. We must take that wheat and carry it right to a Canadian port on the Atlantic ocean. That was the cry. I want to say to our friends in the maritime provinces that they have an immense amount of water-power in Nova Scotia. I understand that there are great water-powers in the province of Quebec. If wheat that is growing in the west now and will be grown in that country in the future —I expect in the near future we will be growing nearly a billion bushels of wheat, because we are getting the population there —if that wheat was brought down and milled in Quebec where you have cheap power, or in Nova Scotia or New Brunswick, and carried down to a Canadian port and shipped in Canada bottoms, would it not be better than to allow it to be carried to Minneapolis over United States roads and shipped in United States bottoms to the markets of the world? Are we going to build up our own country or the United States? The United States have not done much in the past to assist us and they may not treat us any better in the future. Mr. Hill is not a philanthropist and he is coming here after his own benefit, not for ours He has built forty-one or forty-two miles in British Columbia; he has a charter for some hundred miles of main line in British Columbia, which has not been built, and he is asking now for a charter for hundreds of miles more. This is not all for the benefit of the people of this country. It is for the benefit of Hill and for the benefit of his system in the United States. Every mile he builds on this side is going to assist his United States lines.

Hon. Mr. BOSTOCK—The hon. gentleman should stick to one thing or the other. First he said that Mr. Hill was not at the back of the company. Now he says he is at the back of the company.

Hon. Mr. DAVIS—I am replying to my hon. friends across the floor, who says Hill is behind it.

Hon. Mr. GIBSON—The hon. gentleman is sailing east by west.

Hon. Mr. DAVIS—I am speaking to the motion moved by the hon. gentleman from Wellington. If Mr. Hill is behind this charter, I think it would be as well to allow him to build the road for which he already has a charter before we grant another, and then we will ascertain whether it is Mr.

Hill or not because when he builds the main line he will want the rest of the line, and if he does that perhaps parliament will see its way clear to give it to him. When that time arrives, our Canadian road would be on their feet. Messrs. McKenzie and Mann will be able to finance their scheme, and the Grand Trunk Pacific will get to the coast, but if you allow a blanket charter to be passed, you are going to jeopardize the other undertaking and prevent them getting money to build that road. The Grand Trunk Pacific is going to build through there and they will be wanting branches through that entry too. I am glad to be able to agree with the hon. gentleman from Portage la Prairie that it would be a good thing if we could have a system in this country under which a capitalist could build railways where he pleased, but we have not got it. When you grant charters you create vested rights, and when the people come back for an extension, you will give it. The charter allows two years to begin work and five years to complete it. All they have to do is to spend 10 per cent in organization, and they can have the time extended for five years. I do not think it is the interest of the country to tie up all these routes leading up the Yellow Head Pass for the next five years. If the House is prepared to give Mr. Bostock's friends a charter into Edmonton, it is only a fair proposition to give them one charter, give them one line, and leave the other free for a Canadian road, but do not allow them to tie up the whole thing.

Hon. Mr. MACDONALD (B.C.)—The Pass is free to all lines, according to the amendment just now passed.

Hon. Mr. DAVIS—My hon. friend knows a lot about railroads if he thinks that proposition will meet the case. As far as the Yellow Head Pass is concerned, it may be all right to have running powers for a distance; but running powers would not do any good to a railroad to run four or five hundred miles. They could not have any local traffic. They would have to run right through and they would be hampered by the parties who had the ownership of the road. I do not think it is proper to tie up all those Passes even with that clause which has been moved here, giving all roads running powers. I think it would be much better to give them one road and let the other be free, and let the Canadian roads have a preference in building through into that country. I do hope the House will take that into consideration. I must say that I am in favour of the amendment moved by my hon. friend from Wellington. If my hon. friends on the other side of the House are right in the supposition that Mr. Hill is at the back of the road, it is no injury to Mr. Hill if you accept the suggestion of the hon. gentleman from Wellington, because Mr. Hill has promised to build the whole thing in eighteen months.

Hon. Mr. GIBSON—Which road?

Hon. Mr. DAVIS—The main line he speaks about?

Hon. Mr. GIBSON—Not at all.

Hon. Mr. DAVIS—I was informed in the House of Commons by a gentleman who was there that the solicitor made a promise to have it put through in eighteen months.

Hon. Mr. WATSON—Which Bill?

Hon. Mr. DAVIS—The Victoria, Vancouver and Eastern.

Hon. Mr. WATSON—That has nothing to do with this line.

Hon. Mr. GIBSON—That is the charter that Mackenzie and Mann sold to Mr. Hill.

Hon. Mr. DAVIS—They sold a small charter in British Columbia to Hill, but it was not a transcontinental line at all.

Hon. Mr. McSWEENEY—Was it not a crime to sell that?

Hon. Mr. DAVIS—No it is not a crime to sell any Canadian road on any terms.

Hon. Mr. GIBSON—Was that not charter-mongering?

Hon. Mr. DAVIS—I don't know.

Hon. Mr. GIBSON—My hon. friend knows more about it than I do.

Hon. Mr. DAVIS—No, I do not. I do not know any more about charter-mongering than my hon. friend.

Hon. Mr. GIBSON—I can tell my hon. friend that I never had anything to do with one in my life.

Hon. Mr. DAVIS—I am informed that my hon. friend supported that proposition last year.

Hon. Mr. GIBSON—Not for the purpose of the charter being sold in that way. I never thought these people would go into the charter-selling business at all.

Hon. Mr. DAVIS—But this proposition which passed the House last year had nothing to do with the charter-mongering. It was a charter granted to build the Victoria, Vancouver and Eastern Railway, and I take it that is their main line before they ask for anything else.

Hon. Mr. WATSON—The hon. gentleman is confounding the Victoria, Vancouver and Eastern with the Bill before this House. They are different propositions, and have no connection with each other—they are one hundred miles apart.

Hon. Mr. DAVIS—I want to tell my hon. friend there is every connection. If he will look at that map he will see the connection.

Hon. Mr. GIBSON—Who made the map ?

Hon. M. DAVIS—It does not matter who made it. It is absolutely correct. This line taps the main line of the Victoria, Vancouver and Eastern in three different places.

Hon. Mr. BOSTOCK—The only possible place for the railway to tap the Victoria, Vancouver and Eastern is down where it crosses that line of railway near the boundary.

Hon. Mr. GIBSON—The hon. member from Victoria says that they are one hundred miles apart.

Hon. Mr. DAVIS—I have a map showing where the main line of the Victoria, Vancouver and Eastern Railway taps it. Does this blue line here not belong to Mr. Hill ?

Hon. Mr. BOSTOCK—No, that is a different road.

Hon. Mr. DAVIS—I am told this blue line on the map goes under a different name.

Hrn. Mr. GIBSON—Who made the blue line ?

Hon. Mr. DAVIS—It makes no difference who made it. I got it made by parties who know about it. That is the main line of Hill's road in British Columbia.

Hon. Mr. WATSON—I suggest that if any information is to be attached to the reference to the blue line on the map, the hon. gentleman should state where it starts, and where it runs to so that it will be intelligible in the reporter's notes.

Hon. Mr. WILSON—There is no question that the last section of the Victoria, Vancouver and Eastern Railroad was intended to be backed up by Jim. Hill, and was part of his line running for a distance through British Columbia, running about forty miles across the boundary line into the United States and returning again to British Columbia.

Hon. Mr. WATSON—That is not this charter at all.

Hon. Mr. WILSON—I opposed it, and got abused for it.

Hon. Mr. DAVIS—It does not make any difference about the name. This is the main line charter which was granted to gentlemen in British Columbia representing Mr. Hill, and it is therefore Mr. Hill's main line. It taps this country at three places, and one is enough. The hon. gentleman from Wellington claims that they should build two hundred miles of this road before they are permitted to construct branches. That is perfectly right. If they intend to build this road at all, what objection could they have to that amendment? If they are merely holding these charters for the purpose of preventing other people from building roads, we know what they are at. There can be no objection in accepting the amendment if they intend honestly to build the road, and if they do not intend to build it, I claim they should not be allowed to prevent railway competition. The promoter says Mr. Hill has nothing to do with any attempt to cover up the whole province of British Columbia. I do not want any false impression about my views on this subject. I do not want to stop railway competition. I want to see as many roads built as we can get, if it is done in the proper way. I want railways from the United States running north and south extended to Hudson bay, so that they will bring traffic through our country, but I am not in favour of covering the whole country with road charters so as to enable the people who hold them to prevent others

floating bonds and getting money to build railways. That is exactly what is intended, just as Mr. Hill's scheme was to stop Mackenzie & Mann and others, and prevent them getting money to build to Hudson bay. It meant nothing else.

The House divided on the amendment, which was rejected on the folowing vote :

Contents :

The Honourable Messieurs

Bernier,	Jones,
Bowell	Kerr (Cobourg),
(Sir Mackenzie),	Landry,
Carling (Sir John),	Lougheed,
Davis,	MacKeen,
Drummond	McMullen,
(Sir George),	Montplaisir,
Ferguson,	Sullivan,
Forget,	Wilson.—16.

Non-Contents :

The Honourable Messieurs

Béique,	Macdonald (Victoria),
Bostock,	McGregor,
Casgrain (Windsor),	McHugh,
DeVeber,	McSweeney,
Douglas,	Perley,
Ellis,	Power,
Fiset,	Riley,
Frost,	Ross (Halifax),
Gibson,	Roy,
Godbout,	Scott,
Jaffray,	Talbot,
Kerr (Toronto),	Thompson,
King,	Watson,
Lovitt,	Young.—28.

Hon. Mr. McMULLEN—I notice the hon. member from Alexandria did not vote.

Hon. Mr. McMILLAN—I am paired with the hon. gentleman from Perth. If I were at liberty to vote, I would vote for the amendment.

Hon. Mr. LANDRY moved that the Bill be not now read the third time, but that it be amended by striking out therefrom paragraph (d) of clause 1.

The amendment was declared lost on a division.

The Bill was then read the third time and passed.

BILL INTRODUCED.

Bill (CC), An Act to incorporate the Chartered Bank of London and Canada.—Hon. Sir Mackenzie Bowell.

THIRD READING.

Bill (X), An Act for the Relief of Eileen Mary Mackintosh.—Hon. Mr. Perley.

Hon. Mr. DAVIS.

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (No. 155) An Act to amend the Criminal Code, 1892. He said: As the law stands at present, a judge of the Supreme Court or County Court can appoint a commissioner to take evidence out side of Canada in all indictable cases. This Bill proposes to extend it to cases that are not indictable.

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

SECOND READING.

Bill (No. 70) An Act respecting the British Canadian Loan and Investment Company, Limited.—(Hon. Mr. Kerr, Toronto).

HURON AND ERIE LOAN AND SAVINGS COMPANY BILL.

SECOND READING.

Hon. Mr. McHUGH moved the second reading of Bill (No 21) An Act respecting the Huron and Erie Loan and Savings Company.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman inform the Senate what the purpose of this Bill is?

Hon. Mr. KERR (Toronto)—It is for the amalgamation of two loan companies in London. The matter was thoroughly considered in the committee of the House of Commons and the Bill passed without amendment.

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

NIAGARA, QUEENSTON AND ST. CATHERINES RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. GIBSON moved the second reading of Bill (No. 25) An Act respecting the Niagara, Queenston and St. Catherines Railway Company.

Hon. Sir MACKENZIE BOWELL—Explain.

Hon. Mr. GIBSON—This Bill was up here some time ago and there was some opposition from the city of Toronto on account of some power line, but the opposition was subsequently withdrawn.

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

SECOND READINGS.

Bill (35) an Act to incorporate the Western Trust Company.—(Hon. Mr. Watson.)

Bill (54) an Act to incorporate the Pacific Marine Insurance Company.—(Hon. Mr. Bostock.)

Bill (65) an Act respecting the Richelieu and Ontario Navigation Company.—(Hon. Mr. Mitchell.)

Bill (72) an Act to incorporate the Quebec, Montreal and Southern Railway Company. —(Hon. Mr. David.)

Bill (103) an Act respecting the Quebec and Lake Huron Railway Company.—(Hon. Mr. Choquette.)

Bill (132) an Act respecting the Ontario Northern and Timagami Railway Company. —(Hon. Mr. McHugh.)

Bill (141) an Act respecting the Quebec, Saguenay and Gulf of St. Lawrence Railway Company.—(Hon. Mr. Tessier.)

Bill (112) an Act respecting the Huron and Ontario Railway Company.—(Hon. Mr. Frost.)

EXCHEQUER COURT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (156) 'an Act to amend the Exchequer Court Act.' He said: The object of this Bill is to define what a final judgment is. Under the Exchequer Court Act a party who is dissatisfied with the judgment may appeal. The Department of Justice thought there was a better definition of the words 'final judgment' than the one given in the Act. This Bill reads:

A judgment shall be considered final for the purposes of this section——

That is for the purpose of an appeal——

—if it determines the rights of the parties.

The motion was agreed to.

The Bill was read the second time.

CANADIAN HANDICRAFTS GUILD BILL, COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. POWER moved concurrence in the amendments made by the House of Commons to Bill (E) an Act to incorporate the Canadian Handicrafts Guild. He said: These are amendments made by the House of Commons to a Bill which was introduced in this House, and most of the amendments are of a very trifling character. The first amendment is to strike out the name of the Hon. Justice Baby, who was one of the proposed directors, inasmuch as that hon. gentleman died since the Bill was introduced. Then the description 'Miss,' and the description 'Mrs.' are used in several places in connection with the names of several ladies, and these descriptions are striken out.

Hon. Mr. WATSON—Did they get married since the Bill was introduced?

Hon. Mr. POWER—No, that is not the reason. The substantial amendment is in the third clause. The third clause reads:

3. The Guild shall have power, for the objects aforesaid:

(a) To buy and sell goods, wares and merchandise, and do engage in all kinds of commercial transactions incidental and necessary thereto, subject to the provisions of section 14 of this Act.

(b) To take, hold, possess and acquire by purchase, exchange, donation, devise, bequest, endowment or otherwise, all such moveable or immoveable property as may be required to the use of the Guild or for the purpose of procuring revenue, and the same to sell, mortgage, pledge, hypothecate or alienate in any manner whatever;

(c) To borrow money;

(d) To exhibit goods wherever desirable, to hold exhibitions and to open depots, stores and shops;

(e) To appoint agents and instructors and to open schools and classes anywhere, for instruction in and concerning the objects aforesaid.

The amendment reads:

Page 2, line 27.—After 'immovable property' insert 'not exceeding twenty-five thousand dollars annual value.'

I move that this amendment be concurred in.

This motion was agreed to.

Hon. Mr. POWER—In clause 10 there are some other amendments striking out the words 'Mrs. and Miss', and there is another amendment in clause 14. The clause read in the original Bill as follows:

14. The members of the Guild shall not make any personal profit out of its affairs; provided that the general committee may allow fair compensation and reimbursement for any time actually occupied or lost by any member in connection with the affairs of the Guild, or for any sums and expenses expended on behalf of the Guild.

The amendment is to strike out the words 'any time actually occupied or lost by any member in connection with the affairs of the guild or for any sums and expenses expended on behalf of the guild', and inserting 'for any sums expended and expenses incurred.' They are not allowed to charge for time lost. I move concurrence in that amendment.

The motion was agreed to.

JAMIESON WEBSTER LEWIS ENFRANCHISEMENT BILL.

THIRD READING.

Pursuant to the Order of the Day, the House resolved itself into Committee of the Whole on Bill (85) An Act for the enfranchisement of Jamieson Webster Lewis, an Indian of the Moravian Band of the Thames, in the province of Ontario.—(Hon. Mr. Young.)

Hon. Mr. SCOTT—This unfortunate Indian has been kept out of his rights for a number of years. Under the law when an Indian desires to be enfranchised it has to go before the band. That was all complied with. The whole difficulty consists in some irregularity in the affidavit.

Hon. Mr. FORGET, from the committee, reported the Bill without amendment; and it was then read the third time.

BILLS INTRODUCED.

Bill (133) An Act respecting the Niagara St. Catharines and Toronto Railway Company.—(Hon. Mr. Kerr, Toronto).

Bill (160) An Act respecting Queen's College of Kingston.—(Hon. Mr. Sullivan).

Bill (60) An Act to incorporate the Interocean Fire Insurance Company.—(Hon. Mr. Watson.)

Bill (42) An Act to incorporate the Buffalo, Niagara and Toronto Railway Company.—(Hon. Mr. Gibson).

Bill (DD) An Act for the relief of Jane Frances Fields.—(Hon. Mr. Kerr, Cobourg).

Bill (EE) An Act for the relief of Frederick William Wight.—(Hon. Mr. Kerr, Cobourg.)

Bill (FF) An Act for the relief of James Allen.—(Hon. Mr. Kerr, Cobourg).

AN ADJOURNMENT.

MOTION.

Hon. Mr. GIBSON—With the leave of the House I move that rule 13 be suspended, and that when the Senate adjourns on Friday it stand adjourned until Tuesday evening following at eight o'clock.

Hon. Mr. POWER—I object to that. If the hon. gentleman will make it three o'clock I shall not object.

Hon. Mr. GIBSON—I have no objection to that, but there are a number of gentlemen——

Hon. Mr. POWER—That is just it; there are always a number of gentlemen who want something.

Hon. Mr. GIBSON—I am willing to substitute three o'clock for eight o'clock.

The motion as amended, was agreed to.

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

SENATE.

OTTAWA, Friday, June 1, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CHANGES IN THE CABINET.

INQUIRY.

Hon. Mr. LANDRY—Before the orders of the day are called, I would like to direct the attention of the hon. Secretary of State to a paragraph published yesterday in the 'Free Press.' It reads as follows:

MR. FITZPATRICK TO TAKE SEAT AS THE CHIEF JUSTICE.

It is currently reported that Hon. Charles Fitzpatrick will appear at Monday's meeting of the Supreme Court, as Sir Elzear Taschereau's successor in the chief justiceship. The Quebec list of appeals, including several that stood over from last term, come up for hearing on that day. It is accepted as practically certain that Hon. Rodolphe Lemieux will be promoted from the Solicitor Generalship to the office of Postmaster General, and that Hon. Mr. Aylesworth will thereupon become Minister of Justice.

As this has been published in the government organ in this city, and as it is repeated in the issue of the government organ in Montreal, 'Le Canada,' which we re-

ceived to-day, I would like to know from the hon. gentleman if there is any truth in these reports; if the nomination is contemplated or if it has been made, and how has it leaked out so that the papers of the country have received that information prior to its being laid before parliament? We are entitled I think to have the news first.

Hon. Mr. SCOTT—No appointment whatever has been made; no recommendation, even, has been made. The hon. gentleman knows full well that the papers in this country are generally a month or two ahead of the government, and of public opinion. They sometimes shape it—sometimes they are right and sometimes they are wrong.

Hon. Mr. LANDRY—Then we cannot rely on what that newspaper says ?

Hon. Mr. SCOTT—Give the weight to it that you would give to any other newspaper report.

Hon. Mr. LANDRY—I thought, as it was the organ of the government, its announcements would have some weight !

Hon. Mr. SCOTT—The government has not given out the announcement.

Hon. Mr. LANDRY—Will the hon. Secretary of State inform the House if there is any truth in another rumour, that is now becoming widespread, to the effect that seventeen members of the Liberal party in the House of Commons or in this Senate have combined to prevent the Hon. Rodolphe Lemieux from being appointed as Postmaster General in the cabinet?

Hon. Mr. SCOTT—I have not even heard the report. It is entirely new to me.

Hon. Sir MACKENZIE BOWELL—I would suggest to the hon. gentleman that he might give the answer which was given by the late Sir John Macdonald when he was interrogated on a similar point. He said he could not tell, because he had not seen the newspapers that morning. I would further suggest to the hon. Secretary of State, could he not inquire of the Minister of Justice when he proposes to appoint himself to the position on the Supreme Court bench. He would, no doubt, get a civil answer which would enable him to relieve the anxiety of the hon. gentleman from Stadacona.

Hon. Mr. LANDRY—Perhaps the answer would not be more reliable than what the newspapers say.

THIRD READINGS.

Bill (L) An Act respecting the James Bay Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (86) An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.—(Hon. Mr. Kerr, Toronto.)

Bill (39) An Act respecting the Canada Atlantic Railway Company.—(Hon. Mr. Bostock.)

Bill (37) An Act respecting the Montreal Park and Island Railway Company.—(Hon. Mr. Béique.)

Bill (98) An Act respecting the Central Ontario Railway.—(Hon. Mr. Coffey.)

Bill (126) An Act respecting the Thorold and Lake Erie Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (79) An Act respecting certain patents of Chester Burnell Duryea.—(Hon. Mr. Power.)

CANADA'S CONTRIBUTION TO SAN FRANCISCO SUFFERERS.

Hon. Mr. SCOTT—Hon. gentlemen are aware that the Deputy Governor is to come down at four o'clock, to give his assent to some twenty-five or thirty Bills. It will be in the remembrance of the Senate that the House of Commons approved of the government making a contribution of $100,000 to the San Francisco sufferers. The Bill has not yet been passed, but the Finance Minister suggested that the Bill had better be put through now, and receive the Royal assent. It may, therefore, not come to the Senate for twenty minutes yet. It is now being considered in the House of Commons. I would therefore ask the Senate to adjourn during pleasure, to meet shortly before four o'clock to consider the Bill donating one hundred thousand dollars to San Francisco sufferers.

Hon. Sir MACKENZIE BOWELL—Has the Bill been sent up to this House ?

Hon. Mr. SCOTT—No, it is only being considered in the House of Commons just

now. I move that the House adjourn during pleasure to meet at a quarter to four.

The motion was agreed to, and the House adjourned during pleasure.

SUPPLY BILL NO. 2.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (178) An Act for granting to His Majesty a certain sum of money for the public service for the financial year ending 30th June, 1906.

The Bill was read a first time.

Hon. Mr. SCOTT moved the suspension of the 17th and 41st rules so far as the same relate to this Bill.

He said: This Bill is a grant of $100,000 towards the relief of the distress, caused by the recent earthquake and fire in San Francisco.

The motion was agreed to.

Hon. Mr. SCOTT moved that the Bill be read at the table.

Hon. Mr. LOUGHEED—May I ask my hon. friend what correspondence took place between our government and the government of the United States with reference to the application of this fund? I did understand that our aid had been refused by the government of the United States. Do I understand that that refusal has been withdrawn?

Hon. Mr. SCOTT—Promptly after the fire, as hon. gentlemen will recollect, when it was decided to make this offer, and public opinion in Canada seemed to be universally in favour of it, communication was opened with Washington. Cotemperaneously with that, President Roosvelt made the announcement that the government of the United States did not propose to accept any outside assistance. It was rather a rebuff, because we had corresponded with Washington and proposed that they should make distribution, assuming that it would go in with the money that had already been voted by congress. They voted a large sum of money and we supposed the better way to distribute it would be through the same channel the United States themselves were distributing money. However, when the president made this announcement, it of course, stopped any further negotiations. Soon afterwards it became evident that public opinion in the United States did not sustain the course that the president had taken, and, as hon. gentlemen will recollect, he rather withdrew from it and intimated that while they would not be made the channel for the distribution of foreign aid, still the government would not interpose any objection to their communicating direct with the distribution committee in San Francisco. Our government rather hesitated as to what course should be adopted, and since that time correspondence has been going on between His Excellency the Governor General and the British embassy at Washington, and the conclusion, I think, at present, although it is not final, is that perhaps the better way would be to send it to the British minister at Washington and allow him to exercise his discretion as to whether it should be distributed by the municipal authorities at San Francisco or given to the head of the Red Cross Society, which seems to be a body that is distributing outside moneys to a very considerable extent. No doubt through either channel it would reach the people who need it most, and I think it is most unfortunate that it was not sent sooner than we are sending it.

Hon. Mr. LOUGHEED—Do I understand that the government is relying absolutely on the British embassy at Washington to make the necessary application?

Hon. Mr. SCOTT—That is not final. It seemed to be the opinion His Excellency entertained in corresponding with the British embassy, but it is not absolutely certain. I presume the government will decide to-morrow whether the funds will be entrusted to the British embassy at Washington or go direct to the Red Cross Society.

Hon. Mr. SULLIVAN. Why should it not be sent to the mayor of the city of San Francisco?

Hon. Mr. SCOTT—The mayor was spoken of, but there were reasons given against the suggestion which I need not discuss.

The motion was agreed to, and the Bill was read at length at the table.

Hon. Mr. SCOTT moved the third reading of the Bill.

Hon. Mr. McMULLEN—I desire to say a word on this matter. At the time it was

first proposed to contribute one hundred thousand dollars towards relieving the people of San Francisco, the United States press of that time was keen in their appreciation of the kindly feeling that was exhibited by Canada and the prompt and liberal way in which they had offered assistance. I was glad to notice that, and although the money was not immediately sent forward it was not Canada's fault; it was the fault of the president of the United States in declining as he did, officially, to accept any outside aid, virtually discouraging any outside assistance. I am in full accord with the course which the government has taken. The money is to be sent to the British ambassador in Washington, and will, no doubt, be distributed by him in the best way and through the best avenues towards the relief of these people who need it. I am glad that the government moved promptly in the matter. It shows the sympathy of Canada towards those people who have suffered so seriously, and if they have not reaped the benefit of that sympathy before now, that responsibility rest with their own president and not with us.

The motion was agreed to.

The Bill was then read the third time and passed.

The House adjourned during pleasure.

After some time the House resumed.

BILLS ASSENTED TO.

The Hon. Justice Sedgewick, acting as Deputy to His Excellency the Governor General, being seated on the Throne.

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

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

Who being come with their Speaker.

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follows :

An Act to amend the Act respecting the Judges of Provincial Courts.

An Act respecting the Powers of the Harbour Commissioners of Montreal.

An Act to incorporate the Quebec Midland Railway Company.

An Act to repeal the Act to provide for the collection and publishing of Labour Statistics.

An Act respecting certain patents of Henry Edmunds.

An Act respecting applications for patents of Henry Wurts, junior.

An Act further to amend the Canada Evidence Act, 1893.

An Act respecting the Vancouver and Lulu Island Railway Company.

An Act respecting the British Columbia Southern Railway Company.

An Act respecting the Essex Terminal Railway Company.

An Act respecting the Calgary and Edmonton Railway Company.

An Act respecting the Puebla Light and Power Company, Limited, and to change its name to Puebla Tramway, Light and Power Company.

An Act respecting the Great Northern Railway of Canada.

An Act respecting the Mexican Consolidated Electric Company, Limited, and to change its name to the 'Mexico Tramways Company.'

An Act respecting the Mexican Light and Power Company, Limited.

An Act respecting the Rio de Janeiro Tramway, Light and Power Company.

An Act respecting the Erie Ontario Power Company.

An Act respecting the Grand Trunk Pacific Railway Company.

An Act to amend the Unorganized Territories' Game Preservation Act, 1894.

An Act respecting the Harbour Commissioners of Montreal.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :—

In His Majesty's name, His Honour the Deputy Governor doth assent to these bills.

Then the Hon. the Speaker of the House of Commons addressed His Honour the Deputy of His Excellency the Governor General, as follows :

May it please Your Honour :

The Commons of Canada have voted 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 a bill intituled :—

An Act for granting to His Majesty a certain sum of money for the public service of the financial year ending June 30, 1906, to which bill I humbly request Your Honour's assent.

Then after the Clerk of the Crown in Chancery had read the Title of the Bill,

The Clerk of the Senate, by His Honour's command, did thereupon say :—

In His Majesty's name His Honour the Deputy of His Excellency the Governor General

thanks His Loyal Subjects, accepts their benevolence, and assents to this bill.

The Deputy Governor was pleased to retire, and

The House of Commons withdrew.

The Senate adjourned until Tuesday next at three o'clock p.m.

SENATE.

OTTAWA, Tuesday, June 5, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

REPORT OF COMMITTEE ON STANDING ORDERS.

Hon. Mr. YOUNG presented the 19th report of the Committee on Standing Orders and moved that the report be now adopted.

Hon. Mr. LANDRY—I would not perhaps object to concurrence in the report, but I think it is a little premature to ask that it be adopted the same day it is presented. It should be allowed to stand over until to-morrow, so that we may take cognizance of the facts it states. I see there are a few suspensions of the rules asked for, and though I would not feel inclined to object to the report, still as a matter of prudence I think it should stand over. It would not cause much delay if it were adopted to-morrow.

Hon. Mr. YOUNG—There is a great deal of force in what the hon. gentleman has stated, and I fancy that the only reason for pressing this report now is that some of the Bills may be on the Orders of the Day for second reading to-day. I have no objection at all to the report standing over. The delay in bringing in the legislation was caused by a difference of opinion between the parties and certain municipalities, which, we were informed, was not adjusted until very recently. The adjustment has taken place and the committee were advised that there were no longer any objections on the part of municipalities, and, on the strength of that, they proceeded with the legislation. The petition which is referred to, and in respect of which the suspension of the rule requiring full notice is asked for, is a matter in which differences have arisen recently in which the applicants are asking for further legislation. Having applied for legislation in British Columbia they found it necessary to extend their railway into the province of Alberta, thereby compelling them to come to this House. The Bill originates in the Senate, and, therefore, certain time must elapse before it will pass its final stages in the House of Commons, and the promoters, some of whom were present, were anxious the legislation should be proceeded with at as early a date as possible on that account. They have given three notices in the papers and undertook before the committee to continue the notices until the end. I am speaking of weekly notices, but apart from giving the weekly notices, some of the papers, through misunderstanding or otherwise, are publishing the notices daily and the public are receiving considerable notice of this proposed legislation. Although the rules of the House do not require daily notice, they recognize the bi-weekly notice. I merely mentioned that this daily notice has had the consideration of the committtee. The other petition, the third one, is a petition asking for the incorporation of an insurance company, notice of which is required only in the 'Official Gazette'. They have published four notices, and there is one more to appear. The notice will appear in due time, we are assured by those who are interested in the Bill. Those are the three petitions which I referred to asking for the suspension of the rule.

Hon. Mr. LANDRY—Does the report only apply to three petitions ?

Hon. Mr. YOUNG—Speaking from memory, yes. There is another report which is not yet prepared, but which I will take up with the consent of the House before the House rises. That refers to the extension of time for presenting Bills to the Senate and for the receiving of the reports on private Bills from the select committees. The time for presenting Bills to the Senate expired to-day, and we have recommended an extension of time in each case for the consideration of the House, and if it is desired to have that report stand over we can discuss that question when the report is

presented. I am sorry that it is not yet prepared, and that I cannot present it now.

Hon. Mr. LANDRY—If my hon. friend will delay that second report until to-morrow I will waive any objection.

Hon. Mr. YOUNG—The third one ?

Hon. Mr. LANDRY—Yes, the one that asks for an extension of time in a general way.

Hon. Mr. LOUGHEED—I think my hon. friend had better delay the whole of the reports until to-morrow, especially as he has already indicated that there is one which is of a controversial nature. If it has been sufficiently important to create a controversy between the municipalities affected and the promoters—although that has been adjusted—it is an indication that it is of such a nature as to warrant this House investigating the matter before passing upon it.

Hon. Mr. YOUNG—My hon. friend will bear in mind that while we are only dealing with the petition, and it will be some time, owing to our procedure, before the Bill reaches the committtee, they will deal with the merits of the case, and the objections of the municipalities, if there are any. It appeared to the committee that very full notice was given to the municipalities, and there appeared to be no objections, so far as we know, to the present Bill, which has been modified to a great extent from the one which was introduced last year, speaking from memory. When the Bill comes before us, of course, I understand it will be very proper to give it long and careful consideration, and it must be made quite clear that the objections of the municipalities are withdrawn.

LIFE INSURANCE COMMISSION.

MOTION.

Hon. Mr. LANDRY moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid on the table of the Senate a statement showing :

1. The names of the commissioners composing the Royal Commission on Life Insurance.
2. Per diem allowance paid to each commissioner.
3. The names of the counsel and assistants employed by the government.
4. The retaining fee and the per diem allowance paid, or to be paid, to each.
5. The name of the secretary of the commission, and the amount paid, or to be paid to him.
6. The names of the actuaries, accountants, clerks and stenographers employed, and the amount paid per diem or otherwise to each of them.
7. The date of the first meeting of the commissioners.
8. The number of life companies investigated.
9. The number of life companies and friendly societies in Canada.

The motion was agreed to.

FRENCH EDITION OF THE MILITIA REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has there been commenced, in the Department of Militia, or elsewhere, the translation of the rules and regulations concerning the pay and the supplementary pay, of which the English text was published in the 'Canada Gazette' of the 5th May last, and does the government intend to order that the publication in French of these rules and regulations shall take place in good time, so that the militia of the province of Quebec may have the benefit of it at the next camps ?

Will the syllabus of the daily routine which the troops in camp are to follow be likewise translated for the use of the militia of the province of Quebec ?

Hon. Mr. SCOTT—I find the answer sent to me just now by the Department of Militia is as follows :

1. No. See reply to inquiry on May 17, 'Senate Debates,' page 503.

2. It is not considered necessary to publish the syllabus referred to in French.

Hon. Mr. LANDRY—I think I should enter my protest against that decision of the militia authorities of Canada. It is not their opinion that I asked for in my question. What I want to know is what the government intends to do. It is a matter of policy. By the King's regulations every regulation passed by the Militia Council and approved by the Governor in Council, before becoming law, must be published in the 'Canada Gazette.' Such a publication is required by law. It becomes necessary for the purpose of incorporating those regulations into the law and making them obligatory. I claim that they cannot become law without being published in the 'Canada Gazette.' You have, by the British North America Act, an obligation to publish those regulations in French as well as in English. I say that the answer given by the militia authorities of the Department of Militia is

directly contrary to the constitution and to the law of the land. We have a law regarding the publication of orders in council in our statutes, obliging them to be published in the statute books and I claim that a similar obligation exists to publish them in French. I think, therefore, that the reply of the Militia Council is simply impudent in view of the rights we possess. We ask no favour; we claim a right, and I would remind my hon. friend that so long as those regulations are not printed in French, as they ought to be, they form no part of our militia law and the government will have no excuse if they are not obeyed. When that question came up the other day, the reply to which reference has been made just now, was given, and as to-day, I was told that the translation would not be done.

I immediately wrote to the honourable the Premier a letter in which I stated all the points regarding that translation and pointed out the legal obligations to have it done. He replied that he would lay the matter before the Department of Militia, because the hon. Secretary of State, whose answer I also gave to the Premier, had said that the translation was not to be attributed to the government, but to be attributed to the Department of Militia, that such rules and regulations should go before the King's Printer already translated, as the Printing Bureau had no facilities for making any translation of the kind. I will bring the matter up once more, and I will go further and say that if it is not settled as it ought to be settled, according to law, I will bring to the attention of our province and of the whole of Canada the way in which we are treated now contrary to the constitution and to the laws of this country.

Hon. Mr. SCOTT—I shall be very glad to bring the observations made by the hon. gentleman to the notice of the government as soon as they are printed.

THE ROSS RIFLE FACTORY.

MOTION.

Hon. Mr. LANDRY 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 :

1. A copy of the petitions signed by the citizens of Quebec protesting against the choice of the place where Sir Charles Ross has built his rifle factory.

2. A copy of the petitions sent by certain persons asking the government to increase the land placed at the disposition of Sir Charles Ross.

3. A copy of the plan of the land leased by the government to Sir Charles Ross for the purpose of his rifle factory.

Hon. Mr. SCOTT—There is no objection to the address going forward.

The motion was agreed to.

PAYMENTS TO ROSS RIFLE COMPANY OR TO SIR CHARLES ROSS.

INQUIRY.

Hon. Mr. LANDRY inquired :

On what dates was there paid to the Ross Rifle Company, or to Sir Charles Ross himself, the $80,764.89, which were given to him as advances upon the cost of rifles which, on the 1st of May last, were not yet accepted by the government, and of which allowance mention is made in the answer given to this House on the 9th of May last ?

If this amount has been given in several payments, what is the amount of each payment ?

Hon. Mr. SCOTT—The first payment was made on the 27th February, 1906, $31,016.53. The next payment was made on April 27, amounting to $49,748.36, making a total of $80,764.89.

COST OF INSPECTION GAUGES.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. To whom was paid the sum of $26,237.63, mentioned in the answer given on the 24th April last by the hon. Secretary of State, when he fixed at this amount the cost of two sets of inspection gauges ?

2. In virtue of what clause of the contract entered into between the government and Sir Charles Ross, did the former pay this sum ?

3. And if nothing in the contract imposed upon the government the obligation to make such payment, under what authority was such payment made ?

Hon. Mr. SCOTT—The answers handed to me by the department are :

1. To Ross Rifle Company.

2. The gauges were not included in the contract for rifles.

3. The Ross Rifle Company's offer of 14th April, 1903, to make and supply necessary gauges was accepted by the department on 29th May following.

COST OF THE ROSS RIFLE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Have the modifications brought about in the Ross rifle increased the price of that arm,

and does a rifle of mark No. II. cost dearer than a rifle of mark No. I. ?

2. If there is a difference, what is it ?

3. How much has been paid, respectively, for the rifles mark No. I. and mark II.—(a) Up to the 1st of January, 1906 ? (b) from the 1st of January, 1906, to the 1st of May, 1906 ? (c) from the 1st of May to the 1st of June, 1906 ?

Hon Mr. SCOTT—

1. No.

2. Answered by No. 1.

3. (a) For Mark I. rifles: $12,500 by the Marine Department, $25,000 by the Royal Northwest Mounted Police Department, $200,000 by the Militia Department; for Mark II. rifles, $446,052.51 advanced by Militia Department.

(b) For Mark I. rifles, $6,250 paid ; for Mark II. rifles, $18,750 paid and $80,764.89 advanced by the Militia Department and $300 paid by Justice Department for Mark II. rifles.

(c) For Mark II. rifles $12,500 has been paid by the Militia Department.

HIGHER COMMANDS IN MILITIA.

INQUIRY.

Hon. Mr. LANDRY inquired :

Is it the intention of the government to put upon an equal footing officers commanding the higher commands of eastern Ontario, western Ontario, Quebec, the maritime provinces and the western provinces, when the latter provinces shall have been constituted a higher command ?

And in order to arrive at that result, is it intended to confer upon all holders of these titles the same rank in the militia, that of brigadier general, for example, which one of them already holds, namely, the officer commanding one of the higher commands in Ontario ?

Hon. Mr. SCOTT—It is not the present intention of the government to put upon an equal footing, as regards rank in the militia, officers commanding the higher commands.

FRENCH REPRESENTATIVE IN THE SENATE.

INQUIRY.

Hon. Mr. LANDRY inquired :

Does the government know that under the three administrations which preceded its own, the French element in the country was represented in the Senate by a member of the executive ?

Does the government intend to give the Senate, in the near future, a French minister ?

Hon. Mr. SCOTT—The government is aware of the fact as stated. I may add that the government is not able to foreshadow what changes may be made in the future in the nationality of ministers having seats in the Senate. The French element can, however, always confidently rely on being properly represented in either the Senate or House of Commons.

WAGES OF OFFICERS ON GOVERNMENT VESSELS.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. How many officers and petty officers upon the government vessels receive the full amount of their wages for the twelve months of the year ?

2. How many receive the full amount of their wages only for a part of the year, with half wages for the rest of the year ?

3. Which are the vessels whose officers fall within this last category ?

Hon. Mr. SCOTT—The Marine and Fisheries Department furnish the following answer :

1. One hundred and nine.

2. Sixteen.

3. 'Osprey,' 'Vigilant,' 'Curlew,' 'Constance,' 'Shamrock,' 'Scout,' 'Petrel.'

The Department of Agriculture has furnished the following answers :

1. William Head, British Columbia : 1 captain, 1 engineer, 1 fireman, 1 deckhand.

Halifax, Nova Scotia : 1 captain, 1 mate, 1 engineer, 1 deckhand and assistant engineer.

2 and 3. The general crew of the two steamers (the government boat 'Challenger,' and the rented boat 'Contest') at Grosse Isle does not come under the category of question 2. It is composed as follows :

1 captain, 1 1st mate, 1 2nd mate, 4 seamen, 1 cabin steward, paid for 7½ months ; 1 chief engineer ; 2 engineers, and 5 stokers, paid for 8 months.

These men are not paid at all in winter as a crew, but the chief engineer acts as winter guardian of the 'Challenger' on the Lévis.

ST. JOSEPH DE LEVIS RIFLE RANGE.

INQUIRY.

Hon. Mr LANDRY inquired :

1. Has anybody asked, and when, since the beginning of last autumn, for the repairs of the targets at the St. Joseph de Lévis rifle range ?

2. Who made such request ?

3. Has such requests been acceded to, and when were the targets repaired ?

4. If such has not been the case, why has such demand been refused or the granting thereof retarded ?

5. Is it known that the want of targets at Lévis makes it impossible for the members of the District of Quebec Rifle Association, for want of practice, to take part in the meeting of the Dominion Rifle Asociation ?

Hon. Mr. SCOTT—The answers are to :

1. Yes, in December, 1905.

2. Range caretaker.

3. Yes.

4. Requisition was received from Quebec at end of December, 1905. It had to be dealt with in connection with all other rifle ranges, and a general distribution according to probable requirements was made between March and May, 1906 ; the consignment to Quebec going forward about the middle of May, ultimo.

5. No.

CABINET CHANGES.

Hon. Mr. LOUGHEED—Before the Orders of the Day are called, may I ask my hon. friend, the leader of the government, if he has any announcements to make with reference to the recent cabinet changes ?

Hon. Mr. SCOTT—Yes, according to usage, I have pleasure in informing the House that the Minister of Justice has accepted a seat on the Supreme Court bench, as Chief Justice of Canada. His position as Minister of Justice has been filled by the transfer of Mr. Aylesworth, who was Postmaster General. The Postmaster Generalship thus vacated, has been filled by the gentleman who recently occupied the position of Solicitor General.

Hon. Mr. LOUGHEED—I feel satisfied that my hon. friend from Stadacona (Hon. Mr. Landry) will now have his anxiety relieved as to the Quebec list, and I have no doubt that the Supreme Court will now proceed with that list with due diligence. I hesitate to hark back to the principles which the present government—or at least the leaders of the Liberal party—advocated so strongly when in opposition as to the giving of appointments to members of parliament, and, more particularly, to those holding cabinet portfolios; but one cannot refrain from taking note of the violence which my honourable friends to the right of the Speaker have done as to this particular plank in their platform. One cannot fail to recall the fact that the late Postmaster General, who was, I think, the first exponent of that principle, honoured it in the breach by accepting the chief justiceship of the Exchequer Division of the High Court of Justice of Ontario, while occupying a cabinet portfolio and holding the vacant office in abeyance for many months. Now we find the late Minister of Justice, with that rare modesty which characterizes hon. gentlemen who hold cabinet positions in the present government, having forced upon him the highest judicial position in the gift of the Crown in Canada. However, one cannot take any exception to the appointment which has been made. I think I am safe in saying that public opinion will warrant the conclusion that the appointment is a good one. I certainly am unaware of any professional gentleman in Canada that would be more acceptable to the legal profession than the hon. gentleman who has been appointed to the position of Chief Justice of Canada. And I fancy there will be no question about his bringing very eminent qualities to bear in the discharge of the high duties of that position.

I also might say that it will be a very great relief to my hon. friend from Grandville (Hon. Mr. Choquette) that the gentleman who has represented for so long a time the opposing forces to my hon. friend in the Quebec district has been removed from the field of contest to the very peaceful seclusion of the Chief Justiceship of the Supreme Court. The consideration of the government in removing Mr. Parent, who was the head of the opposing forces in the same district, to the chairmanship of the Transcontinental Railway Commission, and also the late Minister of Justice to the position of Chief Justice of the Supreme Court, will now, I presume, leave my hon. friend from Grandville in full possession of the field, which I fancy will be very satisfactory to himself and to that particular section of the Liberal party which he represents. My hon. friend, however, did not give us very much satisfaction as to the filling of the portfolio of Solicitor General. If one is to judge from the various reports in the press and elsewhere, there are many eminent political patriots who are willing to sacrifice their talents on that particular altar, and the government is to be congratulated that there

are so many aspirants who, I presume, are fitted to occupy that position. In the various press reports which I have seen on the subject, it would seem probable that the appointment would go to some representative of the eastern provinces. It, therefore, might not be unfitting for me to point out just at this time that while the other provinces of the Dominion are fairly well represented in the cabinet, there are two western provinces, two of the most important provinces in Canada, perhaps not in population, but in their possibilities, unrepresented in the cabinet of the Dominion, and while the press of the country very freely mentions the names of eastern aspirants to the position of Solicitor General, I would point out to my hon. friend that this would be an excellent opportunity to give Manitoba or possibly Saskatchewan representation in that particular office. While it is not a cabinet position, yet it seems to me it would be a very proper recognition of the importance of those provinces in their contribution to the prosperity of the Dominion. I have no doubt that my hon. friend at an early date may be able to inform us of the appointment being filled, and it certainly would be gratifying to gentlemen coming from the west to find that consideration has been given to the representations I have made, namely, that it should be filled by a professional man from Manitoba or Saskatchewan.

THE STANDING ORDERS COMMITTEE.

NINETEENTH AND TWENTIETH REPORTS.

Hon. Mr. YOUNG, from the Committee on Standing Orders and Private Bills, presented their 20th report and moved its adoption. He said: The suspension of rule 50 that is asked for is on account of the non-production of a map before the committee. Your committee felt that they could safely recommend to the House a suspension of the rule in that respect, as the location of the work is in the French river country away north, and we recommend that the rule, so far as the presenting of a map is concerned, be suspended.

Hon. Mr. LANDRY—In a case like that it would be the duty of a member in charge of the Bill to see that a supplementary map is furnished for the committee when the Bill comes up before the committee.

Hon. Mr. YOUNG—They will have a map for the Railway Committee, but they could not find one for our committee, I understand.

The motion was agreed to.

Hon. Mr. YOUNG, from the Committee on Standing Orders and Private Bills, presented their nineteenth report. He said: The report asks for an extension of time for presenting of private Bills to the House and also an extension of time for reports from any committee on private Bills. If it is the desire of the House that the report should stand until to-morrow, I have no objection. I simply mention the fact that the time for presenting the reports on private Bills expires to-day.

Hon. Mr. LANDRY—Although the time expires to-day, the fact that another report is brought in asking for an extension of time should be considered as action taken in due time. The adoption of the report is only delayed at the request of members of this House.

Hon. Mr. YOUNG moved that the report be taken into consideration to-morrow.

The motion was agreed to.

FORDING VALLEY RAILWAY COMPANY BILL.

FIRST READING.

Hon. Mr. WATSON introduced Bill (GG) An Act to incorporate the Fording Valley Railway Company.

The Bill was read the first time.

Hon. Mr. WATSON—I beg to move the suspension of rules 17 and 60, in so far as the same relate to this Bill.

Hon. Mr. LANDRY—Is that one of the Bills referred to in one of the reports brought in to-day?

Hon. Mr. WATSON—Yes.

The motion was agreed to.

THIRD READINGS.

Bill (111) An Act respecting the Lake of the Woods Milling Company, Limited, and the Keewatin Flour Mills Company, Limited.—(Hon Mr. Young.)

Bill (20) An Act to incorporate the Canadian Bible Society Auxiliary to the British

and Foreign Bible Society.—(Hon. Sir Mackenzie Bowell.)

Bill (M) An Act respecting the Monarch Bank of Canada.—(Hon. Mr. Kerr, Toronto.)

Bill (T) An Act to incorporate the Colonial Bank of Canada.—(Hon. Mr. Young.)

Bill (127) An Act respecting the Farmers' Bank of Canada.—(Hon. Mr. Coffey.)

Bill (W) An Act respecting the Citizens' Bank of Canada.—(Hon. Mr. Mitchell.)

ALBERTA RAILWAY AND IRRIGATION COMPANY BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (100) An Act respecting the Alberta Railway and Irrigation Company.

Hon. Mr. POWER—I should like the hon. gentleman to tell us what this means—the combination of railway and irrigation.

Hon. Mr. LOUGHEED—Some representations have been made by the people living in the locality of the railway, and I have arranged with my hon. friend from Lethbridge, who is more especially interested than any one else, that the Bill should be sent to the Railway Committee, where those representations will be heard.

The motion was agreed to.

SECOND READINGS.

Bill (Y) An Act to incorporate the Prince Albert and North Saskatchewan and Hudson's Bay Railway Company.—(Hon. Mr. Davis.)

Bill (AA) An Act for the relief of Asenath Ramsay.—(Hon. Mr. Perley.)

Bill (BB) An Act to incorporate the General Accident Insurance Company of Canada.—(Hon. Mr. Poirier.)

Bill (133) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.—(Hon. Mr. Kerr, Toronto.)

QUEEN'S COLLEGE BILL.

SECOND READING.

Hon. Mr. SULLIVAN moved the second reading of Bill (160) An Act respecting Queen's College at Kingston. He said: This Bill is for the purpose of increasing the number of trustees of Queen's University from 32 to 37. The object of putting on the additional five trustees is to give the students of that university representation on the management board. Nothing could be more just than such a measure. The students and friends are those who support this university, and one of the largest buildings, called Grant Hall, is a contribution of the students alone, so that the Bill is one which we must all approve of.

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

CONSTITUTION OF THE SENATE.

DEBATE RESUMED.

The Order of the Day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. David: That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.

Hon. Mr. FERGUSON said: When this debate was adjourned about two weeks ago I was engaged in a brief examination of the record of the Senate during the different periods since confederation with the object of meeting a statement made by my right hon. friend the Minister of Trade and Commerce that the Senate had possessed since confederation some very great power of mischief in some of these periods and had exercised it. I divided these periods in this way, from 1867 to 1873, from 1873 to 1878, from 1878 to 1896, from 1896 to 1902, and from 1902 to the present time. I had reached the period from 1896 to 1902, but before finishing it I want to say one word with regard to an omission which I made in reference to the period between 1878 and 1896. I mentioned one important measure that the Senate had rejected during that period. A measure of very great importance, which I failed to enumerate, and which I wish to mention now, was the Bankruptcy Act of 1894. As hon. gentlemen will remember, the Bankruptcy Act of 1894 was introduced by the hon. member from Belleville, who was then Minister of Trade and Commerce, and it was sent to a special committee of this House. I was a member of that commitee, and I know that a great deal of time was devoted to it

before the second reading. When it came up for the second reading, it was found that a strong opposition had arisen in the House largely among the supporters of the government, and the late Senator McCallum lead these forces and moved the six months' hoist against the Bill. So strong did that opposition prove that the government were forced to withdraw the Bill without allowing a division to be taken. That was in the period between 1878 and 1896. In dealing with the period 1896-1902, there were several measures defeated in the Senate. I have dealt with the Drummond County Railway Bill, and was on the point of saying when the debate adjourned a few words with respect to the Teslin Lake Railway Bill. That measure was introduced in the House of Commons and was carried there by a party majority, but was thrown out in this House by a very large majority, including at least one Liberal senator. I have no hesitation in saying at this moment that I do not think there will be found in Canada any reasonable man who will condemn the action of the Senate on that measure. Public opinion has long since been settled that that measure was one which well deserved the defeat which it received in this House, and the fact that the government has never attempted to revive it from that time forward shows that they acquiesced in what was the general verdict of the country.

I think there was only one measure of importance during the existence of this Senate sent to us by the House of Commons that was defeated twice. I refer to the Redistribution Bill of 1899, which was defeated in 1899, and was again sent to this House in 1900 and was again defeated. I know there was pretty strong feeling with regard to these measures at that time, but I feel as the years go by, if that point has not already been reached, the point will be reached in the minds of everybody I think in this country, that the defeat of that measure was in the interests of Canada. I think that the Senate of Canada in defeating that Bill in 1899 and again in 1900 rendered a very valuable service to the people of Canada, and I feel that it will be a long time before any government will attempt to disturb the representation of the people in parliament during the ten years intervening between our decennial census, and that in future, having a precedent set by the action of this Senate in 1899 and 1900, no government will be found to deal with the representation of the people in the House of Commons except at the time and in the manner prescribed by the British North America Act. There was just another Bill, in addition to those mentioned, which was rejected in one year but re-enacted the next year, and that referred to the provincial courts in the province of Quebec. The Senate, in the year 1900, dealt with this measure just as the Senate in 1877, dealt with the provincial courts of Nova Scotia. The Bill was held over, and next year, when the province sustained the action of the government, and the government re-introduced the measure, it was passed in this House and there was no friction about it. We now come to the last period, from 1902 to 1906, and so far we have not a record of any difference whatever arising. Every government measure that has been sent to this House from the House of Commons has been accepted and passed. Up to this time, there has been very slight indication of independence among the supporters of the government in this House with regard to government measures. Of course you will tell me that this is only five years, but many of us think that there were instances in that period in which the supporters of the government might have found occasion to have asserted their independence.

The general course of business in this House warrants the statement that British parliamentary institutions have been carried out in Canada during that period in a very harmonious and successful manner. There have been no crises, no Supply Bill has been defeated, and, as I have said before, no Bill of any kind has been defeated a second time by the Senate excepting the Redistribution Bill. These facts go to show that British parliamentary institutions have been carried out with a great deal of success, and in a very harmonious manner in Canada. Indeed, if there is any fault at all to be found with the record of the Senate in all the different periods I have referred to, it is that the Senate has been too acquiescent. I have no hesitation, in looking back over the events which occurred

between 1878 and 1896—although I was in the Senate a part of that time myself—in saying that the Senate would have done itself justice if more criticism and independence had been evinced during that time. The same observations may be made with regard to the period now passing, in which there has been very little assertion of independence on the part of government supporters in this House. I think the verdict of history will be that the Senate has been on the whole rather too acquiescent in assenting to measures passed by the House of Commons, and I would utter a warning to hon. gentlemen sitting opposite me and to hon. gentlemen around me as well, and that is this: during the long period that the Conservative party were in power the Liberal press and Liberal public men stirred up a very strong feeling of opposition to the Senate, mainly on account of its acquiescence in the measures of the government of the day and of its very strong party complexion. So strongly were these arguments used, that I think I am safe in saying that a very large majority of the Liberal party were almost educated up to the point of voting for the abolition of the Senate altogether, and it would be unreasonable to assume that the lesson which was then inculcated so strenuously and I believe so effectively by the Liberal leaders and the Liberal press has been altogether unlearned. I would remind hon. gentlemen on the opposite side of the House that human nature is much the same among Conservatives as among Liberals, and that when this Senate comes to be almost altogether Liberal, which it will surely be as the years go by if the administration is unchanged, you will likely find the Conservative press attacking the Senate and the Conservative leaders joining in that denunciation, and that there will be a considerable element of the Conservative party trained to become opponents of the very existence of the Senate. Taking the strong feeling created by the Liberals while they were in opposition, much of which must still remain, and the hostility which will certainly be engendered in the Conservative ranks if the Senate becomes too acquiescent and onesided, it will be found, I fear, that the Senate may lose the confidence of the people of Canada, and I wish to utter this warning. My hon. friend, the Minister of Trade and Commerce, pointed out, and I think very properly, that patents from the Crown should be respected and when making any change in the constitution of the Senate respect must be had for the life tenure so created. I agree with the principle, but we must not lay that flattering unction too strongly to our souls and conclude that we may do just as we like and party men may follow their bent to the very fullest extent with impunity. There may be so strong a feeling created in the country that even patents from the Crown will have to go, and popular feeling may rise to such a height that it will demand to be heard. It is the old story of the barren fig tree. It is possible that the policy of the Senate might become so strongly opposed to the popular will that all barriers would be swept away. The true way for the Senate to protect itself is to assert its usefulness on all occasions and show a considerable spirit of independence with regard to the measures that may come before it.

Comparisons which, to my mind, are very unfair, are often made between the Senate and the House of Commons. Because the House of Commons attracts the public eye, and the eye of the press to such a large extent as compared with this honourable House, the people are inclined to believe that the Senate is not fairly and faithfully fulfilling its functions. There are many reasons why the House of Commons should loom larger in the public eye than the Senate does. The House of Commons has the control of supply. We know that that is a very important matter in the estimation of a very large proportion of the people, and the control of supply by the House of Commons must always give that body an importance in the estimation of the people and of the press that the upper House, which does not have any practical control of supply, cannot posess. This is a wise limitation, a constitutional limitation. It is perfectly right, and the people ought to recognize it. There is another point even more important. Under our British constitutional system, you cannot have two Houses to which a government must be responsible. That would be nonsense. If the government of the day were required to possess the confidence of two Houses of parliament, a conflict might be precipitated

at any time, because you might have two Houses of different political complexions. It is to the more popular branch of parliament that the cabinet must be responsible; and the very fact that this House cannot make or unmake an administration is calculated to place it in a lower position in the eyes of the people than if it was essential under our constitution that the government must possess the confidence of this Chamber. Then there is another circumstance which makes the debates of this House less attractive and less noticeable than the debates of the Commons. We are not obliged to talk for the benefit of the electors. I think that is a great advantage. It makes our deliberations more reasonable, and enables them generally to take a higher tone. It is to the advantage of this House that we have not to talk to the electors. The Commons, having the constituencies in their eye all the time, are obliged to talk to them, and that talk finds its way into the press and gives the House of Commons greater importance in the public eye than it would otherwise possess. Some of the gentlemen in the House of Commons seem to be very fond of speaking sneeringly of the Senate because we have short sittings, because we have somewhat long adjournements, and because we do not make quite as much noise as the House of Commons does. I would remind these gentlemen, and would do so without any idea of being disrespectful, of the famous simile of Edmund Burke—that though half a dozen grasshoppers under a fern may render the earth vocal by their importunate clink while a herd of cattle resting under the British oak chew their cuds and are silent, you must not conclude that the grasshoppers are the only occupants of the field—and I would just add another word. We know the power of the press, and are cautious about saying anything that would offend the press. We know its influence, and we also know that we have in Canada a very able and industrious press; but I would make this observation, that the press does not evince as much diligence with regard to following the work of this Senate as it might, I think, very properly do. If the press as a rule—there are exceptions, of course—were to folow the work of this Senate with a little more diligence, they would find that it is generally very well done indeed. With regard to the comparatively short sittings, and the less protracted debates which take place in this House, I would remind hon. gentlemen that in the Australian Senate provision is made for only three sittings in each week. The House of Lords in England sits less frequently than the House of Commons, and the debates of the House of Lords, as hon. gentlemen know, who have studied the English parliamentary Hansard, are generally very short and very uninteresting compared with the debates of the House of Commons. It is also true, though to a very much less extent, that the debates of the Senate of the United States are not by any means as animated or as protracted as are those of the House of Representatives, although the former are better conducted, and are of a higher tone and are generally regarded as better discussions of the public questions arising in that country than those which take place in the latter.

But unfair as the comparisons are, made between this House and the House of Commons of Canada, there are still more unfair comparisons made with reference to the Senate of the United States. In comparing the Senate of the United States with the Senate of Canada, you have very important considerations to keep in view. In the first place the Senate of the United States has powers with reference to supply that we have not. It has the same right to initiate supply that the House of Representatives has. The only difference is, it cannot originate a public burden or tax, but it can vote supply equally with the House of Representatives, and that, as I have said, in the previous comparison with the House of Commons of Canada, is one reason why the Senate of the United States is regarded as an influential body. But in another respect, and it is still more important, the Senate of the United States has a veto on all appointments made by the executive. Indeed we know that that has been pushed so far that the executive in making appointments of importance is forced to consult the senate almost in every case in advance. The senate has obtained power with reference to appointments in the United States that, I am sure, the House and the country will

agree with me, it is not desirable the Senate of Canada should possess. You can easily understand that, in the United States, the senate having this power with regard to patronage, which is not in the House of Representatives, becomes greater in the eyes of office seekers, and they and their friends form no small part of the population. The Senate acquires an influence and importance in the United States on account of their control of patronage which a house like the Senate of Canada, which is purely legislative, cannot obtain. I contend that that is a proper restriction and that on no account whatever should we wish that the Senate of Canada should have any power with regard to patronage.

There is another function of the Senate of the United States which gives that body a great deal of importance, and that is its control of the foreign relations of the country. We have not up to the present time, and possibly may never have, certainly not for a long time to come, foreign relations of any consequence to deal with, and a comparison cannot be very well instituted between our Upper Houses on that account; but it is undeniable that the Senate of the United States commands a great deal of influence in the United States, nay, in the eyes of the world, on account of its power with regard to the making of treaties with foreign countries, and I have no hesitation in saying that that very power has proved all through the history of the United States to be one of the main causes why American diplomacy has not stood as high as it should stand, or as the diplomacy of other nations stands. It is a fact that the government of the day is weak in the matter of making treaties, because the Senate with closed doors may undo the work of the head of the nation, and that has made American diplomacy something that is not so highly respected as it ought to be in the eyes of the world. On all these accounts, the Senate of the United States is looked upon as a very important body, but it is not desirable that our Senate should be given the power that the United States Senate has, either in the matter of supply, or patronage, or, if we had treaties to make, in the matter of treaties. The British system is that the treaties shall be made by the government of the day having the confidence of parliament, and they carry the treaties through parliament on the strength of their influence with parliament. It is cabinet responsibility which is unknown in the system of the United States, and that is one of the reasons why the United States Senate looms so high as it does on account of the power which it has in all these matters. I may add, that all these powers are incompatible with British institutions. Writers in the press and others who have been criticizing the Senate on the ground that it is not so active as the Senate of the United States, lose sight of the fact that the Senate of the republic is active in directions which we could not in accordance with British institutions allow an upper chamber to be active.

Comparisons are often made with regard to the personnel of the Senate of the United States and that of other countries. The Senate of the United States is some times held up as being a body of extraordinary character, and there can be no doubt that in many respects it consists of able men, and that in the past the ablest men in the United States have held seats in the Senate, and I have no doubt that that is so to some extent at the present time. But there is a great deal of glamour about it. My hon. friend, the right hon. Minister of Trade and Commerce coupled the Senate of the United States with the Senate of ancient Rome. Now, that is something that vainglorious Americans are very apt to do. They quote the famous remarks of the ambassadors of King Pyrrhus when they called the Roman Senate an assembly of kings, and they are proud of pointing their European friends to their Senate as an assembly of kings. I can give you very good authority for saying that the Senate of the United States is entitled to no such rank. I have a work in my hand entitled 'Bryce on the American Commonwealth,' and I will read an extract or two from his estimate of the Senate of the United States. I may add, as hon. gentlemen who are acquainted with this book know, that it is one of the ablest and best contributions that has ever been made to the discussion of the American constitution. He says :

> Whether the senators of to-day are inferior in ability and integrity to those of fifty, thirty, twenty years ago, is not easy to determine. But it must be admitted, however, regretfully, that they are less independent, less respected

by the people, less influential with the people, than were their predecessors ; and their wealth which has made them fear the reproach of wanting popular sympathies, may count for something in this decline.

He further says :

It is a company of shrewd and vigorous men who have fought their way to the front by the ordinary methods of American politics, and on many of whom the battle has left its stains. There are abundant opportunities for intrigue in the Senate, because its most important business is done in the secrecy of committee rooms or of executive session ; and many senators are intriguers. There are opportunities for misusing senatorial powers. Scandals have sometimes arisen from the practice of employing as counsel before the Supreme Court senators whose influence has contributed to the appointment or confirmation of the judges.

I think we know a little about this same trouble in Canada. We need not throw stones at our neighbours in regard to what Mr. Bryce points out in the United States, and if in Canada counsel appears before judges in whose appointment they have a hand; it is a scandal here as well as in the United States. He further says :

There are opportunities for corruption and blackmailing, of which unscrupulous men are well known to take advantage.

There are other observations that are much more complimentary in Mr. Bryce's book. He admits the ability of the Senate in the past, and to some extent its ability in the present, but he has no hesitation in determining that it is not for its work in regard to treaty making or foreign relations; it is not in regard to its executive work, or in the forming or looking after estimates ; it is not even in its protecton of the sectional interests of the different states, but it is in its legislative work that the Senate of the United States has done the country real and substantial benefit. In all other respects its influence has, in his opinion, been rather more detrimental than otherwise. So that the idea of a Canadian Senate as constituted here meets with the approval of so eminent a writer as Mr. Bryce. It is the current comment in the United States that the Senate is composed of two classes of men; one class are senators because they are rich and the other class are rich because they are senators. It is not very complimentary to the Senate of the United States. Sometimes we hear some such remarks made of the Senate of Canada, but there are many of another class in this Senate who are neither rich for the one or the other of these reasons, or are not rich at all, but it is unfortunately the case, with very rare exceptions, that only rich men are able to procure seats in the United States Senate, be their qualifications what they may. That is an unfortunate circumstance and must tend to lower the Senate of that country in the eyes of right thinking men. With regard to this Chamber I will take the liberty, if hon. gentlemen will be patient with me, of placing before the House two estimates, made at different times by two very eminent gentlemen, as to the character of this Senate. The first that I will read is a comment made in 1886 in this House by Sir Oliver Mowat when he entered this House in that year. He said:

I rejoice to have in mind the materials of of which this House is composed. When I consider what the materials we have here are, how this House is composed, some very promising thoughts come into my mind. A large number of the members of this House, even before they came here have had a very important training in matters of government and legislation, and all of them have had an important training in the affairs of the world generally, whether they have in matters of government and legislation or not ; all of you were men of mark ; all of you had influence in your respective localities, and many of you beyond your localities ; and you were all men of activity and energy and force of character ; you were all able to work your way up to the places which you hold now in the government of the country. And all classes are represented here ; all nationalities, all the leading Christian denominations, and all occupations are represented here. I have spoken of the training which a large number of you had, even before coming here, and you have had more training since in matters of government and legislation. You have several ex-judges here, and we all know the value that is placed upon the assistance of judges in the legislation of a country. You have three, perhaps you have more than three, who have been lieutenant governors of provinces, the highest gift, I suppose, which is in the hands of the Dominion government. Then you have at least one hon. gentleman who has been Premier of Canada and has all the experience and all the ability implied in one who reaches that high position. You have several ex-premiers of provinces here. You have other men who, though they had not reached the position of Dominion Premier, have been ministers of the Crown for the Dominion. You have ministers here who were ministers in provincial affairs, and probably every one here has given much attention to political subjects and is familiar with them —subjects of government and legislation.

This was the very high compliment that this House received from the lips of Sir Oliver Mowat when he rose for the first time to address the Senate in 1896. Ten years have passed, and the personnel of the

Senate has been largely changed. Another very eminent gentlemen speaking in another place recently, has placed on record his testimony with regard to this House. I am now reading from remarks made by Sir Wilfrid Laurier. He said :

I hold that if the Senate has not given all the satisfaction we might have expected from it, it is not because the Senate has done anything wrong ; on the contrary, I believe the Canadian Senate has done very well and that we might well be proud of it. If any criticism is given it is not for what they have done, they have done some things which I am far from approving, but on the whole they have done very well; that criticism has come because it seems that the Senate does not come up to the high expectation of what was thought would be the outcome of the constitution at the time of confederation.

I quote these two gentlemen, Sir Oliver Mowat and Sir Wilfrid Laurier, because they are two leading men in one of our political parties that has been somewhat severe, at all events very free, in its criticism of the Senate. I quote these two opinions and place them on record as having special value coming from these two gentlemen.

Before I leave that point I wish to utter another word of warning to hon. gentlemen in this House, and that is as to the duty that we owe to this House and the country to uphold its dignity. Incidents have occured within the last two or three years that to the minds of many of the older senators are not at all consonant with the dignity of this House. It is noticeable that innovations have been introduced that would not have been permitted by the fathers of the Senate. I remember, when I came to the Senate in 1894 and had the task assigned me of moving the address in answer to the speech from the Throne, a gentleman whom many members in this House knew and esteemed for his dignity and ability—I speak of the late Senator Dickey—very kindly put his seat at my disposal. I was occupying a back seat, and he gave me his in order that the House might hear me to better advantage. He warned me 'You must not expect any sympathy in this House ; as a rule we do not applaud. The House should partake of a judicial character, and such a thing as applause is not permitted in the Senate.' I remember remarking that it would be very cold, and he said 'If you allow applause, the next thing you would have to admit is hisses and groans. The only way to maintain our dignity is to listen respectfully to anything of value a man may have to put before the House but not to applaud, nor to manifest disapproval, unless a speaker is violating the rules of the House.' For many years I never heard applause, but that decorum has passed away. We find of late a tendency to introduce the practices of the House of Commons in that and other respects. I want to utter these words of warning, and I think we would act wisely if we fell back on the practice of the fathers of the Senate and discourage any manifestations of applause or disapproval.

The real defect of this honourable House lies in the difficulty that all the appointments come from the government of the day. That would not work any practical difficulty if administrations were changed frequently as they were before confederation, or as they often have been in the provinces; but the habit of long administrations seems to be settled in Canada, at least it has been during the last 28 years, and the difficulty arises that the power of appointment vested in the government of the day when exercised by one government for a long period of time, will pack the Senate down to the door with the supporters of one political party. It is impossible that the Senate can have the confidence of the people to the extent it otherwise would have while that condition obtains. The Senate ought to be replenished regularly from time to time from the ranks of both political parties, and other, blood not party blood, might with advantage be introduced also. But the Senate cannot hold the confidence of the people unless it is filled from time to time regularly by men holding different political opinions, because when it becomes absolutely one-sided it will lose even the respect of the party to which it is allied, and it is natural that the other party would become disgusted and would lose all hope or faith in the Senate. Before leaving that point I shall deal with a subject introduced by my hon. friend the Minister of Trade and Commerce. He pointed out a very desirable way of filling vacancies in the Senate, and he instanced a class of men who should be appointed, such men as cabinet ministers, retired judges, and lieutenant governors. He mentioned

these three as classes from which men could be drawn to fill vacancies in the Senate to the great advantage of the country on account of their standing and ability. I agree with my hon. friend that that would be a very desirable class to draw from. In the past a few such men have been drawn to the Senate and it would be very satisfactory if some arrangements could be made, and I think it would be possible, under the proposal which I shall make before taking my seat—that such a thing might be done. But there is nothing to prevent my right hon. friend carrying out at least some of his good intentions even now. I do not think there is anything in the way, and I would instance one gentleman who, I think, should long since have been called to the Senate owing to the circumstances under which he retired in 1896, and who meets the description of my right hon. friend, not only in one particular, but in every particular. I refer to the hon. Mr. Angers, who retired from the Senate in 1896 to engage in an electoral contest. We remember the action of the Governor General, who declined, at the time, to permit Sir Charles Tupper to re-nominate Mr. Angers and another gentleman. The reason was one which had to be admitted to be strong. The Conservatives were already very strong in the Senate, the new government would require to be represented in the Senate by men in sympathy with them, and the objection was advanced that although Mr. Angers had a reasonable claim to be returned to the Senate on account of his eminent public services and standing in the province of Quebec and the whole of Canada, yet it was inconvenient and undesirable at that time that any of the vacancies in the Senate should be filled by gentlemen in opposition to the incoming administration, seeing that the Liberal party was so weak in the Senate. That was a reasonable answer and everybody had to be content with it ; but all these circumstances have long since passed away, and my right hon. friend and the leader of the House have a strong support here and one seat would not be essential to them. I would point out that Mr. Angers, who was not only a cabinet minister in Canada, but also a lieutenant governor and a retired judge as well, has eminent claims to be appointed to the Senate, and my hon. friend should gird himself to try and do something in the line he has indicated before any change is made in the constitution of the Senate, if any is coming. I hope my hon. friend will not continue in the position of a sign post, pointing a road which he has never travelled.

There are just two suggestions that appear to my mind to be necessary for the improvement or reform of the Senate. One of them is a better apportionment of the work between the two Houses, and the other is a theme which has been discussed at great length and seems to be the favourite theme of my right hon. friend, the Minister of Trade and Commerce, and that is, proportionate representation in this Chamber of the two great political parties of the country. These two propositions constitute, in my mind, a complete scheme of Senate reform. My right hon. friend suggested that in order to provide a better apportionment of work between the two Houses, all or nearly all private Bills should originate here. That might be all right, but from the experience I have had here it would make no appreciable difference as to the work of this House. I am stating now what is a matter of public knowledge, that all private Bills receive just as careful, and as lengthened consideration in the Senate committees and in this House as they would receive if they all came to us in the first instance. It is possible that if they were threshed out here in the first place, the effect would be to lessen the work of the House of Commons, but I am not inclined to think that it would do so to any great extent. A better apportionment of the work of the two Houses could be obtained in another way, far more effectual than in initiating all private Bills here, and that is by giving the Senate better representation in the cabinet. I am not at all finding fault with the gentlemen who represent the cabinet in this House in point of ability, standing, and character, and all that goes to constitute public men. I think if I had the choice as to whom the cabinet would send here I would not make a choice as against these two hon. gentlemen ; but what I mean is that the departments which are represented here, some of them at least should be departments that had important functions calling for legislation. If some of

the more important departments were represented here, that is departments that carry with them of necessity legislation from year to year and that have transactions which would call for very close and earnest criticism on the part of parliament, I submit that this House would be supplied with a great deal of work that it does not get at the present time. Not only in regard to the measures which it would be necessary for the ministers in charge of the departments to submit to the House, but in the opportunities it would give this House, nay more, the duty it would impose on the members of the Senate to criticise these departments, we would have a good deal of important work placed on our shoulders. Let me illustrate this: Some years ago, feeling that we ought to take up some work that would otherwise be done in the House of Commons, I undertook to investigate, by many inquiries which I placed on the order paper, the Department of Railways. It led to my ultimately making a motion on the subject in which I criticised the Department of Railways very fully in this House in consequence of the information I had received from these returns. I was met by the hon. gentleman who led the government in the Senate, the late Mr. Mills, with this view: It is hardly fair to the Minister of Railways that his department should be assailed in the Senate; it would be far preferable if my hon. friend (speaking of myself) would get some one in the House of Commons to bring up these matters there, where Mr. Blair is present and can defend himself. I was actually accused of cowardice because I brought these matters up in the absence of the minister. I do not agree with that view; the government is a unit, and the members of the government here should be prepared to defend their colleagues. The deputy minister could come here to assist them. The documents would be at their disposal, and I do not think the answer was a fair one. Nevertheless it was sufficient to place me at a disadvantage when I undertook to criticise the department in this House, and I apprehend it would apply to other directions in which we might take up work which we could otherwise properly do.

Although this House is precluded by precedent from forming a committee to handle the public accounts as a whole, we could appoint committees to investigate certain departments. The only thing that prevents it being done in this House is that the minister whose department calls for explanation and criticism is very seldom in this House, and consequently the examination would not be as fair and above board as it would be if the minister were here to meet those who criticise or attack him. From my experience in the Senate, which now goes over a dozen years, I have no hesitation in saying that this House furnishes an excellent sphere for the activity of an industrious man. I see around me many in this House who are industrious and give a great deal of attention to public business. They do not get much credit for it in the press. The press does not know of the persistent, steady, work that is being done, because it does not give rise to explosions on the floor of this House such as occur in the House of Commons, but the Senate furnishes an excellent sphere for the activity of industrious men. I say this too, hon. gentlemen, that if we want to keep our hold on the people of this country we must be industrious. We must not come here and sit waiting for adjournments or something like that and merely drawing our indemnity. We must remember this, we are going to be judged in the future more severely, and properly so, than in the past. The increase of the indemnity is making this House cost the country more than it did, and the people will expect the Senate as well as the House of Commons to give some fair return for what it is costing the people of Canada. On this account, and on other accounts, I would enjoin hon. gentlemen to devote themselves to their work. I do not accuse them of neglecting it, but we could all do more and fulfil our functions in such a way as to win the respect of the country and we could command fair and reasonable attention from the press. Notwithstanding many of the good and sound views enunciated by the right hon. Minister of Trade and Commerce, there is one other view of his with which I cannot agree, and that is on the question of a limited tenure as against life tenure, at present in operation in this House. With regard to that, allow me to read the words

of Hon. George Brown in the Confederation Debates, and I entirely subscribe to the opinions therein expressed. He says:

> I thought it would be well to provide for a more frequent change in the composition of the upper House, and lessen the danger of the Chamber being largely composed of gentlemen whose advanced years might forbid the punctual and vigorous discharge of their public duties. Still the objection made to this was very strong. It was said: Suppose you appoint them for nine years, what will be the effect? For the last three or four years of their term they would be anticipating its expiry, and anxiously looking to the administration of the day for reappointment; and the consequence would be that a third of the members would be under the influence of the executive.

I would go a little further and say that as they received their appointments from the executive, they would at the outset be animated by a feeling of gratitude to the government that appointed them, and, as the Hon. George Brown very properly put it, they would be looking towards the end of the term to the party that would have the power of reappointment. The objection that men grow old and that you have to take the closing years of a man's life as well as his more vigorous time, and that men are less valuable towards the close of life, has no doubt force. I do not want to have myself classed among the old men yet, and, therefore, I am speaking for others when I say that it is in the older men of this Senate that its great strength lies, and although they may not take so much part in debates, yet wisdom and moderation grow with years. I referred, when addressing the House two weeks ago, to what might have been a crisis in the affairs of the House with regard to the Drummond County Railway Bill had it not been for the influence of the older men. I have not observed any serious disadvantage arising to the country from the fact that we have in our ranks a few men that have become so far advanced in years that they are not able to take that vigorous part in the proceedings of this House that they did when they were younger men. We have had them when they were comparatively young and when some of them were inexperienced. We have had them in the fulness of their powers, and they have rendered the best service they could, and we have had them in their declining years, with the moderation and mellowness which come with advanced life, and I for one would be sorry for any change by which we would lose them before the end of their careers. I think it is an advantage rather than otherwise, and that no harm to the public interest has ever arisen in that respect.

My hon. friend made another suggestion on this same subject with which I would not agree, regarding an age limit for entrance. He did not say how much higher he would put it, but simply that he would raise it. Although I am fond of having the old men here, I believe so strongly in long tenure of office that I would like to see the members coming into this House much younger than they usually do. If they did they would be better public men when they grew old, because they would acquire experience here at a time of life when men are more ready to learn. No harm has arisen from having the age of 30 years fixed as it is at present. Over three hundred summonses have been made to the Senate since 1867, including the first batch of men selected, and only fifteen have been under forty. I am not sure, but I think there was only one man, the hon. member for Richmond, who reached this House under thirty-five years of age.

Hon. Mr. POIRIER—There have been several.

Hon. Mr. FERGUSON—There are not many. I think I am safe in saying that. I am sure no harm has arisen. If any fault is to be found at all it is that members are called to the Senate too late in life. I think it would be better in the public interests if they were called at an earlier age. I would almost go so far as to suggest that a limit be fixed at the other end, that some restriction should be placed upon allowing men to be appointed at a very advanced age, say sixty years. Still we have instances of men coming into this House late in life who proved themselves valuable members. They had acquired experience elsewhere; but in cases where there has not been previous experience, I think members should not be called to this House at a very advanced stage of life. I was pleased to find that my right hon. friend, like the Prime Minister in speaking elsewhere, is not favourable to electing members by the direct vote of the people; and I agree with him in that respect. I think we have too

many elections, and that an elective House, although in some respects it might be preferable, would carry with it great disadvantages. We had a little experience in Prince Edward Island of an elective Upper House chosen on a franchise of freeholders instead of manhood suffrage as in the case of the Lower House; but the council coming thus directly from the people claimed an equal voice with the assembly and there was continual clashing and difficulty. They claimed, although not successfully, that the government of the day must possess the confidence of the council as well as the confidence of the Lower House. It led to constant difficulty over supply, and I am therefore, quite strongly of the opinion that we should not have a Senate elected by direct election. In this respect I would mention—though it is scarcely necessary, for I am sure that hon. gentlemen are conversant with the fact, that both the Hon. George Brown and Sir John Macdonald, at the time of confederation, agreed ultimately on the nominative principle in preference to direct election. Mr. Brown was, of the two, the stronger opponent of the elective principle, but Sir John Macdonald agreed with him that that principle as applied to the legislative council of the old province of Canada, had not been entirely satisfactory.

I think, if I understood my hon. friend aright, that he would have the choice of two-thirds of the senators made by the provincial legislatures. I would not agree to that, I think the choice would not be well made if it were made by the provincial legislatures. It would introduce, as it has done in the United States—intrigue and possibly corruption in the provincial legislature. That principle has worked badly in the United States, and there are other reasons which I will urge as I proceed. Perhaps the strongest of these is that it would not lead to proportionate representation, which my hon. friend seemed to have so much at heart. Proportionate representation between the two political parties. Take Nova Scotia for example. At the last election the Conservatives of that province polled 45 per cent of the popular vote without having one single seat in the House of Commons, and they have only two seats in the provincial legislature out of a House of 38. I think that is the number; if I am wrong my hon. friend from Halifax will correct me. That is one-nineteenth only. If the provincial legislature of Nova Scotia within the last four years—and I might go very much further back—had had the choice of senators, the Conservative party would be simply obliterated in this House as they are in the House of Commons. I point to the case of Quebec, which offers almost as strong an illustration. In Quebec the Conservative vote is 44 per cent of the whole, yet I think there is only half a dozen Conservatives out of 78 in the legislature at Quebec. If the legislature at Quebec were to make the choice of senators, the 114,000 Conservative voters in the province would not be able to secure any voice in this Senate, no matter what might be the complexion of the federal government, that is as regards the two-thirds to be chosen in this way. I have a table in my hand prepared by Mr. Hamilton, the Ottawa correspondent of the Toronto 'News'—who has written some very clever articles on the question of Senate reform, although I do not agree with them throughout—letters which are very able and which contained some very valuable suggestions. He has compiled a table showing what, on a nine years term, would have been the complexion of this Senate every three years since confederation, with the nominations made by the provinces. In 1867 they would start with 36 Liberals to 36 Conservatives. Then the progression would be as follows:

In	1870	there would be	45	Cons.,	29 Libs.
In	1873	there would be	46	Cons.,	31 Libs.
In	1876	there would be	48	Cons.,	29 Libs.
In	1879	there would be	35	Cons.,	42 Libs.
In	1882	there would be	40	Cons.,	38 Libs.
In	1885	there would be	38	Cons.,	42 Libs.
In	1888	there would be	31	Cons.,	49 Libs.
In	1891	there would be	16	Cons.,	64 Libs.
In	1894	there would be	14	Cons.,	66 Libs.
In	1897	there would be	13	Cons.,	68 Libs.
In	1900	there would be	11	Cons.,	70 Libs.
In	1903	there would be	5	Cons.,	76 Libs.

That would be the working out of the principle of a nine-year tenure, the members going out in rotation every three years, with the strength of the parties in the provincial legislatures as they have stood since confederation. That would be the result in 1903, and that is where the calculation ends. It is not mine. It is made, as I said, by Mr. Hamilton. No doubt it is accurate and

in 1903 under that system there would be five Conservatives in this House and seventy-six Liberals. I think hon. gentlemen will agree with me that this nine year tenure and choice from the provincial legislatures would not have worked very well in the past, and there is very strong reason for believing that it would not be found to work very well in the years that are to come. There is another objection to having the senators chosen by the provincial legislatures and it is this: That they would be very much inclined to chose men of provincial calibre; in fact, they would be almost invariably inclined to choose men from amongst themselves. It would be a contest amongst themselves and the result would be that the representation in this Chamber would not be composed of men of as large a calibre and experience as it has been under the nominative system. Now, I come to deal with the plan propounded by my right hon. friend the Minister of Trade and Commerce. I have read his speech many times, and I think I grasp it fairly well. It is that the House should be ultimately reduced to 72 members in place of 87; that the different sections should be represented by 12 for each section: Maritime provinces 12; Quebec, 12; Ontario, 12; and the west, 12; and that the 24 other men should be selected by nomination, as heretofore, by the Federal government, having regard to sectional representation. That is what I understand to be my hon. friend's plan, 24 to be nominated by the Crown and 48 to be selected by the provincial legislatures either on the system of cumulative voting or one man one vote, in order to bring about a proportionate representation of the two political parties, but which, as I have pointed out, would only be porportionate to the strength of the parties in the legislatures and which might not bear any proportion to the strength of the parties as shown by the electorate at the preceding general election. He would also have a twelve year tenure. My hon. friend indicated that the change would not be expected to come into effect very soon. It was an important change, and, under British practice, we must expect that any change of this kind would have to be thoroughly considered and time would be taken for its consideration. Although my hon. friend did not fix any time for such a change it would be reasonable to assume that it would not take effect until the close of this parliament. I notice that the right hon. gentleman who leads the government in the Commons has outlined a plan somewhat similar to that of my hon. friend, and I notice also that the Finance Minister in the Budget speech has given an assurance that this plank in the Liberal platform with regard to Senate reform was to be acted on at no distant date. Therefore, I conclude we are going to have legislation on the subject. and whatever the change may be, it will not come into effect until the close of the present parliament. I was greatly interested when I heard my hon. friend denounce what he called the gerrymander of Ontario in 1882. I admit that the hon. gentleman almost excited sympathy in my breast as he described the deplorable consequences that resulted to the Liberal party from the very unfair distribution which he said was made in 1882, but in passing let me remind my hon. friend that the evidence which he submitted did not prove that the unequal representation of the Conservatives and the Liberals at that time from Ontario was the result of any gerrymander whatever. My hon. friend said there was a gerrymander, and he claimed that the Liberals were able to return fewer men in proportion to their strength to the House of Commons after that distribution, or gerrymander as he called it, took place than the Conservatives were, and he claimed that that proved a gerrymander. It proved nothing of the kind, because under the present state of things in Nova Scotia, the Liberals have eighteen members for 56,000 votes and the 46,000 Conservatives have no representation at all. Yet my hon. friend told us there was no gerrymander in Nova Scotia. Therefore, if the little disturbances or inequalities which have been found to exist in Ontario after the redistribution of 1882 was the result of the gerrymander, then there must have been some gerrymander in Nova Scotia. But there was none. The Liberal victory in Nova Scotia arose from other causes and other circumstances entirely different from any distribution of the seats, and I have little doubt, notwithstanding the way

my hon. friend dealt with the subject, that the same thing might have occurred in Ontario in 1882 had there been no redistribution at that time. But I desire to say that I fear my hon. friend did not give this subject that close examination that he is generally credited with giving to public questions before he makes his utterances with regard to them. Owing to his detestation of a gerrymander I cannot believe my hon. friend would have proposed this scheme to the House or country if he understood it, because I have no hesitation in saying that his scheme would work out the most perfect gerrymander that was ever inaugurated in any country. Now let me submit two or three reasons, and later on I am going to submit actuarial calculations on this subject, which cannot be very far wrong. The present Liberal majority in this House is 21; we cannot be absolutely sure of every man, but generally it is recognized that there are 33 Conservatives and 50 Liberals, with four seats unfilled, which are pretty sure to fall into the hands of the Liberals. The average age of the Conservative group in this House is nine years and a half greater than the average age of the Liberal group. The Conservative group in this House has no chance of being replenished from year to year by the good offices of their friends in the government until the next election, when we firmly believe there will be a change, but in the meantime there is no prospect whatever of the Conservative group being increased in number in that way and being nine and a half years older per man than the Liberal group there will within that period be a larger proportion of deaths amongst them. That is certain tables used by experienced actuaries settle that fact beyond any doubt or peradventure. Three years hence, or at the beginning of 1909, in the natural working out of mortality results, the Liberal majority will be 35. Hon. gentlemen will say these are only guesses. These are only calculations. Let me show something which will go to prove how certain these things are. The Montreal 'Herald' six years ago dealt with the Senate as it then stood on actuarial lines. No doubt the 'Herald' had the service of an actuary and a competent man. He had the names of all the senators at that time. Their ages are placed before their names in a list which I have before me, and there were 53 Conservative senators and 28 Liberals, and this actuary worked the matter out for the Montreal 'Herald' and came to the conclusion that at the end of five years 17·56 Conservative senators would die, and that corresponding new appointments added to the 28 Liberals in the House would give the Liberals a large majority in the Senate. Five years and eight months have elapsed and nineteen Conservative senators have died—two more than was stated, but the eight months additional time explains that. In the case of an individual we know that these tables are of no value, but when you take men in groups in sufficient numbers and apply the experience tables of Great Britain and the United States, you can come to a result with almost absolute certainty, and this calculation is proved to be absolutely right. I have some calculations made by a competent actuary, and this is the result: That at the end of this term of parliament, taking into consideration the age of the Conservative group now as compared with the Liberal group, the Liberal majority will then be 35. Then there would come a period of four years under the hon. gentleman's scheme in which there would be no filling of vacancies at all. The House had to be reduced from 87 to 72, and that would be no doubt effected, as I think my hon. friend indicated, by the non-filling of vacancies. It would take about four years more before the deaths in the House would bring the Senate down to 72 member. At the end of the year 1913 by the non-filling of vacancies the House would drop down to 72 and you would have nineteen Conservatives and fifty-three Liberals in a House of seventy-two. Then the new plan outlined by my hon. friend would come into effect. One-third of the seats would be filled as vacancies occur by the government in power at Ottawa, and it is needless to say they would be filled by the party in power with their own friends. As vacancies would occur in the other two-thirds they would be filled from the provinces, and, for the purpose of this calculation, we assume that one-half of these seats would go to each party. Assuming the Conservative party came into power, as it is almost certain that it will at the next election—my hon. friend from To-

ronto laughs very heartily, but it is nothing to the laugh he set up in this House when I told him in 1903 that the Ross government was going to fall and that the handwriting was then on the wall. However, we are not discussing that now. Assuming that the Conservative party were to come into power at the end of this parliament and were to contiue in power until 1921, the Conservatives would have 29 members in the Senate and the Liberals 43, and at twenty years from this date, or in 1926, the parties would become about equal in the Senate, assuming the Conservative party to be in power all the time and having the filling of the nominative vacancies. My hon. friend the Minister of Trade and Commerce laughs very heartily. I have no doubt if he had considered this matter before he launched his plan he would not have made the suggestion. The plan proposed by my hon. friend would work out one of the worst gerrymanders that was ever heard of. The actuary to whom I refer, who knows my hon. friend very well, said to me: 'I think it is due to Sir Richard that you should say that he hadn't the slightest idea that his plan would work out in the way it does.'

Hon. Sir RICHARD CARTWRIGHT—Or that the hon. gentleman or his actuary had the slightest knowledge of what they were talking about.

Hon. Mr. FERGUSON—My hon. friend thinks he can afford to be very supercilious. I would not say that he can afford to be, but he tries to be, and when he tells me in a petulant manner that I do not know what I am talking about he only shows every hon. gentleman in this House that he is 'touched on the raw,' and that he feels the effect of what I am saying and the criticism I am offering. My statement will go to the country and it will be criticised and tested by others as well as by the hon. gentleman himself. The following is the table in detail as worked out by the actuarial expert :

Conservatives in power.			Liberals in power.		
—	Con.	Lib.	—	Con.	Lib.
1909	26	61	1909	26	61
1910	24	58	1910	24	58
1911	22	56	1911	22	56
1912	20	54	1912	20	54
1913	19	53	1913	19	53
1914	20	52	1914	18	54
1915	21	51	1915	17	55
1916	22	50	1916	17	55
1917	23	49	1917	16	56
1918	24	48	1918	16	56
1919	26	46	1919	15	57
1920	27	45	1920	15	57
1921	29	43	1921	15	57

I may not be altogether clear as to what the hon. gentleman really proposed to do. I admit that he was not very clear. I thought my hon. friend was purposely obsecure in order that he might escape criticism if he found that he had taken a very untenable position. I notice he was not as plain as I would like him to be, but I think I have outlined his proposition as it is understood by the press. I followed the different newspapers of Canada and they have interpreted his proposition just as I have interpreted it, and if the calculations that I have submitted to the House are wrong—and they are not mine, they are actuarial calculations submitted and worked out with the greatest care—if the calculations are wrong, it will be easily to show it.

In concluding I will submit a counter proposition to that submitted by my hon. friend, and in doing so I speak for myself only. I am entirely in accord with his principle of proportionate representation of the two political parties in this House and I should hope that all hon. gentlemen and everybody in this counry will agree with that as being a good and sound proposition. The aim should be to ascertain the best way to bring it about. I would say that no change at all would be necessary if the Premier would be strong enough to do what is right between the two political parties in the matter of appointments. I have no stone to throw at Sir Wilfrid Laurier in that respect, because he has been preceded by very strong and able men and not one of them was

strong enough to make non-political appointments. Therefore, we have no right to be unfairly critical with Sir Wilfrid Laurier, because he has done no worse than other premiers have done, with a slight exception in the case of Sir John Macdonald. If the premier were strong enough to make nominations to the Senate, independent of party lines, there would be no need for a change, but our experience with public men since confederation and with the good men we have had too, shows that we have not been able to work it out on that principle, and, therefore, it seems to me there will have to be something done to strengthen the Premier for the time being and to provide that the two political parties will have a fair representation in this House.

Last year we introduced an innovation in our constitution, one which is a very important precedent. We recognized the leader of the opposition for the time being as a factor in our constitution. I propose that we should follow the British system of constitution making, by precedent and just go one step further and recognize the leader of the opposition with regard to the nominations for the Senate. My suggestion is that an arrangement should be made between the two political parties. My hon. friend pointed out very fairly that in a matter of choosing committees in this House and in the other House, and in all legislatures, there is no difficulty whatever in securing proportionate representation of the members of the two parties on all the committees. That no majority ever attempts to be so unfair as to prevent such representation being then made. There is no law on the subject. The majority having a giant's strength could use it like a giant if they chose, but as a matter of practice no majority ever attempts to do anything of that kind and the minority is allowed a fair choice in the selection of committees. I say give the leader of the opposition a similar choice in regard to the selection of senators. Something would have to be done to secure equality at the start. I hold that the ideal state of things in this Chamber would be that the two parties were almost equal. So that it would become a question of argument and merit on every single measure which would come before the House. It would not be at all certain, when a measure was introduced, whether the government of the day would be strong enough to carry it or not. That would be an ideal state of things, if we could bring about almost an equality between the two parties. There would be a slight inequality, because the party in power must have a majority of the votes or they would not be in a majority in the Commons. They would, therefore, be able to control a majority in this House, but the majority would never be large. In all the electoral contests in this country it is noticeable how very little difference there is in the voting strength of the respective political parties in the aggregate. This would prevent the possibility of anything happening like what I have mentioned in the case of Nova Scotia, where 45 per cent of the people voted Conservative without returning a single member to the House of Commons. We would be enabled to make an equal and fair start, and then let the nominations come from the leader of the opposition and the premier according to the voting strength of the two parties. I think this change could be brought about without an amendment of the British North America Act. Joint resolutions of the Houses might be passed in regard to it which would strengthen the hands of the Premier. The Premier would recommend all the appointments, but he would receive a fair proportion of the nominations from the leader of the opposition. Patents would still be issued from the Crown, and we would still retain the nominative principle and life tenure of office, the change being in simply recognizing the leader of the opposition so far that the Premier would accept from him a certain number of names, proportionate to the voting strength of his party, I think the change could be brought about without any amendment to the British North America Act. Hon. gentlemen may say it is an innovation, but the right hon. Minister of Trade and Commerce said that he believed in innovations, and I believe in them also. What we did last year with regard to voting a salary to the leader of the opposition was undoubtedly an innovation, but although there was some criticism in the first instance, I am satisfied that people generally are now convinced that what was done last year was a good thing; and having recognized the lead-

er of the opposition in that way it is a simple matter to go a step further and recognize him in relation to nominations to the Senate in the manner which I have suggested.

If it were decided that an amendment to the British North America Act should be obtained in order to bring about this change, I would make two variations in my plan. One is that we should reduce the number of senators to the number named by the Minister of Trade and Commerce—72. That would be very much preferable in my humble opinion, but that could not be done of course without amending the British North America Act. I should also be inclined, if we were going to the British parliament for power to make any changes, to favour giving the universities some voice in the selection of a limited number of representatives. These could be elected by the universities under some such plan as prevails in Great Britain in connection with the election of university representatives for the House of Commons, or we might take some other way of doing it. A suggestion might be sent in to the Premier of the day upon which a patent could be issued from the Crown, and in that way we would have a House composed of two parties of almost equal strength, with the balance of power held by an independent and enlightened constituency, the universities of Canada.

In drawing these remarks to a close, I desire to submit that this would be constitution making on the true British principle, not by revolution, not by statute, but we would be carrying out in action Tennyson's ideal nation where

> Freedom broadens slowly down,
> From precedent to precedent.

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

The motion was agreed to.

BILL INTRODUCED.

Bill (117) An Act to incorporate the Erie, London and Tilsonburg Railway Company.—(Hon. Mr. Watson.)

The Senate adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Wednesday, June 6, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC, MONTREAL AND SOUTHERN RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. CASGRAIN (de Lanaudière), from the Committee on Railways, Telegraphs and Harbours, reported Bill (72) An Act to incorporate the Quebec, Montreal and Southern Railway Company, with an amendment. He said : The amendment made by the committee to this Bill is simply increasing the bonding power of the company. I move that the amendment be concurred in.

The motion was agreed to.

Hon. Mr. DAVID moved that the Bill be read the third time.

The motion was agreed to, Bill was read a third time and passed under a suspension of the rules.

VANCOUVER, FRASER VALLEY AND SOUTHERN RAILWAY COMPANY.

REPORTED FROM COMMITTEE.

Hon. Mr. CASGRAIN (de Lanaudière) from the Committee on Railways, Telegraphs and Harbours reported Bill (87) An Act to incorporate the Vancouver, Fraser Valley and Southern Railway Company, with two amendments. He said : The first amendment consists in striking out the words 'Subsection 3 of'. That was done for the purpose of removing any doubt as to whether only subsection 3 of clause 195 of the Railway Act should apply, or the whole provision of the Railway Act. The next amendment is the insertion of clause 13 of the said Bill which is done for the purpose of putting this Bill under the provisions of any local Act passed by the legislature of British Columbia concerning electric powers and so forth.

Hon. Mr. DAVID moved that the amendments be taken into consideration to-morrow.

The motion was agreed to.

THE ICE BREAKER 'MONTCALM'.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Is it a fact that the removal of the copper bolts intended to screw the blades of the propeller to the shaft of the ship 'Montcalm' was ascertained in the spring of 1905, and that an inquiry was begun to find out the facts as to such removal?

Hon. Mr. SCOTT—I have no answer. At the department they do not seem to understand what the hon. gentlemen desires. They think they have already given full information.

Hon. Mr. LANDRY—They could not have given an answer to this particular question, because it had been left out of the original series of questions. It was included in the French copy but by mistake this question was omitted in the translation. It was then agreed, as I understood, that it would be left on the order paper so that we might get an answer later on. If the department is unable to give an answer that settles the matter.

Hon. Mr. SCOTT—I have asked several times about it.

Hon. Mr. LANDRY—I suppose they are under the impression that the previous answer was all that was necessary. We might give them another chance perhaps.

Hon. Mr. SCOTT—Yes.

VICTORIA, VANCOUVER AND EASTERN RAILWAY COMPANY.

MOTION.

Hon. Mr. DAVIS moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, a return of all papers, letters and documents relating in any way to an application made to the Dominion government for a subsidy by the promoters of the Victoria, Vancouver and Eastern Railway Company.

He said: In connection with this matter I want it to be distinctly understood that I am not approaching this question in any spirit of hostility. I have no objection at all to the promoters of that railway getting a subsidy, not in the least; but the statement has been generally made in this House of late, and not only here but in the newspapers throughout the country, that the time has come when all railway subsidies should be done away with, and that no further subsidies should be granted to any railway corporation to build more railways in this country. From our standpoint, in the Northwest at least, that is a very dangerous doctrine. It is very easy for Mr. Hill or Mr. Hill's friends to go through this country like a cyclone stirring up public feeling by telling the people that it is time to do away with the granting of railway subsidies. As a matter of fact we must have railway development in the west. If Mr. Hill or any one else is prepared to build the railways and build them at once, and give the people railway communication, I would be only too happy to see them built without any government assistance whatever. I think that would be proper and right. But if any person or persons stir up public opinion to such an extent that it will influence the legislatures of the provinces in the west and the government at Ottawa to stop the granting of railway subsidies at the present time, it may have a very serious effect on the development of our country. There are certain portions of the Northwest, and more particularly of the country where I reside, where it would be impossible for Mr. Hill, or any one else to build railways because there are no connections.

I do not suppose that Mr. Hill even could get in there for several years yet. A piece of road 90 miles in length will have to be built at once. It is a connection of the Canadian Northern, between Prince Albert and Battleford. There are thousands of people living along that hundred miles; the country is thickly settled. It might be argued that if the country is thickly settled and capable of supporting a railway it should be built without any assistance. Whether that is right or not, the fact remains, that the people there want railway communication, and, if we cannot get it in any other way, it is the duty of the government here or of the government of Saskatchewan to assist that railway. I notice in a speech made by Mr. Hill, the president of the Great Northern Railway, as reported in the 'Free Press', this statement occurs:—

The Northwest is no longer dependent on its mother. Let it help itself now; don't spoon feed it.

Well, from my standpoint, I don't think the Northwest has been very much spoon fed. I have lived there for the past 27 years, and I fail to see where any spoon feeding comes in, as far as railway building is concerned. It is a well known fact that a great deal of money has been spent in the construction of the Intercolonial Railway. That money is outstanding yet, and the interest on it has to be paid; and I fancy hon. gentlemen will agree with me that the people of the Northwest and Manitoba will have to pay their share of that interest, and they will also have to pay a share of the principal, when it comes to be paid. There is hardly a railway that has been built in eastern Canada or in any part of the Dominion which has not been subsidized in some way by money that is still outstanding, and the people of the west will be called upon to pay their share both of principal and interest; and as time goes on and the country develops and a larger proportion of the population of this country is found in these new provinces, as will be the case in the near future, we will have to pay the greater part of the interest and also the greater part of the principal.

Now, when it comes to this spoon-fed country we hear about, the western country, what do we find? How much money has been given towards subsidizing railways in Saskatchewan, Manitoba or Alberta? The government were very free with the lands. It makes no difference whether the lands belong to the people up there or the people down here, the fact remains that no money was given, no interest or principal has to be paid, so that, as a matter of fact, we in the west will have to pay the money granted down here and the interest upon it, while there will be nothing at all to pay for in the west, and still we are told by gentlemen who know very little about it that we are spoon fed. As far as granting subsidies is concerned, I should be very glad to see the day when we can do away with railway subsidies; but while the country is developing, we cannot afford to put a brake on the wheel. You cannot get people to settle in a country without railway communication, and if the government cannot get railways built without assisting them, it is the duty, not only of this government, but of the provincial government as well, to aid in having them built. It is not absolutely necessary to give money towards the building of railways. Everybody understands that the day of giving cash subsidies has passed, but we can guarantee bonds in some cases. If we have confidence in our country; if we are going to spend large sums of money to bring people in and establish them on our lands, we must have confidence in the country being able to support them; and if it is able to support them, it is able to support the railways, and there is no risk in the government guaranteeing the bonds of those railways. What is the effect of guaranteeing bonds? When a railway corporation gets the government of a country, or even of a province, to guarantee bonds, they can be sold in the markets of the world about at par. Money can be had at a low rate of interest, and the roads can be built much cheaper, and the fixed charges will be less than if the bonds are not guaranteed. Therefore, they can or should carry the products of the farms at less rates, and nobody would be hurt. That is why I am moving for a return of these papers. As I said before, I am not doing it in any hostile spirit. If the people who are going to build those roads in British Columbia are getting a subsidy to build them, I do not object; but the fact remains that an agitation has been raised in the country to do away with subsidies, an agitation which might have the affect of shutting off all railway construction for the next five or six years, because all will agree that no matter how desirous Mr. Hill may be to construct railways, it would be impossible for him to furnish all the railway facilities that may be required in the west during the next five or six years, and if our local railway companies will not build without government assistance, they must get it.

Hon. Mr. SCOTT—There is no objection to the address going. I am not aware that there are any papers or letters. If there are any, they will be brought down.

Hon. Mr. WATSON—While the matter is before the House, I wish to call the attention of hon. gentlemen to an article appearing in yesterday's 'Citizen' and it is along the lines of discussion that has arisen over this matter—whether railways can be built in the northwest without aid. This article refers to the action of the Senate, and it reads as follows :—

A prominent westerner interviewed on the subject of Mr. J. J. Hill's railway schemes, speaking to the 'Citizen,' said :

The action of the Senate in deciding to give Mr. J. J. Hill a free hand in the Canadian west, is hailed with satisfaction by most people in Manitoba. We are all land poor, staggering under liabilities incurred for town lots or farming land, and, therefore, in a mood to welcome any scheme that promises to keep up boom values a while longer.

I wish to say—and I think I speak for every member coming from the Northwest who has any knowledge of that country—that there is no foundation whatever for a statement of that kind. I do not think any gentleman coming from the west, having any knowledge of conditions in the west, will say that the Northwest was ever on a sounder footing than it is to-day. I do not think there is any boom in values of town lots or farm lots. Everything sold is full value for the money paid, and I wish to give this statement, published in the 'Citizen,' the most absolute contradiction, and so far as the statements just made by the hon. gentleman with regard to bonusing railways is concerned, I have every confidence in the governments of Alberta and Saskatchewan that they are probably the best judges as to whether they will guarantee railway bonds or not, without any direction from Ottawa. So far as aid to railways is concerned, we must remember that the country is growing, and what I have said about the Northwest is one of the evidences of its growth that I want to remind this House of. Thirty years ago the Canadian Pacific Railway received large aid from the government—more than it cost to build the road. A few years later the Canadian Northern started to build roads in that country, and they received almost sufficient aid to build their road by way of guarantees and bonuses. Later on, two or three years ago, the Grand Trunk Pacific agreed to construct a transcontinental line for smaller aid, practically a guarantee for a portion of the cost of the work, and now, as the country is progressing, the credit of the country is becoming better, simply because the people are furnishing freight for the railways. Having reached that point, Mr. Hill suggests they should stand on their own resources and build other railways without bonuses. It was stated by Mr. Hill when here a few days ago that all the transcontinental railways on the American continent, except his own, have been in the hands of the receiver. He builds his roads for actual cost, pays dividends to the people who furnish the money, and he is able to build his roads without aid, and keep them out of the hands of the receiver and out of the law courts.

Hon. Mr. CASGRAIN (de Lanaudière)—No bonds to be considered.

Hon. Mr. WATSON—I hope the northwest portion of Canada—the provinces of Alberta and Saskatchewan—will have their railways built without incurring even a contingent liability on themselves. We have in the province of Manitoba incurred very large contingent liabilities, I believe too large, for the purpose of building railways. We thought some years ago the time had gone by for giving guarantees and aids to railways in that country. However, the representatives in that province have seen fit to encumber the province with very large liabilities for railways. I hope the new provinces in the west, on account of the large population coming in, on account of the fertility of the soil, as demonstrated by the large crops grown in the last few years, will permit men who wish to build railways to build them as a business enterprise. I believe the time has gone by when we will have to give aids for the purpose of constructing roads in our territory. I am simply expressing my own view, and I would not have risen except to call attention to the statement of some 'prominent westerner,' which I have read to the House. I venture to say no prominent westerner would subscribe to the statement that appears in this article, a two column article, of course denouncing Jim Hill. I am not aware that the Senate decided in passing Bill 41 the other day to give Jim Hill a free hand in building railways in our Canadian Northwest. From all that I have learned up to the present moment, Mr. Hill has no interest in the Bill whatever. So far as the information asked for in regard to getting bonuses on the Victoria, Vancouver and Eastern, a matter that apparently is annoying some people in this House, I do not know whether he ever asked for bonuses or not. The Secretary of State stated that the return would be brought down, but, as I have said

before, I want to give the most positive contradiction—and I believe it will be backed by every member from the Northwest who knows whereof he speaks—to statements in this article, and to say to the public that it is entirely unfounded.

Hon. Mr. LOUGHEED—So much attention has lately been paid to the assertion made by Mr. Hill that the present prosperity in the Northwest will warrant the construction of railways without any bonus or aid being given, that one cannot refrain from expressing their regret, in view of the fact that the imprimature of the government seems to be indirectly, if not directly, placed upon Mr. Hill's present schemes, that the government did not discover Mr. Hill within the last two or three years. I took occasion, upon the introduction of the Grand Trunk Pacific Bill, to point out to the government that in entering into a contract with that company without submitting to the railway builders of the world, and particularly of this continent, the fact that another transcontinental road was desirable across Canada, and the government would give reasonable aid, it was an extraordinary course for the government to take, to enter absolutely into a contract with any company without intimating to capitalists that here was an opportunity to enter upon railway construction of the elaborate kind then in contemplation. I also pointed out, at the time the Canadian Pacific Railway scheme was inaugurated, that the government of Sir John Macdonald advertised to the entire world the fact that they were prepared to accept propositions and tenders for the building of a transcontinental road. Now, I venture to say that had the government pursued that course with reference to the building of the Grand Trunk Pacific road, Mr. Hill would have been only too glad, in view of the attitude which he has taken very recently, to have entered upon that immense undertaking and to have saved Canada the enormous expenditure upon which we have entered of at least $150,000,000. It is, therefore, the more surprising to find supporters of the government advertising to the world at large that the time has now arrived (when the ink is scarcely dry upon the contract which the government have entered into) when no further bonus or public aid must be given to the construction of western railways. It seems to me that it places the government in a very peculiar position, and warrants the comment being made that they recklessly entered upon the contract which they closed a couple of years ago.

Hon. Mr. EDWARDS—I should like to ask the hon. gentleman, before he resumes his seat, whether there is any proposition of building east of Winnipeg under such terms ?

Hon. Mr. LOUGHEED—I would say in answer to my hon. friend's question, that the proposition of Mr. Hill would certainly have dispensed with this government guaranteeing 75 per cent of the cost from Winnipeg westward to the coast, and, so far as the other sections of the road are concerned, I would point out to my hon. friend that the Grand Trunk people themselves strongly disapprove of constructing the road east of North Bay, and proposed originally to the government that they should simply construct the road from North Bay westward.

Hon. Mr. DAVIS—I desire to say a word in reply to the hon. gentleman from Portage la Prairie. I do not know that it is necessary ; but I intend to do it. I think he informed the House that the legislatures of Alberta and Saskatchewan were quite competent to decide as to what they should do without advice from Ottawa, and in the next breath he started to give them advice and hoped that they would not give assistance to anybody.

Hon. Mr. WATSON—I said I hoped they would be able to get all the railways required to be constructed, without guarantee or cash bonuses.

Hon. Mr. DAVIS—That is advice. Then he rather insinuated that some person had a grievance against Mr. Hill. I want to distinctly state with reference to this question, that I do not care whether Mr. Hill has a charter to build all over the west or not. That is not the issue. I say that Mr. Hill, even as he is prepared to build railways, could not build all the railways we will want in the next four or five years in the west, and, therefore, some other persons will have to build roads. That is a point I wish to make. I want to give as an instance of the construction of the Canadian Northern through from Winnipeg to Ed-

monton. It is a well known fact that where the Canadian Northern were asking for a guaranteeing of their bonds to build that road, the Canadian Pacific Railway people came forward and said : 'Why should you guarantee the bonds of the Canadian Northern Railway, when we are asking no subsidy for the road we are going to build ?' Our answer to that was 'When do you propose to build that road' ? If the government had not guaranteed the bonds of that road at the time they did, the country would have been still a wilderness. Have we lost anything by guaranteeing the bonds on that road ?

Hon. Mr. WATSON—I did not find fault with guaranteeing the bonds on that road.

Hon. Mr. DAVIS—The hon. gentleman was objecting to guaranteeing the bonds in any way if I understood him. I say the people of Canada have not lost anything by guaranteeing the bonds of that road. That road is now open to Edmonton, and the country which was a wilderness before, is now thickly settled, and the railway is more than paying its fixed charges and the running expenses as well, and the people of Canada will never be called upon to pay a dollar of interest on that road. The country was quickly settled and there is general prosperity up there. If we had waited for the Canadian Pacific Railway to come along and build it because they simply made the statement that they would build it without assistance, the gophers would be hopping over that country yet. The same argument applies to Mr. Hill's proposition. He tells us in broad terms that he is prepared to build railways without subsidies. I hope he will, but there are portions of that country which require to be opened up at once and if the people cannot get them opened without assistance, they should be helped by a guarantee of bonds. I am not attempting to dictate a policy ; I am merely giving my opinion.

Hon. Mr. GIBSON—My hon. friend, so far as the Northern Railway is concerned, and with regard to Mr. Hill or anybody else, sets his face against voting any money to aid a railway enterprise ; but he makes an exception in the case of Mackenzie and Mann.

Hon. Mr. DAVIS—I beg my hon. friend's pardon ; I said that if a subsidy was necessary to build the road, they might get it.

Hon. Mr. GIBSON—I understood perfectly what the hon. gentleman said ; that he was not in favour of granting Mr. Hill or anybody behind that road, any aid from the government of the Dominion or of any of the provinces, except in so far as it affected some branch of the Northern Railway to be built——

Hon. Mr. DAVIS—I have already denied the statement the hon. gentleman is making. I do not object to Mr. Hill or anybody else getting a subsidy.

Hon. Mr. GIBSON—My hon. friend should possess his soul in patience. I am only repeating to the House as faithfully as I can the argument he was making ; that he is asking for information from the government whether Mr. Hill or anybody else is behind a certain railway, and he has a notice of motion before the House, which we are discussing, with regard to giving grants to railways, and he wants to know from the government whether application has been made on behalf of this railway ? He says that this thing should be stopped, with the exception of some 90 miles that he mentioned particularly, which could not be built unless Mackenzie and Mann or the Canadian Northern Railway received assistance. It would appear to me as though the hon. gentleman was more concerned about Mackenzie and Mann's interest than the finances of the country.

Hon. Mr. DAVIS—I do not think the hon. gentleman should make any insinuations of the kind.

Hon. Mr. GIBSON—That is what is disturbing the spirit of my hon. friend.

Hon. Mr. DAVIS—The hon. gentleman——

Some hon. GENTLEMAN—Order, order.

Hon. Mr. GIBSON—I do not mind the hon. gentleman's chatter ; it does not affect me at all. My hon. friend is very much concerned that some help might be given to some other road and thus interfere with the object he has in view of helping his friends in the west. That has been the argument he has made in every speech he

has offered to the House, that his whole and sole concern is about the interest of Mann and Mackenzie. Now surely there are other railways in this Dominion which require assistance as well as the railways of Mann and Mackenzie ; surely there are other roads that require consideration at the hands of the Dominion parliament ; and I for one should be very loath to dictate to the government what they should do. It is certainly a matter of government policy, one which does not come within the purview of this House, whether the government grant subsidies to any particular railway or not. It is for the government to bring down any such measure, and we can only discuss it when it comes down. If I was as solicitous for my friends as my hon. friend appears to be, I should ask the Prime Minister, who alone is responsible, or I would have a chat with my hon. friend the Secretary of State or the Minister of Trade and Commerce in this House, and see what their views were with regard to it, instead of announcing to the House a bald policy that no aid should be given to any railway except the Canadian Northern. That has been the purpose of the whole of the hon. gentleman's discussion ; that is the purport of his notice of motion, and that has been the object of my hon. friend for the last two or three years in this House.

Hon. Mr. FERGUSON—If my hon. friend from Prince Albert really wants to get information as to the ultimate cost to the people of the country for the construction of this road for which we granted a charter the other day, I think he had better take up the contract we made with the Grand Trunk Pacific Railway and he will be able, with the aid of some calculations which were made two or three years ago in this House as well as in the House of Commons, to arrive at something like a proper estimate of what the Vancouver, Westminster and Yukon Railway is to cost the people of Canada before it is finished. If my hon. friend wanted to get a correct forecast of the cost, I believe that would be the better way, because, from the extreme anxiety which the hon. gentleman from St. Catharines (Hon. Mr. Gibson) shows about this matter, and other things of which I have been a close observer, I have a strong conviction that this charter is being pushed through parliament for the purpose of the Grand Trunk Pacific, and that it is the intention of that corporation to proceed by this route through the mountains to Vancouver instead of by the Pine River or Peace River Pass to Fort Simpson. I have looked over the contract, and I find that it will fit admirably into this state of things. If the Grand Trunk Pacific get a charter to build through the Yellow Head Pass a line terminating at Vancouver, they will be fulfilling the terms of the contract to the letter, with just this difference, that the cost to the people of Canada will be increased to the extent of between twenty-five and thirty millions of dollars. If the northern pass is selected, the mountain section of the Grand Trunk Pacific will be 480 miles in length, but it will be about 800 miles if the Grand Trunk Pacific is built through the Yellow Head Pass and terminates at Vancouver. I am comparing the mountain section of the road as proposed for this railway from Vancouver towards Edmonton, and the mountain section of the Grand Trunk Pacific if the northern pass were taken. From what I have been able to observe in this House I have very little doubt in my mind—I may be wrong—that a very clever game is being played on parliament. I do not know how far the government are a party to it ; but I remember that when the Grand Trunk Pacific contract came to this House—after the last Bill of two years ago, the final contract which we made with this company—came to this House after it had received all its readings and the complete assent of the House of Commons, that my hon. friend, the Secretary of State rose in this House and told us that the mountain section would be 766 miles in length, whereas in all the previous discussions, and in the previous information placed before both Houses of parliament the length of the mountain section was described as being only 480 miles. Between the time the Bill was read a third time in the House of Commons and the time it received its second reading in the Senate of Canada, two years ago, the mountain section expanded from 480 miles to 766 miles, or 286 miles. We never got an explanation of that.

Hon. Mr. PERLEY—It was a growing time.

Hon. Mr. FERGUSON—It seems to have been a growing time indeed, but the only explanation I can get of it, and it fits admirably with the part which the hon. member for St. Catharines is playing——

Hon. Mr. GIBSON—I hope my hon. friend will bear in mind that I am not from St. Catharines.

Hon. Mr. FERGUSON—I do not think any very great harm has occurred to the country or to the dignity of the House if I made that statement. The hon. gentleman is not from St. Catharines, but from Beamsville. He has, all the same, shown an extraordinary zeal and anxiety in regard to this Bill. I generally observe the hon. gentleman's efforts very closely, and the conclusion I draw from that observation is although he attributes such an anxiety to the hon. gentleman from Prince Albert in the interests of Mann and Mackenzie—and I do not think that would be very culpable—they are large railway builders in this country, they have a charter to go through the Yellow Head Pass and his friends are naturally anxious that their interests should not be jeopardized. I have observed all Mr. Hill's utterances and have not found any statement of his which would give the slightest hint that he is in any way connected with the Vancouver, Westminster and Yukon Railway scheme. He has not said a single word about it. He has spoken recently of all his railway enterprises in Canada as being about 1,300 miles in length. This railway would be 1,300 miles in itself. There is no indication that Mr. Hill has ever said he had any connection with it. He may be allowing his name to be used for some purpose. It may be that he has some understanding with the Grand Trunk Pacific. At all events I place my views on record, and time will show who is right. When full developments come, hon. gentlemen will compare them with what I have said, and I think it will be found that this charter has been pushed through parliament for the purpose of furnishing the route which the Grand Trunk Pacific intend to build on after they leave Edmonton.

Hon. Mr. GIBSON—I can hardly understand how my hon. friend can accuse me of any partiality, after the remarks I made the other night in support of this Bill. I said that I cared for neither the Grand Trunk Pacific, the Canadian Pacific Railway, nor for Mann and Mackenzie; that Canada was too big to wait for anybody. My hon. friend knows surely that the Grand Trunk Pacific have still the right to go through the Yellow Head Pass; that Mann and Mackenzie have the same right; and I pointed out in my own humble way that there was room for 15 railways through that pass, and that the gradients on the route were as good as could be found between Toronto and Montreal. I advocated nothing on behalf of the Grand Trunk Pacific. I am independent of the Grand Trunk Pacific Company and of the Canadian Northern. I am in favour of every railway being built that is for the benefit of Canada.

Hon. Mr. FERGUSON—The position my hon. friend occupies in advocating this railway is that he is furnishing a charter for the Grand Trunk Pacfic, and if the Grand Trunk Pacific should build through the Yellow Head Pass to Vancouver all the subventions that this parliament has voted to them will attach to this very road.

Hon. Mr. CASGRAIN (de Lanaudière)—How do you know?

Hon. Mr. WATSON—May I ask my hon. friend which road he is referring to? The road referred to by the hon. gentleman from Prince Albert, in his motion, is the Vancouver, Victoria and Eastern. It does not go through the Yellow Head Pass at all.

Hon. Mr. FERGUSON—What is not the same railway?

Hon. Mr. WATSON—The Victoria, Vancouver and Eastern does not go near the Yellow Head Pass.

Hon. Mr. FERGUSON—I was under the impression that this is the road.

Hon. Mr. WATSON—Oh, no.

Hon. Mr. FERGUSON—I am very glad that I have had this opportunity of putting my explanation on record. It will remain there notwithstanding I was not speaking of the Vancouver, Westminster and Yukon Railway Bill. I am making this statement—I wish to repeat what I have said, not a

word is supposed to drop because I had not the same charter in mind—that with regard to that particular charter I have a strong conviction that the Grand Trunk Pacific intend to utilize that charter, and that when they do so all the subventions and guarantees we have given them under that will apply to that route, and it will cost the people of Canada twenty to thirty millions more than if the other pass was used.

Hon. Mr. GIBSON—Seeing the hon. gentleman was only 160 miles away from the road we were discussing, I should like to ask him this question: How I should be assisting the Grand Trunk Railway in this Bill when they have a charter already, granted two years ago, to take them through the Yellow Head Pass?

Hon. Mr. FERGUSON—Have they a charter ending at Vancouver?

Hon. Mr. GIBSON—No; that does not bear on the question at all.

Hon. Mr. LANDRY—I rise to a point of order.

Hon. Mr. GIBSON—They have a right to go through the Yellow Head Pass.

Hon. Mr. LANDRY—The hon. gentleman has no right to remain standing when a point of order is raised. I think we are proceeding in a very irregular way. There is a motion before the House, on which every member has a right to speak, but to speak once only.

Hon. Mr. MACDONALD (B.C.)—What difference does it make to the country whether the road goes to Vancouver or to Port Simpson? Port Simpson is two days nearer China and Japan than Vancouver is, but it will make no difference to the country, so far as I can see, whether the terminus is at Vancouver or at Port Simpson.

Hon. Mr. FERGUSON—The difference is that under the contract made with the Grand Trunk Pacific we are bound as to cost only by the length of the railway. Our guarantee will be 75 per cent of the entire cost of the railway for the mountain section, and if the mountain section is extended from 480 to 800 miles, the difference to the country will be the increased subvention attached to the 320 odd miles.

Hon. Mr. DAVIS—Hon. gentlemen, I wish to make——

Some hon. GENTLEMEN—Order, order.

Hon. Mr. DAVIS—The hon. gentleman has made a persoal attack on me, and I have a right to reply.

Some hon. GENTLEMEN—Chair, chair.

The SPEAKER—I understand the hon. gentleman has replied.

Hon. Mr. DAVIS—I want to make a personal explanation.

The SPEAKER—I understand the hon. gentleman has replied to the speech made by the hon. gentleman from Lincoln.

Hon. Mr. DAVIS—I want to make a personal explanation. I have been misrepresented and attacked by an hon. gentleman on the other side of the House, and I want to set this question at rest once and forever. An hon. gentleman has made the statement that I am more interested in the affairs of Mackenzie and Mann than in the affairs of this country. I want to state here and now that I have no interest, direct or indirect, in the affairs of Mackenzie and Mann, that I am not a director and not a stock-holder, and have never had a contract with, or had anything directly or indirectly from Mackenzie and Mann or any other corporation in this country, and I hope the hon. gentleman can say as much.

The motion was agreed to.

THE GRAND TRUNK RAILWAY AND INTERCOLONIAL RAILWAY ARBITRATION.

MOTION.

Hon. Sir MACKENZIE BOWELL moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid upon the table of the Senate, a return showing the names of the persons appointed arbitrators under authority vested in the government by chapter 16, 4 Edward VII., intituled 'An Act respecting an arbitration between His Majesty and the Grand Trunk Railway Company of Canada,' and the amount paid to each arbitrator, or to be paid, either as salary or per diem allowance, and to any other person employed by the said arbitrators, and the total sum paid to said arbitrators and other officials to the first of June, 1906, and the proportion of such expense paid or to be paid by the Grand Trunk Railway Company.

He said: When I made the motion asking for a return showing the cases upon which an arbitration was to be held, I was under

the impression that some of the difficulties which had arisen, arose out of the terms of the contract entered into between the Grand Trunk Railway Company and the government of Canada in reference to the Drummond County Railway and its connections. I find in looking over the return laid before the Senate that some of them were of a very minor character, and it occurred to me that it would be well that the country should know what it costs to determine the rights of either one of those companies, to pay small Bills such as were submitted to the arbitrators for their decision. I find that most of the cases referred to the arbitrators involved amounts ranging from eleven dollars to a few thousand dollars, and that an elaborate report has been made by the three arbitrators for each of these cases. It is true the names of the arbitrators are given in the reports which were laid upon the table, but I thought it better that the whole of the information should be contained in the report for which I am moving. I shall give a short synopsis of what was done by these three gentlemen, and then I will read one of the reports, in order that the House may see the trouble and expense involved in making the investigation. One of these cases is the Grand Trunk Railway Company s claim of $89.11 as reimbursement of moneys for the carrying of certain hay from Montreal to St. John, N.B. The finding of the arbitrators was that the government had to pay the sum. Next His Majesty claimed certain rights as to terminals at the Bonaventure station which the Grand Trunk Railway Company refused. The finding was that His Majesty was entitled to have and maintain a separate passenger ticket office and put up a sign—the sign I suppose was that this was the Intercolonial Railway ? However the report does not say what the sign was. The claim of the government to display advertisements of the Intercolonial Railway route at the said Bonaventure station was not allowed. The claim for additional accommodation, while the present conditions continued to exist, was not allowed. That, I suppose, implies that when the room at Bonaventure station is increased, they may be able to concede to the government the rights they claim in reference to further accommodation. At present we must infer from the report that the accommodation given to the Intercolonial Railway is limited to such an extent that the business of the railway cannot well be carried on. The third case is a claim by the Grand Trunk Railway for the reimbursement of $11 paid for sheep killed by the Intercolonial Railway. The finding was that the Grand Trunk Railway was not entitled to be reimbursed the $11. Why, is not set forth. The fourth case, the Grand Trunk Railway claimed from His Majesty $200 paid to one Paris for damages done goods and chattels by the Intercolonial Railway engines. The finding of the arbitrators was that the said claim had been extinguished by prescription and, therefore, should not be reimbursed. I dare say that may be the law, but it seems an extraordinary position for a government to take against a claim, if the claim were a legitimate one. However, that was left to the arbitrators. The fifth case was a claim of the Grand Trunk Railway Company for a refund of $604.40 and interest at 5 per cent, paid on account of injury to one Bourdon, due to a collision on the Intercoolnial Railway. The finding was that the government must refund the amount with interest. The sixth case was a demand made by the government for an amount overpaid to the Grand Trunk Railway Company for cartage. This was a claim of $4,237.45. It was ordered that it be refunded. The seventh case is a disagreement between the two companies, arising out of a collision, in which property was destroyed and two lives were lost. The Grand Trunk Railway Company was to pay the Intercolonial Railway $944.45 to cover damages to rolling stock, &c., and interest at 5 per cent, and the Intercolonial Railway was to pay to the Grand Trunk Railway $8,534 and costs incurred by the Grand Trunk Railway Company in respect to the death of two men killed in the same collision, and damages, interest, &c., to the Grand Trunk Railway on account of the said collision. The eighth was a case of the government claiming from the Grand Trunk Railway Company $1,068.39, less salvage, for damage to goods placed upon the Grand Trunk Railway pontoon on a wharf, the property of the company. The finding was that the Grand Trunk Railway Company was to pay the $1,068.39, on the ground that the Grand

Trunk Railway Company did not keep the wharf or pontoon in proper repair. These are the important cases which were referred to the arbitrators, and no less than eight separate and distinct reports were made, covering some four or five pages each. I will read one in order that the country may see what the arbitrators consider necessary in making their report, after investigating these cases, and we will ascertain, when the return is brought down, what has been the cost of making these investigations into claims, only one of which is of any consequence whatever. That one was for an overpayment of $4,237.45 for cartage. It would suggest itself to any business man that that was a question which might well have been decided by the Minister of Justice and the Railway Department, without going to all the expense necessary to bring these arbitrators together and summon witnesses to make the investigation. These arbitrators live in New Brunswick and different parts of the country. This is one of the outlets by which large amounts of Intercolonial Railway money find their way and contribute to a very great extent to the enormous deficits in the working of that railway. Here is one report:

Whereas by an agreement bearing the date the first day of February.

Claim of the Grand Trunk Railway Company of Canada in re sheep killed near St. Hyacinthe.

To all to whom these presents may come.

Greeting,—Whereas by an agreement bearing date the first day of February, in the year of our Lord one thousand eight hundred and ninety-eight, made between the Grand Trunk Railway Company of Canada, of the first part, and Her late Majesty Queen Victoria, represented therein by the honourable the Minister of Railways and Canals of Canada, of the second part, the Grand Trunk Railway Company leased and demised to Her Majesty for a certain term in the said agreement expressed an undivided one-half share or leasehold interest in a portion of the company's railway and property, and granted to Her Majesty the privilege of running engines, vehicles, rolling stock and trains of the Intercolonial Railway over the same and certain other portions of the company's railway, and other rights and privileges, upon certain terms and conditions in the said agreement expressed.

And whereas by an Act of the parliament of Canada passed in the sixty-second and sixty-third years of the reign of Her late Majesty Queen Victoria, chaptered five, it was declared that the said agreement, excepting the fortieth clause thereof, had been and was valid and binding in all respects, subject to certain qualifications and conditions and to the happening of certain events.

And whereas all things happened and were done necessary to make the said agreement valid and binding in the matters and respects hereinafter mentioned and referred to.

And whereas it was provided in and by the said agreement that should any difficulty arise between Her Majesty and the company under any clause of said agreement, or respecting the carrying out of the same according to its true intent and meaning, such differences should from time to time, as the same might arise, be referred to the award and determination of three arbitrators, one of whom should be nominated by the Minister of Railways and Canals of Canada, one by the said company, and the third by the two so nominated.

And whereas differences arose between Her late Majesty and the said company, and between His present Majesty and the said company, under the different clauses of the said agreement and respecting the carrying out of the same according to its true intent and meaning.

And whereas we, the undersigned, were duly appointed as arbitrators to determine all such differences between Her late Majesty or His present Majesty and the said company under the said agreement.

And whereas we did take upon ourselves the burden of the said reference.

And whereas, among other differences under said agreement referred to us, the said arbitrators, and brought before us the said parties for award, was one wherein it was alleged and claimed by and on behalf of the Grand Trunk Railway Company of Canada that the said company was entitled to be reimbursed and paid by His Majesty the sum of eleven dollars ($11), being the amount alleged to have been paid by the said company to the owner of certain sheep killed through being struck by one of His Majesty's trains on a part of the railway forming the subject of the said demise, on the twenty-second day of May, A.D. 1902.

And whereas after we had so taken upon ourselves the burden of the said reference, and after the said claim had been made before us on behalf of the said company, by an Act of the parliament of Canada passed in the fourth and fifth years of His Majesty's reign, chaptered fifteen, it was enacted that the said arbitrators should not be limited to making one award under the said agreement, but that the said arbitrators, or a majority of them, might, from time to time, make such number of awards as to them the said arbitrators should seem best, and that, in any such award, the said arbitrators might embody their decision, or that of a majority of them, upon any one or more of the disputes or claims referred to them or forming subjects of the said reference.

Now know ye that we, the said arbitrators, having heard the evidence offered by the parties, as well as the arguments of counsel upon the said claim hereinbefore particularly set out, and having taken the same into consideration, and having done all other matters and things necessary to enable us to make a valid award concerning the premises, hereby make and publish our award, in triplicate, as follows:

We find that the Grand Trunk Railway Company of Canada is not entitled to be reimbursed or paid by His Majesty the said sum of eleven dollars ($11), or any part thereof, and we do hereby award and direct accordingly.

In witness whereof we have unto set our hands at the city of Montreal, in the province

of Quebec, this third day of March, in the year of our Lord one thousand nine hundred and six.

A. C. KILLAM,
C. P. DAVIDSON,
GEORGE F. SHEPLEY.

Thomas P. Owens,
Clerk of the arbitration.

When we were discussing in this House the question of appointing additional judges, it was stated as a fact, on the authority of the late Attorney General of Quebec, Mr. Casgrain, that they had but one case in the district of Gaspé during the year, and that the judge, whose duty it was to live within the district, kept his residence in the city of Quebec and rather than go to the trouble and expense of a trip to Gaspé to adjudicate upon the case that was entered in the court, he put his hand in his pocket and paid the sum himself. It seems to me that the government, although the award was in their favour, would have made a great deal of money to this country if they had saved themselves the trouble of that arbitration and paid the $11. I dare say there was a principle involved, and that the government did not feel bound to pay it; but to the layman's mind—perhaps my lawyer friends will take a different view of it—it seems to me all these cases might have been embodied in one report instead of giving eight separate reports. The hon. Secretary of State, when he laid this return upon the table, made the statement that there were two other cases yet undecided; whether they involved large amounts, larger than the $11 or the one of $4,000 neither the House nor the country knows. But I presume we should get the reports in a very short time. I repeat that I have brought this matter under the notice of the Senate in order to show the expenses which are incurred in adjudicating upon the matters of such an insignificant character, that might have been settled without all this trouble and expense. Ordinary business men would have settled these matters at a cost of a very few dollars compared with the sum which, I have no doubt, the country will have to pay. I make my motion and I hope my hon. friend will bring down the statement.

Hon. Mr. SCOTT—There is no objection to the address going. If the case my hon. friend has been at such pains to bring before the House had stood alone, I fancy his criticisms would have been well founded, but it appears it was only one of eight cases, some of them claims of a considerable amount, one in which two lives were lost, and another involving the principle of what would be done at the station in Montreal. I know nothing whatever of the facts except what has been given to the House by the hon. gentleman. I will be glad to forward a copy of his speech to the Minister of Railways for his information. I am quite sure that if there had been only $11 at stake, there would not have been any arbitration at all, but there happened to be other claims made pro and con, and some of them I fancy of some importance—that is, involving a principle. No doubt, I say, if the case had stood upon the individual $11 claim, it would not have been gone into. I presume also that there is a printed form following out the law as defined in the statute, on the principle that all questions in dispute between the two companies were to be settled in a particular way. There is a regular form for it, and the time may not have occupied five minutes.

Hon. Mr. MACDONALD (B.C.)—Would not the Court of Exchequor have been the proper tribunal to refer such matters to?

Hon. Mr. SCOTT—This is evidently following out a prescribed arrangement made under the Act under which the Intercolonial Railway obtained running powers over certain portions of the Grand Trunk Railway. It could not be anticipated at the time what controversies might arise, and so provision was made in a statute that when they did arise they should be referred to a board of arbitrators, and this is the result of it. No doubt some of the matters have been insignificant and ought to have been arranged without recourse to arbitration.

Hon. Sir MACKENZIE BOWELL—From the remarks of the hon. gentleman the House might be led to believe that these were the findings of one court. True the reports bear the same date, but there is no evidence that the cases were all decided at one sitting of the arbitrators.

The motion was agreed to.

BILLS INTRODUCED.

Bill (134) An Act respecting the Toronto and Hamilton Railway Company and to

change its name to the Toronto, Niagara and Western Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (138) An Act to incorporate the Toronto Terminals Railway Company.—(Hon. Mr. Gibson.)

Bill (139) An Act respecting the Northern Commercial Telegraph Company, Limited.—(Hon. Mr. Lougheed.)

Bill (157) An Act to incorporate the Hillcrest Railway, Coal and Coke Company.—(Hon. Mr. Ferguson.)

THIRD READINGS.

Bill (50) An Act respecting the Pacific Bank of Canada and to change its name to United Empire Bank of Canada, as amended.—(Hon. Mr. Kerr, Toronto.)

Bill (70) An Act respecting the British Canadian Loan and Investment Company, Limited, as amended.—(Hon. Mr. Kerr, Toronto.)

SECOND READINGS.

Bill (CC) An Act to incorporate the Chartered Bank of London and Canada.—(Hon. Sir Mackenzie Bowell.)

Bill (60) An Act to incorporate the Inter-Ocean Fire Insurance Company.—(Hon. Mr. Watson.)

Bill (42) An Act to incorporate the Buffalo Niagara and Toronto Railway Company.—(Hon. Mr. Gibson.)

Bill (DD) An Act for the relief of Jane Frances Fields.—(Hon. Mr. Kerr, Cobourg.)

Bill (FF) An Act for the relief of Frederick William Wight.—(Hon. Mr. Kerr, Cobourg.)

Bill (EE) An Act for the relief of James Allen.—(Hon. Mr. Kerr, Cobourg.)

Bill (GG) An Act to incorporate the Fording Valley Railway Company.—(Hon. Mr. Watson.

CONSTITUTION OF THE SENATE.

DEBATE CONTINUED.

The Order of the Day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. David: That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.—Hon. Mr. Legris.

Hon. Mr. ELLIS—I understand some hon. gentlemen are prepared to speak this afternoon on this matter, and I would suggest that when the debate on this question is adjourned again, that it should go to the foot of the order paper. We will be here until the middle of July or 1st of August and there will be time enough next session, before any change in our constitution can go into effect, this order ought not to stand on the paper blocking the whole business of parliament.

Hon Mr. LOUGHEED—I dissent to the statement that we will be here until August 1.

Hon. Mr. SCOTT—In resuming an adjournment debate, it is only fair it should go to the foot of the orders after the second or third adjournment. It should not be allowed to block everything.

Hon. Mr. LOUGHEED—It seems to me we should call it six o'clock when it is six, and finish our business in the evening. I suggest that, so that we can dispose of the business on the paper.

Hon Sir MACKENZIE BOWELL—It seems to me that we should continue this debate until it is concluded, and then proceed with the other business of the House. I see no necessity for delays which are taking place.

Hon. Mr. SCOTT—Some other business may have to go down to the House of Commons. It is a pity to block the business. There have been disputed orders on the paper for a fortnight or three weeks.

Hon. Sir MACKENZIE BOWELL—But the hon. gentleman must know that none of the ordinary Bills are of as much importance as the reforming of the Senate, and the sooner that is attended to the better.

Hon. Mr. LEGRIS—In rising to offer a few remarks upon this important subject, that has been so ably introduced before this House by my hon. friend from Montreal, the hon. member for Mille--Isles, and subsequently discussed by other members, it is not my intention to enter into any extended discussion, for many reasons. I consider that it is not necessary on my part, the discussion having been pursued, I may say, in an exhaustive manner, by the hon. Minister of Trade and Commerce, followed by the hon. gentleman from Queen's (Hon. Mr. Ferguson), Prince Edward Island, and I consider also that many members of this House, I may say every one of the members, could discharge

such a duty better than I can, principally on account of my lack of knowledge of the English language. However, I should like to state here, that during the many years I attended parliament as a member of the House of Commons, and many times during elections and on other occasions, I expressed my views, I may say my doubts with regard to the utility of our Senate. I thought that this honourable body perhaps was not indespensable to secure good government and good legislation under which to manage the affairs of this country. I thought also that the whole responsibility should rest, as it practically does, with the members of the House of Commons, elected by the people.

My opinion was also that the Senate is costing a large amount of money, constituting a burden upon the shoulders of the taxpayers of which they should be relieved. I must say at this point that though I have had in the past some hesitation in recognizing the utility of this honourable House, I never had the slightest doubt with regard to the qualifications and the honour of its members. I know that every one of my colleagues, whether older or younger than myself, is well chosen from among the most prominent men in the agricultural, industrial, commercial and professional classes of the community—men of considerable experience, great ability and high standing. Now, I must say that whatever my opinion in the past might have been, I realize today that we must maintain a Senate for many reasons. First of all, it is the result of a federal compact, which we have no right to change without the full assent not only of the majority, but of all the interested parties. Perhaps the next strongest reason is the example given us by almost all civilized countries in the world. Wherever representative institutions prevails they retain a Senate. I know also that many politicians and other persons think that the Senate is a safeguard to protect the smaller provinces and the rights of the minorities, and, generally, to act as a check on all hasty legislation. Furthermore, there is a feeling existing in the country which is desirous of copying as closely as possible the British parliament, where the House of Lords is practically their Senate. We all know also that the government, or the party in power, desire to maintain a Senate for many political reasons, and other strong influences are ready to intervene in favour of its maintenance. Now, there is a feeling existing in this country in relation to the Senate, and to understand it we have to look at the most prominent men whom Canada has had since the days of the founding of confederation up to the present time. Every one of them who has spoken on the subject has committed himself in favour of a Senate. A few weeks ago the question was raised in the House of Commons and many able speeches were delivered on that occasion. I read them over carefully, and I found that no one advocated the abolition of the Senate. The Prime Minister himself emphatically declared for its maintenance and no voice dissented. I have to bow before the combined testimony of so many persons and to give up my personal opinion, somewhat adverse in past years, and to realize to-day that it cannot now be a question of the abolition of the Senate. After all, the only reason advanced against this branch of parliament is the amount of money it costs to the country . That evil cannot be denied, but however great it may be it is only one among the many costly branches of the government machinery which cannot be overthrown or avolded. Now remains the question of its reform. During the last ten years there has been much discussion of this question. I admit it is always very easy to criticise, but it is a very different thing to point out a way and suggest a proper remedy for the evil. The hon. Minister of Trade and Commerce recently presented to the Senate a very elaborate scheme of his own, the fundamental basis of which was an election of some sort. The main object of the hon. minister, if I understand him right, is to secure representation for the minorities in this House.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LEGRIS—I think that is most desirable, and it is also in the highest interest of the country as well as of this House ; at the same time I also think that the people of this country have as many elections to take care of as they can well manage. I agree that the minorities should be represented in this House and, above all, the opposition must be strengthened. Let us hope that the state of things existing in

1896, when the Liberal party came into power being hopelessly in the minority in this Chamber, will never occur in Canada again. That alone, to my mind, is the reason why the Senate has been criticised and somewhat discredited in public opinion. We all know that for many years after the return of the Liberal party to power, the Senate, many of whose members were well known opponents of the Liberal party, was constantly regarded as a menace to the Liberal government and an enemy of the large majority of the newly elected members.

Hon. Mr. BOLDUC—No.

Hon. Mr. LEGRIS—That is the hon. gentleman's opinion.

Hon. Mr. LANDRY— And I share it.

Hon. Mr. LEGRIS—I am not surprised; I know both these hon. gentlemen. The reason of this is that all the senators, with a few exceptions, belonged to the same party. Under such circumstances, knowing the party feeling in our Canadian politics, we should not be surprised if some criticism has been heard from time to time, mostly from the Liberal party against this honourable House. I dare say that a few years hence, if we are not fortunate enough to find out and apply a remedy, the same state of things will occur again, only the conditions will be reversed. The criticism and the opposition to the maintenance of this House will come from the Conservative party. We have been invited by the hon. Minister of Trade and Commerce to carefully study this question and state our views. In compliance with that request, and feeling it to be my duty, I venture to suggest one way by which I think the object in view can be attained with the least innovation possible and in a workable shape. Let us pass a law, or amend the law now existing, relating to the appointment of new senators and let say two out of five be appointed in the same manner as in the past by the government, but on the recommendation of the leader of the opposition in the House of Commons with two or three of his lieutenants. The leader of the opposition in the House of Commons is the official and active leader of the opposition in the country, and most interested in having the opposition in this House represented by the best men he can possibly secure within the ranks of his friends. Let us give him a means by which his party in this House will be made strong enough to properly discuss and criticise measures, as well in this Chamber as in the other House, and to speak in the name of the minorities in this country, if we can do so, I say the Senate will be far more favourably appreciated.

The hon. Minister of Trade and Commerce spoke the other day of fixing an age limit and a tenure of office. Other gentlemen have expressed the same opinion in other places. Surely there are objections to the system of life tenure, but, as demonstrated by the hon. gentleman from Queen's, the other system will be met with objections to my mind more formidable than the objections to the present system. We have in this Senate five or six hon. gentlemen over 80 years of age. I think every one of them is qualified to fill the position as well to-day as he was twenty years ago, with considerably more experience to his credit. Of those venerable representatives are we not to be proud? With the venerable leader of this House on the one side and the ex-leader of the opposition on the other side, have we not reason to be proud? Surely both these statesmen would grace any Senate in the world. Consequently they are a living proof of my contention, and I can say that the fixing of an age limit, if applied, would surely be deterimental to this House and cannot be pursued without great objection and perhaps more formidable objection than those urged against the Senate to-day. After all, if we can devise a means by which both parties in this House will be represented and sustained in a fair and workable manner, the best result will be obtained, and if we can obtain that result without inflicting more elections upon the people the better, and whereas nothing is perfect in this world, I feel that my suggestion, as well as the suggestion made by the hon. gentleman from Marshfield, will be found to be a good one, and if put in practice will result in making the Senate stronger and stronger, and at the same time will contribute to keep this House in the high esteem which it deserves in the minds of the Canadian people.

Hon. Mr. FROST—I desire to say a few words on this question, and I do not think that much time need be occupied with it. It is purely an academic question. The motive for this discussion is to bring out suggestions as to what can best contribute to the making of the Senate perhaps more popular in the country, more important as a part of our legislative machinery, and also to enable it better to perform the functions which it was originally intended to perform by the fathers of confederation.

We have heard various views enunciated here as to the manner in which these various ideas could be worked out. To me it is somewhat doubtful. I have been for many years—and I am proud to say it—a strong supporter of the right hon. Minister of Trade and Commerce. I have believed in him as a statesman, as a man of political sagacity and wisdom. He has given utterances to certain views as to what would, in his opinion, bring the Senate more in unison with the people of Canada. I am not prepared to say at the present moment that he is not right; it has been a proud privilege for me to follow him. But, as I said in the beginning, this is an academic discussion. This is a discussion that has no bearing on the policy of the government, for the right hon. gentleman stated in the beginning of his remarks that he was to be considered as speaking for himself alone and not for the government, and he invited every member of this House, as far as it was possible, to give utterance to his views as an individual, independent altogether of the government. Reflections have been cast upon the Senate; insinuations have been made as to its usefuless and its value to the Dominion. As all the previous speakers have said—as the last speaker has repeated, it must be understood that the Senate was really the result of a compact by which the smaller provinces were to be protected. If we look back to anti-confederation days, when political excitement and prejudices ran very high, and remember the condition of things in the legislative assembly when the same number of members came from Ontario and from the province of Quebec, and when we remember the urgency that some Ontario members placed upon the necessity for a larger representation from their province and the opposition which the province of Quebec gave to that proposition; when we remember how race and religion entered into the discussions; when we remember the deadlocks that occurred in those days; when we remember that it was almost impossible to carry on a government, and when the proposition of confederation was first brought up and discussed by the statesmen of that day, and when after various conferences in Quebec and in Halifax and in Charlottetown and finally in London, the terms of confederation were outlined, and when an Act or the schedule upon which the Act of the British parliament was founded, came before that House, it was considered to be a way out of the deadlock, out of the difficulty, out of the trouble. One of the most important stipulations of that Act was that the province of Lower Canada should have equal representation in the Senate with the province of Ontario. If they were providing for unequal representation in the lower House there was to be equal representation in the upper House, and if that compact—and as my hon. friend has just stated, it was a compact—if that compact had been opposed, or if it had not been carried out, I do not believe personally we would have had any confederation. There would not have been a Dominion of Canada as we have it to-day; there would not have been any Intercolonial Railway, there would not have been any Canadian Pacific Railway; there would not have been any Northwest; there would not have been the great country that we now have and of which we are justly proud. Now, any violation of that compact on the part of this House or any representation made to the imperial parliament on the part of this country, to in any way derogate from the privileges which the provinces enjoy through the mode of constituting of this House, would be a violation of that compact, and it would not be tolerated by the imperial parliament either in the lower House or in the House of Lords. Taking that view, I do not see how we can abolish the Senate or on what ground we can, with any degree of expectancy on our part, go to the British parliament and say that we want the mode of appointing or selecting our senators changed. What would be the effect of a change from the mode of appointing senators by the government to the method of election by the people? We have had the American Senate quoted here, and

I am free to say that I hope it will never come about that senators will be elected either sectionally or throughout the country as a whole. In the United States we know that they had one assembly for the first five or six years of their history, during the time of the revolution. Immediately after the revolution their leading statesmen met together and decided then upon a Senate. What was to be the main function of the United States Senate as it was then proposed? I quote from some of the speeches of the statesmen of that day. I will give you a short extract from the speech made in New York at the time by a celebrated statesman of that day, Mr. Alexander Hamilton. He said:

> First United States Senate was constituted to conciliate the spirit of independence in the several states by giving each, however small, equal representation with every other however large, in one branch of the national government; second, to create a council qualified by its moderate size and the experience of its members to advise and check the President in the exercise of his powers of appointing to office and concluding treaties; third, to restrain the impetuosity and fickleness of the popular chamber and so guard against the effects of gusts of passion or sudden changes of opinion in the people; fourth, to provide a body of men whose greater experience, longer terms of membership and comparative independence of popular election would make them an element of stability in the government of the nation, enabling it to maintain its character in the eyes of foreign states, and to preserve a continuity of policy at home and abroad; fifth, to establish a court proper for a trial of impeachments, a remedy deemed necessary to prevent abuses of power by the elective.

Now it may surprise some here, who have not read the history of these times—as I presume probably all have—that the Senate of the United States sat with closed doors for five sessions. After that sittings were held with open doors, but you will observe from these statements of the Hon. Alexander Hamilton that the Senate had no power given them to initiate money Bills. That power was at the time, vested in the lower House, and since the United States Senate has been initiating money Bills they have simply usurped a power which never was intended they should have by the framers of the United States constitution. Now what would be the effect here supposing a certain proportion or all the senators of Canada were elected? It would not be very long before we would be initiating money Bills. We would demand that privilege. We would be the representatives of the people just as much as the members in the House of Commons and, practically with the same right to share in the distribution of patronage, and the disbursement of the revenue. I mean to say that from the disbursements of the revenue they would claim the right to share in the distribution of patronage, and the result of that would be a frequency of deadlocks between this House and the Lower House.

Looking back over the debates which took place at confederation, I most confess to a great admiration for the statesmen of that day. They were foreseeing. They had studied the constitution of the United States then. They had studied the constitution of the Senate of Rome. They had studied the constitution of various Senates throughout the world, including the House of Lords, and there is no parallel between the House of Lords or the United States Senate practically, and the senators of the Dominion of Canada. The Senate of the Dominion of Canada was created here and adapted to the requirements and to the needs of this country as they found it at that time, and now, after very nearly 40 years experience, I do not know that any one can say that it has worked unfavourably, either in the making of the laws or in any way derogatory to the interests of the people. Whom have we here in the Senate? It is sometimes said that we are a privileged class. It is quite true that our debates here are not reported by the press, and for a very good and sufficient reason. We do not have the debating to do that is done in the House of Commons. We do not set ourselves up in opposition, or we do not put ourselves into competition as it were with the House of Commons, because we know that there they initiate all the money Bills, and, consequently, the debating between the parties, to a very large extent, must proceed in that House. Notwithstanding the fact that the Liberal party has a large majority here, yet we do not see any very great amount of party feeling. And who have we here representing the country? Notwithstanding the fact that we have not in this chamber the debatable subjects that are so interesting in the Lower House, we represent the country

as a body as a legislative part of the machinery of the country equally as well as the House of Commons. My hon. friend this afternoon stated very correctly that we have representatives here of every class. We have representatives of the farming, commercial, the legal, the capitalistic, and labour interests. We have stout defenders of labour in this House, and we sometimes hear from the House of Commons—we heard one member of the House of Commons not long ago, casting a certain amount of aspersion upon the capitalists of this House. We want all these classes represented in the Senate. We need the capitalist just as much as we want the farmer. We want his advice and we want his counsel, but we cannot expect any man who is at the head of a great railway property, who is at the head of a great banking institution, or who is at the head of a great insurance company, who has a dozen irons in the fire in all parts of the country, men who have stimulated the growth of Canada through their enterprise, and given employment to thousands and thousands of men,—we cannot expect these representatives to be always in their seats in this Chamber. But they are here a great deal of the time, and a great deal oftener than one would expect them to be here—not as often as those of us who have smaller enterprises, and who can come here and remain here, knowing our small business will still go ahead. How much better off would we be if we had a professor from the university as an appointment to this House, supposing we had a university represented? Have we not universities represented here? Have we not now a dozen professors of universities who are just as much in touch with their Alma Mater as they ever were, and just as much defenders of their Alma Mater as they ever were? I say these gentlemen who represent universities and hold university diplomas are just as much if not more capable for the work than professors out of universities, who have no knowledge whatever of the practical work of legislating. The men who are reported here are generally men who are familiar with legislation to a very large degree. Therefore, I do not see that we can gain any great advantage in appointing from these separate classes, simply for the reason that the Senate of Canada is not the House of Lords. The House of Lords is comprised of 600 members. They are of the nobility—all one class. The old Senate of Rome was first constituted by the King appointing 100 members out of their patrician families, and the number was afterwards increased to 200. These men were simply one class. Under the republic it was changed to a certain extent, and some other classes came in, but, when it got back under the rule of emperors again the Senate was again recruited from the patrician class, simply because they just allowed the emperors to make the laws, and the Senate of that day became practically useless, practically representatives without any votes as it were, only to confirm or record the degrees of the emperor; but in this Senate we have no class of that kind. I think the governments in this country, the preceding Conservative government and the present Liberal government, have made appointments that will commend themselves to all classes of the community. Referring again to the United States Senate, what has been the effect of the election of the senators through their local legislatures? The effect has practically been this; that the U. S. Senate is constituted of men who have been practically above and apart from the people, through the great corporations and trusts of that country that they have been continually promoting. While they are able men, they have been to a very large extent politicians. Could such a thing as occurred in the Senate of the United States occur in the Senate of Canada? For seventeen years they have burked a Bill called the Pure Foods Bill. For seventeen years that Bill has been passed every year in the House of Congress, and when it reaches the Senate it is burked, and why? Because the committees of the Senate all sit in secret. Not like the Railway or other Committees here, except the Divorce Committee, where everybody is permitted to attend. Every committee of the United States Senate sits by itself, and, practically, in secret. No outsider ever goes there, and the result is that by collusion between different members, Bills are burked and cut off. What has been the result of burking

the Pure Foods Bill for seventeen years? We see it reported in all our papers. Look at the condition of the packing houses in Chicago? Look at the poison that the people of the United States and the people of Canada have been taking into their systems, because there is no government inspection whatever at these packing houses. Three years ago we passed a Railway Bill in this Chamber, and we did it in one session. We inaugurated a system of railway supervision and regulation of rates, and we put that into force, and it is working splendidly at the present time. It was only during the past session of the Senate of the United States, although their Interstate Commerce Committee Bill was passed many years ago, that they have been able to incorporate a clause in that measure giving power to the commission to regulate the rates on freight. What we have put through our House of Commons and Senate in one session without opposition, without any collusion, without any one being barnacled, but for the general good of the whole community, they have tried years and years in the United States with their elective Senate to carry out, and have only succeeded recently in doing.

They have now, I believe, carried, and only upon the very strongest urgency of the president of the United States, that Act and given the Inter-state Commerce Commission power to regulate freight rates. Now these are what constitute reasons why we should not depart from the good, safe and sound principle of nominating members to this House so long as the government, in doing so, maintain the parity of the different classes of the people. These are reasons why we should not go over to a system which we know has not worked well, so far as the United States Senate is concerned, and that is the only Senate we can compare this House with. We can not compare this Chamber with the House of Lords. The House of Lords is a hereditary body. It makes no difference whether out of its 600 members 550 are Liberals or Conservatives; every man who is a nobleman has a seat in that House. Then we are told that there are too many senators in this House. In the United States Senate there are 90 members, but there are 600 in the House of Lords in England. The Senate of France has 300 members; the Senate of Italy has 400 members, and the senates of various other countries I could mention, have anywhere from 100 up to 400 and 500 members. So that, taking it all in all, the size of our Senate and any additional cost its numbers entail upon the country is hardly worth while discussing. Because taking the size of our country, its length and breadth, 85 Senators are after all a very moderate number, and I do not think there can be much exception taken to the number in this House. I do not know that I have any suggestion in particular to offer. So far as the Senate itself is concerned, it seems to me that we are about as well constituted as it is possible to make an upper House. As my hon. friend has said, everything human is defective. The Senate, of course, is a human institution and has its defects and always will have them. If our newspapers could get away from a certain flippancy which they indulge in about the Senate, perhaps the public would esteem this House a good deal more than they do. I do not believe that the people themselves realize the value of the Senate to the country. If they could know the work that is done here, the painstaking revision the Bills receive when they come to us from the lower House, I think they would regard the Senate in a far different light from what they do.

We sometimes feel that perhaps we do not have quite all the work we would like to do. We do all the work there is to be done and we cannot be blamed if we would take a couple of weeks for an adjournment now and then while waiting for work to come up to us from the Lower House. We allow the House of Commons two, three, or even four months to debate a single measure. The Franchise Bill that came here so late three years ago was discussed in the House of Commons for over a month, and when the Autonomy Bills were up last year we know the discussion that took place on them. I for one am not averse to these discussions. I believe that liberty is dependent upon a free and untrammelled discussion in the House of Commons. We sometimes feel that the speeches there are occasionally prosy, too long, and not to the point; but we could be in a great deal worse position.

In the United States there is not one man in 100,000 who ever reads the speeches delivered by the members of their congress. The newspapers there do not report them; they are simply printed in the Congressional Record and very often speeches are put in that record without having been delivered at all. The people in that country do not know anything about the workings of their Senate. The members of Congress and Senate know that, and, consequently, they are not amenable to public opinion. The proceedings of Congress are not followed closely there except when some great fraud is exposed such as the meat packing frauds that we hear of to-day and such as we heard of during the Spanish war. What was the report that was made by General Miles at that time? That four thousand soldiers had died from eating embalmed beef prepared in Chicago, put up without any supervision or inspection, indeed without any law to prevent fraud. We have nothing of that kind in Canada. That is one point where our system of responsible government shows its superiority. Our government, which is responsible to the people, must exercise, through the Department of Inland Revenue, care to prevent such dishonesty in all parts of the country. But in the United States, at times of special excitement, they find that the government have not been paying very much attention to what is going on. The average American knows nothing about his congress. There is scarcely a man or woman in Canada who is not reading the speeches delivered in the House of Commons and the people would read the speeches of the Senate if they were published by the press. They all understand what is going on in parliament. The House of Commons is just as sensitive to public opinion in Canada as it is possible for a legislature to be, because they know that the people are intelligent, and that everything is being done to keep affairs in a good condition. Looking at all these things I am led to believe that there is not very much prospect of improving the constitution of the Senate. There is one drawback, I admit. The one drawback in the Senate is that when a government is very long in power it places its own friends in these seats until, perhaps, the representation of the opposite party almost vanishes. That was so under the late government, and it may be so under the present government, but I am bound to say, as I did at the beginning of these remarks, that there was not so much partisanship after all as is reported. There never was a money Bill thrown out. Some Bills have been burked and vetoed, and, probably, it will happen again but every Senator in this House knows that he has been placed to a large extent above the partisanship that prevails in the other House. He knows he is in a position to rise above party, and it would be paying a very poor compliment to our Senators were we to charge them with the extreme partisanship that is to be found, perhaps, in the House of Commons. We are to a large extent above and beyond its influence, and we can afford to discuss all measures which come before us upon their merits. We need not be amenable altogether to the government or party, except as our own best judgment and wisdom guide us, and I think, as a general rule, the senators come to that conclusion. Looking around upon these benches, I realize that we have men here, as my hon. friend said a few minutes ago, who would grace any Senate in the world. We have scores of men here who are thoroughly competent; men of experience; men of political wisdom and sagacity, thoroughly familiar with all the cross and counter currents that are passing to and fro throughout the country, and men who know how to detect wrong. When it cannot be done in the House of Commons it is done here, and it is usually very well done. We know that the House of Commons, as a rule accepts every amendment made to their measures by this House. I would say, that we need not expect any great degree of success in going to the imperial parliament to obtain an amendment to the British North America Act in the way of changing either the mode of selecting the members of this House or in any other particular that might perhaps be suggested. To my way of thinking, the Senate is at present about as well constituted as it could be. The very first question which they would ask us in England would be this: Canada was comprised of a lot of disunited provinces when you came here in 1866. Where are you to-

day under the present constitution of the House of Commons and the Senate? We would naturally tell them we had prospered beyond anything we could ever have expected. There has been no check to the prosperity of this country and the way it is growing at present is beyond anything we could have expected. They would say to us: All that has happened under the constitution that we gave you in 1866, and under such circumstances as these, the House of Lords would certainly ask what changes we required and why we were asking for them. If we were to reply that we would like to have our Senators elected, they would say: 'Look at the United States. You don't want to have anything like that surely? You are under a responsible, monarchial system of government, you are carrying on a democracy under a system of responsible government, which we believe insures life, liberty and the pursuit of happiness to a far better and higher degree than anything under a republican form of government could do, and we think, therefore, you ought to be contented as you are.' For my part I contend that we must be contented. If there is a little disparity in representation between the parties occasionally, the people will set that right in due time. In the meantime the majority will necessarily have to endeavour to rise above partisanship and deal with the masures which come before this House on their merits and so decide.

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. FROST—When the House rose for recess I was endeavouring to show that it was better for us to stand by the ills that we have rather than fly to those we know not of. There is only one remark that I desire to make before I resume my seat. Ten minutes before six o'clock I could have made the point and been through with my speech. I was endeavouring to show that the Senate was the keystone of the arch of confederation. It was by the mutual concessions of all the fathers of confederation that it was finally brought about, and to-day we see the effect of the splendid work which these men did. There has never been any quarrel between the Senate and the House of Commons; there has never been a word that I know of between the two Houses; we have always worked together in harmony, good feeling and goodwill, no matter whether the majority in the Senate corresponded with the minority in the House of Commons or vise versa. But there is one point which in my closing remarks I desire most especially to call attention to. The confederation certainly solidified the power of British connection upon the North American continent, because if we remember the condition of affairs in 1866, our provinces were at swords points with one another. The reciprocity treaty had been abrogated by the American government, and hostile tariffs were being built up against us, so much so that some of our leading men felt perhaps that there might be a possibility at least of some of the provinces entering the United States union. There was then an indifference on the part of British statesmen, and there was more than one statesman at that period who openly stated that they did not care whether Canada left Great Britain or not. This is a matter of history, a matter that is of record. Now what was the result of confederation? I think it is proper while discussing this question that we should give the province of Quebec that justice which belonged to her in bringing about the confederation of these great provinces on the northern half of this continent. It was through mutual concession. It was through the giving in in regard to the representation that was to be in the new parliament that we really concluded the scheme of confederation. Had it not been so, it is very difficult to state at this moment what the condition of these disunited provinces would have been. I hardly think any one to-day could possibly make any definite statement as to what this country would have been. However, the dangers that threatened were happily averted, and it is now our proud privilege, after forty years of confederation, to see our country solidly united upon the platform of British connection and a corresponding pride in that connection also, in the motherland. The fathers of confederation, nearly all of of them, have passed away and gone to their reward. One or two are still left, but it would be casting a reproach, I say, on them if we, as a Senate, should begin any agita-

tion whatever looking to the unsettling of an institution for which all have worked so well and which has so vitally contributed to the unity and material prosperity of our whole Dominion.

It is true that the Senate has no jurisdiction over money Bills, and it is a wise provision, I believe. One House is enough to originate money Bills. If we had the privilege of originating them in this House, with all the additional prestige it would give us in the country, there is no doubt we would have conflict between the two Houses which, happily, has not occurred during all these 40 years. Then again, were the senators to be elected by the legislatures, a claim would be set up by this House very soon for the disbursement of the moneys, and that would lead to a claim for the distribution of patronage. We do not want to get ourselves into the position of senators in the United States. We know that there are good and true men in the United States Senate, but there are others there who are the servants of gigantic monopolies and trusts which have been inimical to the welfare of the people of that great country, and they have used their power as against the people and against what they were elected for by the states, to a very large extent in the interest of these corporations and in the interest of themselves. The corporations always re-elect these men. The names of many members now in the United States Senate will occur to hon. gentleman, men who have been re-elected time after time by the railway companies and by the gigantic trusts that are to be found throughout the United States. Some objection is made to life appointments. I do not think that it has proved to be a very bad system after all. What is there very bad about it? The life members have done their duty in the Senate faithfully, some of them for 40 years. At times, in the past and at the present moment, there is and has been a disparity between the parties, but that is inevitable. We must look for that and trust that it will be remedied in the future ; but there is this to be said, that where men are appointed for life they ought to be, and I think they generally prove themselves to be in this Senate, on both sides of politics, above mere party lines which exist in the House of Commons and the parties throughout the country. I believe the Senate has risen to a very great extent above partyism. In the four years that I have occupied a seat in this House I have seen very little evidence of partyism either in the committees, or in the Senate itself. Consequently I do not know that that argument can be set set up as a very serious objection to the appointment of senators for life. The government that appoints these senators has the confidence of the people. The senators are practically elected by the people, for the government always have the confidence of the majority of the country ; otherwise they would not have the power to appoint senators and, while the government is in power, the men that it appoints are practically speaking the choice of the people, and would be elected by the people, perhaps, under any circumstances—either these men or men of the same political stripe.

There would be nothing to gain as far as I can see by changing the mode of appointment, while the present system gives a permanency and solidity to the Senate and enables it to rise above party strife and party tactics. In all these years no appointment, as far as I know, has been successfully attacked. There may have been appointments that offended some individuals, but the principle, and even the appointees themselves have not at any time been very successfully attacked since confederation. We have had one continuous line of patriotic men, men of ability and integrity. There is not to-day in this Senate, a single member, and I believe I know them all—who is under the control of any railway, trust, corporation or any other such institution ; and that being the case, I do not think the outside public or any interest in the country could successfully attack the principle of appointing members of this House or attack the individual senators themselves. Therefore, it would not perhaps be to the advantage of the country that we should change the mode of appointment. I am not going to speak on the question of the age limit of senators. We have all heard with a great deal of pleasure, and I think we can all endorse, the sentiments of speakers who have already referred to some of our aged senators. We

know very well that some of the most able and distinguished men in Canada to-day are well up in years, and, nevertheless, are quite competent to fulfil the functions and duties pertaining to their office. Because one, two or three senators might be, through infirmity, unable to respond as promptly to the work of this House as younger men, it would be doing an injustice to ourselves, it would be suicidal to-day that because of that we should change the whole mode of appointment. I am very glad to know that no memorials or petitions of any kind have ever come before the government looking toward the abolition of this Chamber. In the first place, it would be a violation of the compact entered into at confederation. In the second place it would deprive the smaller provinces of that protection which they have a right to expect from this Chamber in all matters where their rights, privileges or liberties are in any wise jeopardized. We are here amid all the contentions and strife of parties, and the clashings which take place in the labour, business and commercial world, to stoutly oppose any interference with the rights and privileges of any class, creed, people or province; and I believe that in case anything should be done to menace these rights in any way, the people of Canada would soon discover how effectually the Senate could act. We could not then, as I have already stated, apply to the imperial parliament, because we could not ask with any show of reason, for an amendment to the British North America Act in the face of the prosperity which this country now enjoys. Let us therefore as a Senate, representing the people—we are not representing any aristocratic class, but we hope that we are representing the whole people—show that we are desirous of doing justice to all classes. Let us do our work, as far as in us lies, above party feelings and party contention, and do it in a way that will meet with the approbation of the public; and I for one have no fear that, when all the facts are known in regard to what the Senate has done in the past, and what it is doing to-day for the country, the people will take a pride in the Senate and learn to look upon it as an important factor in the safety and steadiness of legislation and as being one of the bulwarks of the constitution; and that this House stands for the maintenance of our connection with the motherland and its institutions, of which we, in common with all the people of Canada to-day, are so proud.

Hon. Mr. MILLER—I do not intend to trouble the Senate with a very long speech on the motion of the hon. senator from Mille Isles (Hon. Mr. David), although I fully admit the importance of the subject and the opportuneness of this discussion, because I consider it reasonably certain from some remarks lately made by ministers of the Crown in another place in reference to this body that we are on the eve of far-reaching constitutional changes in this branch of parliament, and also because I think some such changes are imperatively demanded, in the interest of good government, and in order to bring this House more into touch with public opinion in this country than it is at the present time, or indeed has been at any time in the past during its existence. The subject is one to which every member of this House must have given some thought, and on which he must have formed some conclusions, and I consider there should be a full and frank interchange of opinion among us on a topic that cannot be otherwise than very interesting to all of us.

I had not the good fortune to hear the opening address of the hon. mover of the resolution, but I read it of course and found it was thoughtful and eloquent as his utterances always are in this House. I did, however, have the benefit, and perhaps I ought to add the pleasure, but I cannot say pleasure unalloyed, of listening to the interesting speech of the right hon. minister who followed him. Although much of the hon. minister's address was rather vague and visionary and aimed at unattainable ideals, yet these flights of imagination could not be displeasing to any one. As an oratorical effort the hon. gentleman's speech was equal to his reputation, but as a practical attempt at the solution of grave constitutional difficulties it was not satisfactory—in fact, it was rather disappointing. He called attention to all sorts of theoretical defects in our governmental system, but did not offer a clear-cut, tangible remedy for any one of them. Perhaps this reticence was largely

due to the ministerial responsibility under which he spoke, and which he took pains to disclaim at the outset of his speech. It is on this account all the more to be regretted that the hon. gentleman was so outspoken in other respects, that he thought it necessary to drag into this debate some irritating subjects of party politics, which did not help his main object in any way, for we were all prepared to listen with deference to the opinions of a public man of his ability and experience on any serious political problem such as that under consideration, when not marred, as his remarks certainly were, by injudicious party acerbities. My hon. friend from Queen's (Hon. Mr. Ferguson) has given all the answer that some of the hon. minister's criticisms seemed to him to require, and I venture to predict that the rejoinder will be complete when my hon. friend from Belleville (Sir Mackenzie Bowell) gets the floor in this debate.

For my own part, I desire only to say, that the members of the Liberal-Conservative party in this Chamber can look back with pride to the moderation, justice and patriotism that invariably animated their conduct, whether in power or opposition, in the discharge of their duties in this House, and I am going to waste no time to-day in adducing proofs in support of this assertion, for the facts are on record—they are matters of history, and speak for themselves.

But, although agreeing with all that has been said by the hon. member for Queen's in defence of the Senate under Conservative rule, and even of the general magnanimity of the Conservative party, and its freedom from factiousness in its days of ascendency in this House, I am nevertheless far more in accord, but by no means completely so, with the right. hon. minister in respect to what ought to be the basic principles in the formation of this Chamber, than I am with my hon. friend. The hon. senator from Queen's has gone to much trouble to furnish us with actuarial calculations in support of his views, for which he deserves our thanks, although I have not implicit faith in the absolute correctness of any actuarial figures on the subject to which he has applied them. As his contentions, however, have relation more to the question of adequate party representation in this Chamber, I will postpone my references to that subject until further on in my remarks; but I wish to say at once that many of my hon. friend's actuarial calculations seemed to me very fallacious and very misleading.

In suggesting any constitutional changes in relation to this Senate, the first question we have to ask ourselves is, how far are we at liberty to alter or amend the British North America Act, 1867, in regard to this Chamber, as a fundamental provision or compromise of the union compact embodied in that Act? Most of us are old enough to remember, and the right hon. minister certainly is among the number, for he briefly referred to the subject the other day—the fierce war that raged at the time of confederation between Upper and Lower Canada on the question of representation by population, or as it was then called 'Rep. by Pop.'—with the racial and religious antipathies of both sides well in the fray. Lower Canada would never have consented to enter the union with the concession of representation by population to Upper Canada, unless it had secured a countervailing representation in the Senate much out of proportion to its population. Neither would the smaller maritime provinces, Nova Scotia, New Brunswick and Prince Edward Island, for many reasons, too numerous to mention, ever have agreed to be swamped in the popular branch by the larger provinces in any scheme of union, but for the safeguards to their special interest secured in the form of larger representation in this body than they were entitled to by population. The Senate, therefore, as at present constituted, was a fundamental compromise of the contract of federation. As I said the other day, there would have been no confederation without it. It was the only possible solution of the troubles of Upper and Lower Canada in those days. Some unthinking people either do not seem to know, or if they know, do not always seem to remember, that to abolish this Senate, without filling its place in some other way, would be morally to dissolve the compact of union—with all the inevitable consequences of political dissolution—a result, I am sure, no one now desires to see effected.

While, however, we cannot in justice to the old provinces, abolish this Senate, without providing an equivalent substitute for it— as such a step, I repeat, would be noth-

ing less than revolutionary—I do not deny that this parliament, with the consent of all the old provinces that were parties to the original contract, and with the sanction of the imperial parliament, may, so long as we have due regard to the fundamental compromises of the Union Act, amend or alter the constitution of this Senate, if deemed desirable to do so.

As, therefore, our federal scheme of government and the bi-cameral compact under which it exists, in my opinion, render a second Chamber absolutely indispensable in the governmental system of Canada, it may be unnecessary to ask, is the existence of a second Chamber justified on its intrinsic merits as an entity in the body politic ? But if such an inquiry is made, we can do nothing better or safer than to refer to the example of the most enlightened nations of the world, whether monarchical or republican, and we will find, first, our nearest neighbour, the greatest republic the world has ever seen, certainly one of the most advanced in political science, and one of the most democratic, as well as Great Britain, truly called the mother of parliaments, France, Germany, Austria, Italy, Switzerland—all answer in the affirmative. Even Russia, just emerging from semi-civilization, if not actual serfdom, recognizes the necessity of a second chamber, at the very threshold of her political freedom and higher national life. I would say to the right hon. minister in allusion to his learned disquisition on the subject, that the contract of union contained in the British North America Act in regard to this Chamber, is a simple contract, and we do not require great political thinkers or learned casuists to enlighten us upon it.

But it is said the province of Ontario, the premier province of the Dominion, as it likes to be called and deserves to be called, wants to abolish this Senate—wants to break faith with Quebec and the maritime provinces on a fundamental compromise of the compact of union—wants a single chamber for the whole Dominion ; in other words wants to set up its own opinion against that of all the civilized nations of the world on a great constitutional question. I do not believe it. I do not believe it is true, that the intelligent judgment of Ontario wants to do anything so unjust and dishonourable; but if such is the case the premier province should be warned in time of the possible and even probable consequences. Such a step on the part of Ontario would endanger the whole fabric of confederation.

The pertinent inquiry we now have to meet—the practical question for parliament at the present time is, has experience shown, that the Senate of this Dominion, as at present constituted, has proved a failure ; and is a change required in the method of its construction ? I think we are at liberty to go that far afield. While I contend that this Chamber in the early days of confederation was a decided success, and served admirably the purposes of its creation, I have no hesitation in admitting, that for many years—even many years before the change of government in 1896, I had come to the conclusion, that the nominative principle, as now applicable to this House, was a failure, and that some change was absolutely necessary to bring this body not merely theoretically as, for instance, through election by the provincial legislatures, into touch with public opinion, but to make it either wholly or in a very large proportion of its members, directly responsible to the electorate.

I am not going to trouble the House in an academical discussion like the present with the reasons that have led me to this conclusion, but if I were dealing practically with the subject as a question of legislation, I think, with my long experience in this Chamber, I could easily give reasons for my opinion, which might not be unworthy of the attention of this House. I think, however, it will be time enough to do this when we have some practical measure of legislation before us. But I may go so far on the present occasion as to express my conviction, that the weakness of this Senate in public estimation is due chiefly to the nominative principle in its construction—its non-representative character and want of popular sympathy—its immunity from direct responsibility to the people, in a word, that we are an irresponsible body, and do not speak or act with authority from the people. It cannot be truthfully denied that the average estimate of the ability and intelligence of this Senate has always been as high as that of any other legislative body in the

Dominion, and its earnest desire to do its whole duty to the country has ever been unquestionable, in the mind of every fair and truthful critic; yet it has always been subject to bitter partizan hostility.

I was surprised at the speeches of my two hon. friends, who spoke to-day, and who are prominent members of the Liberal party, in which this Senate was lauded as the very perfection of political institutions, when I recollected that before the Liberal party came into power this Chamber was denounced everywhere by that party on political platforms and in parliament, as worse than useless; as an excrescence on the body politic; as an unjustifiable expense, which the country should not be compelled to endure. Nearly every public man in the Liberal ranks, of any standing, declared himself against the Senate as at present constituted; and the press, from the leading organ of the party in Toronto down to the humblest village sheet, never had a good word to say for this House. All were unanimous in condemning this Chamber as useless and unnecessary, as not worth its cost, and as an institution that would certainly be abolished or amended, as soon as the Liberal party obtained power.

But more than all this the great Liberal party of Canada in 1893 held a convention at which it framed its policy for the ensuing general election. One of the leading planks in that platform was the abolition or amendment of the Senate. It is true there has been no attempt to amend or abolish it since the advent to power of the present government, but we lately had an intimation from the hon. Minister of Finance, in the other House, that this duty would be shortly undertaken. I say, therefore, that so far as the government supporters in this House are concerned, it should be unnecessary, even if I felt disposed to do so, to adduce reasons to show that some amendment of the constitution is desirable in regard to this body. My hon. friend from Smith's Falls (Hon. Mr. Frost), who last addressed the Senate with so much force and clearness, and who came into this House through the dignified way of a transfer from the Commons, was unmeasured in his laudation of this Chamber. I would like to ask my hon. friend, if when he was seeking a seat in the House of Commons, he had indulged in such an eulogy of the Senate as he did to-day, would it have improved his chances of election to that House, or would it not rather have effectually destroyed them?

Before going further, I wish to say a few words in reference to the House of Commons, as it is impossible to avoid some modest criticism of that House, when considering Senate reform. I agree with all that has been said in regard to the inadequacy and injustice of the existing system of representation in the House of Commons to which particular reference has been made—its injustice to minorities. But I go further—I do not think the elective franchises of the various provinces are now what they ought to be under representation by population. Manhood suffrage for the House of Commons is the legitimate corollary—the logical sequence of representation by population. It is true, the Franchise Acts of all the old provinces, while complicated, troublesome and expensive, yet come very near to universal suffrage, but with many unjust omissions and defects. I think that the popular branch of parliament in Canada, under a bi-cameral system, should be elected by manhood suffrage, pure and simple—of course, British citizenship by birth or naturalization being an indispensable qualification—and with limitations only with respect to residence, crime and pauperism.

With a House of Commons elected on such a basis, I think two-thirds of the Senate should be directly chosen by the people at the polls, on a moderate but substantial property qualification, consisting of real or personal estate, or both combined; the other third to be appointed by the government. The right hon. minister told us he was oppposed to the election of senators directly by the people, but with consistent vagueness, he did not tell us in what other way he would have them elected or selected, and I therefore suppose he meant by the provincial legislatures, to which I have strong objections. In any case, I would have no fancy qualifications, or class preferences, which might suit very well in old countries on the other side of the Atlantic, but are altogether out of place in the democratic atmosphere of this continent. I would let ex-governors, ex-cabinet ministers, ex-judges, and university professors take their chances like

other candidates, either with the electors or the government of the day, and let the latter bear the responsibility of their selection or appointment. The right hon. gentleman would evidently like to get an aristocratic Senate of some kind, showing that he has not completely got rid of his old Tory ideals, notwithstanding his long association with the Liberal party.

If I understood the right hon. minister correctly, the chief objection to the direct application of the elective principle to the Senate is that we already have too many elections in Canada. Here I differ from him entirely. Whatever may be its defects, and it is an old adage that nothing human is perfect, the elective system is the best for the self-government of a free people that earthly wisdom or ingenuity has yet discovered or devised, and we have not yet arrived at that stage when we can truly say we have too much of it in Canada. But an elected Senate or a partially elected Senate should not put us to any serious trouble or expense in the way of elections. An elective or partially elective Senate need only require a general election every eight or ten years—I would say every eight years —according to the term of office fixed by law. All vacancies in the elected body for an unexpired term, in consequence of death or resignation, might be filled by the local legislatures, and thus avoid the necessity for a revision of the voters' list, excepting at the end of every senatorial term, only once in every eight or ten years. In all cases senators should be eligible for re-election or reappointment, with only the restrictions in respect to qualification or disqualification now imposed by law, that is by the British North America Act, 1867.

I agree with the right hon. minister that this Senate is now too large and might safely be reduced in number, but not to one-half its present strength as he suggests. I believe there is as much danger to the public weal in making a second chamber too small as there is inconvenience in making it too large, and the inconvenience to be avoided in too large a Senate is less to be feared than the danger involved in one too small. I consider the Senate of the United States is too small a body—and we have proof of it every day—for a nation that now exceeds 80,000,000 and will shortly exceed 100,000,000 of people, and the great powers invested in that body are not fairly balanced or distributed.

In forming a reconstructed Senate for Canada I would give Ontario 15 members, Quebec 15 members, the Atlantic provinces 15 members, and 15 members to the Northwest and British Columbia, which would be 60 in all. But as we must expect a great expansion of population in the Northwest, I think provision should be made in the amended constitution for giving the Northwest a further increase from time to time, with the understanding that the Senate should not exceed 75 members. Such a Senate as I have sketched would be a body more representative of the people than this House at the present time, and should be satisfactory to all classes, as it would be on all occasions, both in calm and stress, in thorough touch with public opinion.

As to the question of age qualification for election or appointment to the Senate, I would leave the law as it is at present. A man who is not fit for the office of senator at thirty years of age is not likely to be ever fit for the position. The younger Pitt, long the idol of his country, much before he arrived at the age of thirty was Prime Minister of England, in one of the stormiest periods of English history, and I certainly would not exclude any Canadian at thirty from the Senate of Canada on account of his youth.

I am also opposed to any old age limit that could be applied to members of this Chamber. It might work beneficially in rare cases, but I am satisfied the cases would be very rare and exceptional indeed —not enough to justify any inflexible rule on the subject. What are the facts in relation to this point in the Senate to-day? We have one nonagenarian and several octogenarians now members of this House, and who will say that most of them are not among the brightest minds among us—only over-ripe in knowledge and experience? Lord Lyndhurst, when much beyond eighty years of age, made one of the most brilliant speeches of his great career, in defence of the rights and privileges of the House of Lords, in connection with 'The Paper Duties Bill'—a speech which, whether right or wrong in theory, is an epoch-mark in the annals of that illustrious legislative body, and it also marked a new fiscal de-

parture in the House of Commons. The late Senator Wark, with judgment unimpaired, attended his last session in this House, after he had passed the century mark. The electorate on the one hand, and the government on the other, might be trusted generally to keep senile imbecility out of this Chamber—although either may occasionally make a mistake in this respect.

It has always been a great cause of complaint among members of the Senate that enough legislation is not introduced here to give employment to senators, especially in the early days of the session, and by thus relieving the pressure on the House of Commons, shorten the period of our stay in Ottawa. It has been contended, that all private legislation, and many of the government measures, might just as well be introduced in this House. In the early days of confederation, I took an active part in an agitation in that direction, but with the best intentions on the part of the Liberal-Conservative leaders in the Senate, the movement had little success. As nearly all the ministers, and sometimes every one of them with portfolios, were in the House of Commons, each and all of them preferred to introduce the Bills of the various departments in the Chamber to which they belonged, and could not be persuaded to do otherwise. Then as to private Bills, originating among the people, the latter were more in communication with their representatives in the popular branch than with the life-appointed members of the Senate, and naturally placed their private legislation in their hands. But if two-thirds of the members of the Senate were sent to this House by the electorate, this state of things would be completely changed. The relations between the electors and the elected senators, would become more intimate and practical, and as a consequence much private legislation would be entrusted to the elected members of this House. Then a few necessary alterations in the rules of both Houses, might accomplish all that would be necessary to attain the end desired. The outlook at any rate would be much more hopeful than it is at present; but I do not think it would be wise to seek, in any other form or direction, larger powers of legislation than we now possess, and if we did, the strong probability is the effort would prove futile. The careful revision of legislation,—and the consequent check on all bad or hasty legislation, must always be the chief duty of this Senate, and for these purposes alone, it will always be worth infinitely more than it costs.

I now desire to say something about the important questions of party representation and probable deadlocks between the two Houses, to which my hon. friend from Queen's devoted much of his elaborate argument yesterday. In regard to the first of these questions, that is, party representation, I consider that the nominative system has been and always will be an utter failure, and with reference to the latter, namely, deadlocks, there is no provision at all in our constitutional Act. I cannot understand, how my hon. friend does not see, that any scheme whatever, based, in whole or in part, on the election of Senators, either by the local legislatures, or directly by the people, must not inevitably give fairer party representation than the present system of governmental appointment. I think the proposition is self evident, and I am surprised to hear it disputed. With a good majority now, the present government will have a much larger majority in this House three years hence. Then suppose that the Liberal party is successful at the polls at the next general election, what will be the result in this Chamber? The government will have a majority in this House of over fifty or sixty before the end of their fourth term? The Conservative party will be practically annihilated before the end of another term, and it would require at least twenty-five years of power to regain a majority in this body under the present system. It would not take half that time to acquire ascendency, either under the scheme of the hon. minister or my own, if the party in the minority in this House had public opinion outside in its favour, and if it had not, what harm would it do to let it stay in the minority in this Chamber? And I cannot see any attempt at gerrymander in the scheme of the right hon. minister, but to my mind it is much more rational than are the Utopian propositions of my hon. friend. Then as to the suggestion of allowing the leader of the opposition to have a share in senatorial appointments in proportion to the strength of his party in the

House of Commons which is a thoroughly Utopian idea, for which I think my hon. friend from Queen's would be almost entitled to a patent——

Hon. Mr. FERGUSON—No, in proportion to the strength in the country.

Hon. Mr. MILLER—How are you to ascertain the strength in the country?

Hon. Mr. FERGUSON—By the electoral vote.

Hon. Mr. MILLER—That would be in the House of Commons, would it not?

Hon. Mr. FERGUSON—No.

Hon. Mr. MILLER—How are you to know what the strength of the country would be except by the result of the elections to the House of Commons.

Hon. Mr. FERGUSON—The difference my hon. friend will see; in Nova Scotia there were 46,000 Conservative votes and there was not a man elected.

Hon. Mr. MILLER—I see what the hon. gentleman means. He means as shown on the electoral list in a general election contest?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLER—I say it is equally unreasonable and Utopian. Why not go further and make the leader of the opposition —now that we have given him a minister's salary—a member of the cabinet to advise on senatorial appointments, if not, on all state affairs? Then Canada would present to the world the model of a Utopia—the like of which never entered into even the loftiest dreams of Sir Thomas More.

But a majority in both Houses is not an absolute necessity in carrying on the affairs of government. Majorities in second chambers all over the world generally respect the trend of public opinion as expressed by the popular branch. No Liberal government in England ever has a majority in the House of Lords, and no Liberal premier, no matter how large his majority in the House of Commons, expects a party majority in the Upper House. But this does not render government impossible in England, although it may be inconvenient and annoying occasionally.

If an Upper Chamber, such as the Senate of Canada, showed undue factiousness, is there no way of overcoming the difficulty then presented? I think there is, and that we have it clearly defined in the constitution of the Australian Commonwealth, namely, a joint vote of the two Houses, after a dissolution of the Lower Chamber, if the government thought proper to enforce such a test. This provision of the Australian law might easily be included, in our amended Constitutional Act. Sir Wilfrid Laurier, if I am not mistaken, is on record as favouring this alternative, as a solution of the deadlock contingency.

These are some of my views on this important subject, expressed as concisely as in my power, and without any attempt at elaboration, and also without any reference to many important details, which will require the most careful consideration. I freely express them, because as I have already said I believe every member of this House, who has given any thought to the subject should afford the Senate the benefit of his conclusions, as in the multitude of the counsellors there is wisdom as well as safety.

It has been said there is no need of haste in effecting any change, and it is no doubt always better in important matters to proceed with caution and deliberation, but for my own part I consider the subject one of urgency, because the sooner it is attempted, the fewer difficulties will be encountered, and all the more easily our task accomplished. I hope therefore, that the government will next session grapple with this grave question, and settle it in a manner that will elicit the approval and gratitude, not of one party alone, but of the whole people of Canada, as well as all others, who desire the stability and success of free and efficient political institutions, under a constitutional monarchy, on this continent.

Hon. Mr. McMULLEN moved the adjournment of the debate until to-morrow, to be the last Order of the Day.

Senate then adjourned until to-morrow afternoon at three o'clock.

SENATE.

OTTAWA, Thursday, June 7, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ALBERTA RAILWAY AND IRRIGATION COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. CASGRAIN (de Lanaudière), from the Committee on Railways, Telegraphs and Harbours, reported Bill (100) An Act respecting the Alberta Railway and Irrigation Company without amendment, and moved that the Bill be read a third time to-morrow.

Hon. Mr. De VEBER—I move that the Bill be not read the third time to-morrow, but that it be referred back to the Committee on Railways, Telegraphs and Harbours for further consideration. I may state that a great many letters have been received from boards of trade in the part of the country from which I come and in which this railway is situated against the granting of an extension of time. I am not prepared to-day to state whether the extension should be given to the company or not. I wish to ascertain before it shall pass out of the committee, that the company are entitled to the extension, and I had an understanding—at least I considered I had an understanding—with the hon. gentleman who had charge of the Bill that it should not go through the committee until the solicitor of the company, Mr. Barwick, of Toronto, appears before the committee and gives reasons why the extension should be granted.

Hon. Mr. LOUGHEED—Although the hon. gentleman from Prince Albert pointed out to the committee this morning that there were objections, the committee recommended that the prayer of the petition be granted. However, I am quite willing that the Bill should go back to the committee so that my hon. friend may have an opportunity there of making any representation he wishes. There is no objection to that whatever. I do not wish it to be understood, however, that it was reported from the committee through any breach of understanding with my hon. friend. It was understood that Mr. Barwick, who appears for the promoters of the Bill, would be here when it came before the committee. He did not appear, but the committee did not seem to desire any one to make representations as to the merits of the Bill, and consequently it went through. However, I am quite satisfied that it should go back to the committee.

The amendment was agreed to.

FORDING VALLEY RAILWAY COMPANY BILL.

REPORT OF COMMITTEE CONCURRED IN.

Hon. Mr. CASGRAIN (de Lanaudière), from the Committee on Railways, Telegraphs and Harbours, reported Bill (GG) An Act to incorporate the Fording Valley Railway Company, with amendments. He said: The principal amendment to this Bill is that the Board of Railway Commissioners are to be given in future, if necessary, further power in order to give running rights to other companies through parts of the country where the configuration is such that it would be very expensive or almost impossible to build a railway otherwise than by using the right of way of some existing line. With the leave of the House I move that these amendments be taken into consideration now, because this is a Bill originating in the Senate and it will have to go to the House of Commons. According to information received yesterday and to-day, it would appear that the session of parliament will be brought to a close in the near future. I, therefore, ask that the amendments be taken into consideration to-day.

Hon. Mr. DAVIS—As I understand, it is not in order to proceed to consider amendments to a Bill which has just been reported. There are a half dozen other Bills in the same position. Why should this one be singled out specially?

Hon. Mr. CASGRAIN (de Lanaudière)—I explained just now that this is the only one of these Bills originating in the Senate, and that it will have to go to the House of Commons, and I said that as there is a strong probability of the session drawing to a close shortly, it would be advisable to have this Bill sent to the House of Commons early next week.

Hon. Mr. DAVIS—I don't think that is a very good excuse. There must be something else.

Hon. Mr. WILSON—It appears that the amendments to this Bill are considerable in their extent.

Hon. Mr. WATSON—No, no.

Hon. Mr. WILSON—I heard the amendments read. I certainly am grateful to my hon. friend for saying 'no, no,' but I suppose I am able to grasp the effect of the amendments since I have just heard them read. I think the amendments are of considerable importance, and if the Bill is dealt with in its ordinary course it will be ready in ample time to go to the House of Commons for consideration. I understand perfectly well what the amendments are and the effects which will be produced. Let this Bill take its normal course. Let it be considered to-morrow.

Hon. Mr. WATSON—I may state that no objections were raised to the Bill in the committee this morning. The principal amendment is the clause reported from the subcommittee which is to be inserted in all these Bills. The only other amendment was one giving power to connect with another railway. There was no objection to the Bill in the committee, and for the reasons stated by the chairman I don't think any person should object——

Hon. Mr. DAVIS—I object, and I would tell the hon. gentleman that this Bill was not even on the order paper this a.m. for consideration in the committee.

Hon. Mr. WATSON—That was an error on the part of some clerk. The hon. gentleman knows that the Bill should have been on the order paper. The rules were suspended three days ago in order that it might be placed on the order paper for consideration this a.m. If the hon. gentleman does not know that, he ought to know it.

Hon. Mr. DAVIS—I object in any case.

The motion was agreed to.

THE ICE BREAKER 'MONTCALM.'

INQUIRY.

Hon. Mr. LANDRY inquired :

Is it a fact that the removal of the copper bolts intended to screw the blades of the propeller to the shaft of the ship 'Montcalm' was ascertained in the spring of 1905, and that an inquiry was begun to find out the facts as to such removal ?

Hon. Mr. SCOTT—It was reported by the chief engineer of the ship to Mr. Gregory, the agent of the Department of Marine and Fisheries, in Quebec, that some bolts were stolen. The agent immediately started an inquiry and a detective was engaged to find out their whereabouts, but the inquiry is kept quiet at the detective's special request, no report having yet been made.

THE MILITARY COUNCIL.

INQUIRY.

Hon. Mr. LANDRY inquired :

I. What is the number of persons belonging to the various staffs of the military members of the Military Council of Canada, that is to say, to the staff of :

1. The chief of the general staff ;
2. The adjutant general ;
3. The quartermaster general ;
4. The master general of the ordnance.

II. How many Canadians of French origin are amongst this number ?

Hon. Mr. SCOTT—The answers sent me are as follows :—

I. (1) Branch of the chief of the general staff : officers, 7. Subordinate staff, w.o. and n.c.os., 2.

(2) Branch of the adjutant-general : officers, 4 ; also one temporarily employed at headquarters, and 1 specially employed at Quebec. Subordinate staff, w.o. and n.c.os., 5.

(3) Branch of the quartermaster-general : officers, 3 ; and one officer temporarily. Subordinate staff, attached, warrant officers and n.c. officers, 3.

(4) Branch of the master-general of the ordnance : officers, 5 ; and 4 officers temporarily attached. Subordinate staff, w.o. and n.c.os., 2.

Total number of officers : 18 ; and 7 specially employed at the present time.

II. Of the above numbers, 2 officers and 1 n.c.o. are Canadians of French origin, all in the branch of the adjutant-general.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. What are the names of the present members of the Military Council of Canada, and what position does each of them occupy in the organization of that council ?
2. What position in the militia does each of the members of the said council occupy ?

3. What salary does each of the present members of the Military Council draw for the position which he occupies in the militia, and how much more does he receive as a member of the said council ?

4. What additional amounts has each of the said members received for travelling expenses, office expenses, rental, or for any other allowance or indemnity whatsoever, from the first of May, 1905, to the first of May, 1906 ?

Hon. Mr. SCOTT—The replies sent me are :

1 and 2. Vice-president and civil member, Colonel L. F. Pinault, C.M.G., Deputy Minister of Militia and Defence. 1st military member, Major-General Percy Lake, C.B., C.M.G., p.s.c. Eng., chief of the general staff. 2nd military member, Colonel B. H. Vidal, adjutant-general. 3rd military member, Colonel D. A. Macdonald, I.S.O., quartermaster-general. 4th military member, Colonel W. H. Cotton, master-general of the ordnance. Finance member, Mr. J. W. Borden, accountant and paymaster-general.

3. Civil member paid $4,000 per annum as deputy minister ; 1st military member $6,000 as chief of the general staff ; 2nd military member $4,000 as adjutant-general; 3rd military member $4,000 as quartermaster-general ; 4th military member $4,000 as master-general of the ordnance ; finance member $2,800 as accountant and paymaster-general.

4. Travelling expenses : Deputy minister, $35.66 ; chief of the general staff, $239.70 ; adjutant-general, $140 ; quartermaster-general, $60 ; master-general of the ordnance, $161.64 ; accountant and paymaster-general, $90.

No other allowance or indemnity whatsoever, have been paid.

Hon. Mr. LANDRY—In No. 3, is there an amount given for the salary paid as member of the council ?

Hon. Mr. SCOTT—No, I think not.

Hon. Mr. LANDRY—Well, there is one.

Hon. Mr. SCOTT—I do not know, I have not got it here.

Hon. Mr. LANDRY—I think the answer is not complete.

Hon. Mr. SCOTT—It is probably covered by the last paragraph I have read.

THE NEW POSTMASTER GENERAL.

INQUIRY.

Hon. Mr. LANDRY inquired :

Is it the Honourable Mr. Lemieux, member for Gaspé in the House of Commons or the Honourable Mr. Lemieux, member for Nicolet in the House of Commons, who has just been appointed Postmaster General ?

If it is the member for Gaspé who is the fortunate office-holder, in what position does the member for Nicolet then find himself ?

If, on the contrary, it is the member for Nicolet who has been appointed minister, what has the member for Gaspé to do with His Majesty's mails ?

Or does the government consider that the Honourable Mr. Lemieux enjoys a double nature, a maritime nature which he gets from his electors in Gaspé, and a terrestial nature which his electors in Nicolet have communicated to him ?

And, in this case of sea and earth, will the honourable minister receive a double salary ?

Is there any law whatsoever which allows an ordinary man to double himself thus, and to occupy for more than half of the length of a parliament two seats in the House of Commons simultaneously ?

Is there not, quite to the contrary, a law which forbids such an anomaly ?

Is it the intention of the government to cause the law to be observed, and to demand of him who now forms part of the cabinet, the Postmaster General, that he shall at last choose which of the two seats he wishes to keep ?

Hon. Mr. SCOTT—It may amuse the hon. gentleman, but I think it scarcely comports with the dignity of the Senate that questions of this kind should be put on the order paper. Mr. Lemieux was elected for two constituencies in the last general election. In one of those a protest was entered, and, under the law, he had no power to choose between the two seats while the case was before the courts. I do not know when the case was decided ; at all events until it had been decided he was not in a position to make an election. It is a matter which rests entirely with the House of Commons when Mr. Lemieux shall make his election. Whether he has done so or not I am not informed.

Hon. Mr. LANDRY—The hon. minister does not know if that contestation has been settled ?

Hon. Mr. SCOTT—I do not know anything about it, except by common report.

Hon. Mr. LANDRY—I think it was arranged in the month of January or February.

Hon. Mr. SCOTT—He conformed to the law, whatever it may be.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. Secretary of State to say that the provisions of the law are such, that if a member be elected for two constituencies he cannot relinquish either of them until the contestation as to the legality of the election is settled ?

Hon. Mr. SCOTT—That is the law. He cannot elect until the courts have decided. A protest was entered against him. He might possibly have been disqualified, and could not sit at all, and, therefore, he could not make the selection until the case was decided.

Hon. Sir MACKENZIE BOWELL—I certainly do not think there is in the law any provision of that kind.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. CASGRAIN (de Lanaudière)—I will give the hon. gentleman a precedent of a member of his own cabinet who did the same thing. Sir Hector Langevin was elected for Three Rivers in 1891, and he was elected for the county of Richelieu and he sat for both counties until 1892.

Hon. Sir RICHARD CARTWRIGHT—I can give another, in the case of Sir John Macdonald who was elected for Lennox and Carleton at the same time and had to wait until we unseated him in Lennox before he elected to represent Carleton.

Hon. Mr. LANDRY—But after the contestation is over?

Hon. Mr. CASGRAIN (de Lanaudière)—There is no limit of time.

Hon. Mr. SCOTT—It is a matter for the House.

Hon. Mr. FERGUSON—I am under the impression that it is open to him to resign for the constituency which is not contested.

Hon. Mr. CASGRAIN—Oh, no.

Hon. Mr. FERGUSON—I scarcely have any doubt of it.

Hon. Mr. CASGRAIN—No.

Hon. Mr. FERGUSON—Why should he not?

Hon. Mr. CASGRAIN—Because it is not the law.

Hon. Mr. FERGUSON—My hon. friend is not a lawyer, and, further, is not often very accurate either.

Hon. Mr. CASGRAIN—He cannot ignore the law.

Hon. Mr. LANDRY—If the hon. gentleman is correct, he could keep these two seats until the day of judgment.

Hon. Mr. POWER—I do not think the hon. gentleman from Stadacona need be troubled about that. There are numbers of vigilant members of the opposition in the House of Commons who will see that no abuse of the kind takes place.

Hon. Mr. LANDRY—As the House of Commons wants to reform us we might try our hand at reforming them.

THE MILITARY STAFF OF HIS EXCELLENCY.

INQUIRY.

Hon. Mr. LANDRY inquired :

I. In the military family of His Excellency the Governor General, what is the number of persons employed—
1. As military secretary ;
2. As aides de camp ;
3. As honorary aides de camp ?

II. Out of this number how many persons belong—
1. To the province of Ontario ;
2. To the province of Quebec ;
3. To the maritime provinces ;
4. To the western provinces ?

III. How many persons of French origin does the province of Quebec count among the number of persons which it furnishes, according to the above figurès, to the military family of His Excellency ?

Hon. Mr. SCOTT—I think the hon. gentleman might have put that question in a little more courteous form. I may say to him the military secretary of the Governor General is always an officer of the imperial service, brought out with him.

Hon. Mr. LANDRY—I do not deny that.

Hon. Mr. SCOTT—His aides he selects himself. I could not tell you who his aides are. I have no information on the matter.

Hon. Mr. LANDRY—The hon. gentleman is not justified in making the remarks——

Hon. Mr. SCOTT—The hon. gentleman makes the position I occupy very uncomfortable day after day. Every day he fires a number of questions at me, and if I were obliged to furnish answers to all of them

I would have nothing to do but go to the departments and ask them to answer Mr. Landry's inquiries. The hon. gentleman, to say the least of it, is extremely unreasonable. I am told that the publication of our proceedngs is delayed because he chooses to put everything in print and it has to be sent upstairs to be translated before going to the printer, with the result that minutes get to the Bureau too late to be printed in the morning, so it is difficult to get information promptly for the hon. gentleman. He gives notice of his questions one day and expects to be answered the next day. He might show some degree of courtesy.

Hon. Mr. LANDRY—I think the hon. gentleman might show some degree of truthfulness in his remarks.

Some hon. GENTLEMEN—Order, order.

Hon. Mr. LANDRY—When the hon. gentleman says I make a motion the day after I give notice of that motion, he says a thing which the minutes of proceedings will not sustain.

Hon. Mr. SCOTT—All his notices are marked Thursday the 7th.

Hon. Mr. LANDRY—To-day is the 7th. But the notices were given, some of them last week, not one of them was given yesterday among those that are to come up to-day.

Hon. Mr. KERR (Toronto)—I wish to raise a point of order; is there anything before the Chair? The question has been put and answered.

Hon. Mr. LANDRY—The hon. gentleman is mistaken——

Hon. Mr. KERR (Toronto)—The hon. gentleman has no right to address the House until the point of order is decided.

Hon. Mr. LANDRY—I have a right to debate the point of order. The hon. gentleman's point is not well taken, because on a question of this kind if he will consult Bourinot he will see that we have always the right to speak to a point of order. An hon. gentleman can rise to make a personal explanation in a case such as this, where I am accused by the hon. Secretary of State of putting a question on the order paper and demanding an answer within twenty-four hours. I have a right to say that it is not twenty-four hours notice. I always give him forty-eight hours, and if he is not ready then, I am always willing to wait; and I do not see that the hon. gentleman has any right to say that I lack courtesy in the matter. Because he says so I am not obliged to accept the statement and I will not accept it.

Hon. Mr. FERGUSON—I think my hon. friend from Stadacona is deserving of great credit for his industry in putting these questions. That is what we are here for, and gentlemen who do not do this work have no right to stigmatize an industrious man. The questions put by my hon. friend are uniformly proper ones. Of course he must not be unreasonable with the hon. Secretary of State in the matter of getting replies as promptly as he might desire them. He must allow a reasonable time, and I think he is willing to do so; but I do not think that an hon. gentleman who is performing such valuable work in investigating matters connected with the welfare of the country should be censured and condemned in the House for doing meritorious work.

Hon. Mr. DeBOUCHERVILLE—I think the hon. gentleman who has risen to a point of order should explain what he means. What is the point of order?

Hon. Mr. SCOTT—I merely said it was scarcely courteous to use the Governor General's name in the manner it is employed in this question. In both Houses of parliament, as a rule, the name of the Governor General is held with some degree of respect and it is rather discourteous to talk about the Governor General's family. The aide de camp is not a member of the viceregal family; he is a member of the staff. The militia secretary is not a member of that family.

Hon. Mr. FERGUSON—It says 'military family.'

Hon. Mr. SCOTT—These officers do not belong to the Governor General's family any more than my deputy or the staff of my department are members of my family, and I do not think it is in good taste to use the expression. It is too flippant.

Hon. Mr. LANDRY—I gave notice of my motion in French. I do not know how it

sounds in English, I did not translate it; but we say in French: 'la maison militaire,' the military household. It was not I who made the translation. The original question was couched in proper language.

Hon. Mr. SCOTT—I accept the hon, gentleman's explanation. I will have the information for him to-morrow.

The SPEAKER—I see that the notice of motion is correctly worded in French. The translation can be changed.

LIEGE EXHIBITION.

INQUIRY.

Hon. Mr. LANDRY inquired:

Why, at the time of the Universal Exhibition at Liège, did the government appoint the Honourable Mr. Turgeon, of Quebec, honorary commissioner for Canada?

What were the functions of this gentleman, and what instructions did he receive?

At whose request and upon whose recommendation was Mr. Adélard Turgeon appointed commissioner for Canada?

Hon. Mr. SCOTT—The only accredited appointees from Canada at the Universal Exhibition at Liège were those of the Dominion government. The Hon. Mr. Turgeon wished to visit the exhibition in the interest of the province of Quebec, and, as it was considered advisable that he should have an official standing there, he was appointed an honorary commissioner for Canada. His functions were not defined and he received only general instructions to act as a representative of the Dominion. Mr. Turgeon was appointed upon the recommendation of the Minister of Agriculture, acting upon the representations of parties in whom he had confidence.

INSPECTION OF PACKING HOUSES IN CANADA.

INQUIRY.

Hon. Mr. BERNIER rose to call the attention of the government to the following despatch, published in the Ottawa 'Free Press' of the 6th June last:

Winnipeg, Manitoba, June 6.—The pork and beef packing business of J. C. Griffin & Company, one of the foremost industries of the west, has been absorbed by a big American corporation. The name of the new stockholders are not announced.

And to inquire whether it is the intention of the government to provide for a thorough inspection of meat packers' houses?

He said: The community has been shocked by the disclosures which have recently been made in the United States with regard to packing houses. There may be some exaggeration in those disclosures, but it is hard not to believe there is some truth in them, especially when we notice that the president has thought it his duty to send a message to Congress about this condition of things. In that message he refers to a report made by inspectors appointed by himself and says.

The conditions shown by even this short inspection to exist in the Chicago stock-yards are revolting. It is imperatively necessary in the interest of health and decency that they should be radically changed.

And again:

The report shows that the stock yards and packing houses are not kept even reasonably clean, and that the method of handling and preparing food products is uncleanly and dangerous to health.

The president urges amendments to the existing laws and a most rigid inspection:

'I urge,' he says, 'the immediate enactment into law of provisions which will enable the Department of Agriculture adequately to inspect the meat and meat food products entering into interstate commerce and to supervise the methods of preparing the same, and to prescribe the sanitary conditions under which the work shall be performed.'

(Sgd.) THEODORE ROOSEVELT.

If we are to believe the report submitted to the president, no one will say that his action was premature. Here are some extracts from the report:

In one well-known establishment we came upon fresh meat being shovelled into barrels, and a regular portion being added of stale scraps that had lain on a dirty floor in the corner of the room for several days.

In another establishment, equally well known, a long table was noticed covered with several hundred pounds of cooked scraps of beef and other meats. Some of these meat scraps were dry, leathery and unfit to be eaten, and in the heap were found pieces of pigskin and even some bits of rope strands and other rubbish. Inquiry evoked the frank admission from the man in charge that this was to be ground up and used in making 'potted ham.'

The lack of consideration for the health and comfort of the labourers in the Chicago stock-yards seem to be a direct consequence of the system of administration that prevails. Physicians state that tuberculosis is disproportionately prevalent in the stock-yards, and the victims of this disease expectorate on the spongy wooden floors of the dark work rooms, from which falling scraps of meat are later shovelled up to be converted into food products. Even the ordinary decencies of life are completely ignored.

The mayor of Chicago has also put himself on record in this matter, and he is reported as favourable to the city owning a slaughtering plant where the packers would be compelled to kill their cattle and prepare the meat for sale to the public under strict municipal supervision. The above disclosures are creating alarm almost all over the world. No wonder that they do, for every one knows how large is the number of consumers of that kind of food. It finds its way into thousands of households, into the shanties, under the tents of the sportsmen and amongst the army. It is a necessity for the immigrants who in numbers of circumstances are left without any thing else to fare upon. It would be idle to pretend that we do not require a rigid inspection of the same industries in this country. When the disclosures about insurance companies took place in the United States it was said that in Canada nothing similar existed. Since that time, however, the government has started an investigation, and by the time that investigation is concluded it will surely be found that even in our land there is unfortunately much improvement to be made in the control of the insurance business. Now, here is an opportunity for our packing houses to get a good and extended foothold in the meat markets of the world. England is reported as having cancelled its orders for meat in the United States. Yet England must import meat foods. Why should not Canada try to secure for its products that immense market? It would be a means of developing to a much larger extent within our borders than it exists now a very remunerative industry, and thereby favouring the agricultural resources of our country and the tillers of the soil.

In providing for a strict inspection, Canada would only follow its own course. We have already provided for the inspection of many other kinds of food—for the inspection of grain and fruits. We have now before us a measure for the inspection of hay. In other countries the inspection is carried out in a manner which we could wisely follow. A report published in the press shows that:

> In the chief cities of Europe, the slaughter houses are public institutions, conducted without the slightest regard to profit, but solely with a view to protecting the public health. The United States consul general at Paris in his report on 'What Paris eats,' shows what care is exercised at the French capital. The public markets are under strict municipal control—no animal or part thereof being exposed for sale unless the killing was done at the public abattoirs. Eighty per cent of the food consumed in Paris passes through the 'Halles' or public market. The other twenty per cent consists of fruit, breadstuffs, coffee and vegetables. The most rigid official inspection is encountered at every turn.
>
> There is a sanatorium at the abattoir in which animals that are under suspicion are held until they are examined. Dealers who are admitted to the use of the slaughter houses are charged a small fee; and they have to submit to the strictest regulations, which include a scientific inspection of all animals.
>
> In Germany there is a system similar in character with a most carefuly organized service, and the thoroughness of the inspection and absolute cleanliness is a matter of general comment by all who have visited the places.
>
> In Great Britain, it need hardly be said, the public health is a first consideration, as the Chicago packers will now learn to their cost. All over the British Isles, the municipalization of the slaughtering business is taking place. An English writer dealing witih the experiments of foreign countries to which we have referred above, says: 'There is unanimous testimony from these and other countries, and from towns in the United Kingdom where public slaughter houses have been established, showing that one result of the abattoir system has been an improvement of the public health and a diminution of nuisance. It is declared that the sale of diseased meat is practically impossible under this system.'

That the inspection as carried out at present in Canada is not satisfactory, one has good reason to believe when he refers to interviews which are to be found in the public print. Here are some extracts of an interview with Dr. McCarrey, food inspector of the city of Montreal, as published in the 'Star':

> Dr. McCarrey, chief food inspector of the city, revealed to-day an astonishing state of affairs in regard to the poor inspection of packing houses in the city.
>
> It was stated by this official that packing houses, to all intents and purposes were practically not inspected at all.
>
> Do the inspectors watch the canning and packing and take steps to see that meats, &c., are put up in a way that are cleanly and in conformity with the laws of health?
>
> I am afraid they have little or no time to go into this phase of the question.
>
> Is all the meat bought by packing houses inspected before it reaches their premises?
>
> It is not. We inspect the meat that is bought by such places at the abattoirs; but often meat is sent to such places from country districts; in this case we have to do the best we can and try and locate such animals.
>
> Do any of the inspectors see that meats, fruits and similar food is not coloured with matter that is dangerous to health?
>
> This branch of the work is not looked after, the cause is the insufficiency of the staff.

The Mayor's attitude.

Mayor Ekers stated to-day that it was certain the city had not sufficient inspectors. He would do all he could to see that this branch of the civic service was improved.

Now here is the statement attributed by the Montreal 'Star' to Dr. Dagenais, chairman of the Health Committee in the Montreal council :

There must be a better meat inspection at the two large slaughter houses in the city. It was the contention of Alderman Dagenais that the city had not nearly enough of inspectors. There was only one inspector at the big eastern abattoir and he had to watch the killing of all the animals. The truth was that no one man could possibly attend the killing of so many animals and do the work in a satisfactory manner. Could any one say that a hog or a sheep not fit for human food was not now and then killed and put on the market. It was to be feared that this might happen on account of the one inspector having so much to look after.

Alderman Dagenais made the remark that as for private abattoirs and packing they were given little or no inspection. All the inspection amounted to was a visit once a week from inspectors. The truth was that in some of the large packing houses there should be an inspector in attendance all the time. If this were done it would be possible to see no food was packed which might be unfit to be eaten. He was glad to say that no complaints had been made against the packing houses in Montreal, and he did not believe that the packing done in Montreal packing houses was on lines now being exposed in Chicago ; at the same time it would be well for the public as well as for the packing houses if they had resident inspectors.

I am glad to say that in so far as Winnipeg is concerned, the honour and integrity of the gentlemen who are at the head of the packing business is a guarantee to the public that they produce an article which is not liable to the same suspicions attaching to the similar article in Chicago. But just the same I would be inclined to think, as Dr. Dagenais does, that 'it would be well for the public as well as for packing houses, if they had resident inspectors.'

Moreover, here is a despatch which, if true, must lead the Canadians to serious thinking :

Winnipeg, Manitoba, June 6.—The pork and beef packing business of J. C. Griffin & Company, one of the foremost industries of the west, has been absorbed by a big American corporation. The names of the new stockholders are not announced.

And in the 'News' of yesterday :

Chicago packers may establish a plant in Alberta.

Will not this absorption of our Canadian industry by American dealers have the effect of gradually introducing in our country the methods disclosed on the other side of the line ? Surely this conclusion would not be without some plausibility.

In connection with this transaction, the following despatch, from Toronto, indicates that some one does not favour inspection :

Toronto, June 6.—Should the canned products of Canadian packing establishments be subject to government inspection ? is the question that has suggested itself since the accounts of the frauds that some United States firms have perpetrated have been made public.

'I do not see what use any inspector would be to us,' said one of the best known men in the business here. 'If the government think it necessary and are willing to pay a man, we have no objection. But if we have to pay him by fees or otherwise, I would decidedly object.'

The representative of another large Toronto firm held a similar view.

'It would be of absolutely no advantage to us to have such inspection,' said he. 'Our grades are all labelled with our own name, and there is no greater stimulus for the use of the best material than the desire to build up our reputation and trade.'

Both gentlemen declared emphatically that the stories about diseased hogs and other conditions mentioned in the United States papers do not apply here at all.

The cattle are inspected before being killed, and the hogs are inspected in the market, while the packers are not allowed to use veal under a certain weight.

There are no federal regulations for the inspection of packing houses.

I do not think that the public would favour the opinion of these latter gentlemen. Very important questions are involved in this matter. We may have an idea of the vast importance of these questions by the following cable despatch to the 'Star' from London :

London, June 6.—The opinion is general in trade circles here that the packing house scandals have killed the tinned provisions trade, not only of the United States, but of Canada, Australia and Argentina. Retailers say it is difficult to sell three for every dozen formerly sold. They say householders refuse to make any distinction between Canadian and American, and they bar all tinned stuffs. It is felt that Canada has an opportunity to push her non-canned meat trade if she could devise some convincing method of government inspection here and in Canada. Canada last year supplied only three and a half millions out of total imports of thirty-five millions sterling, the United States supplying fourteen millions.

I will not dwell any longer upon this matter, except to say that we should take this opportunity of securing this trade for our own country. The farming community, our

commerce, our industry, the whole country would be benefited by the action of the government, were they to provide for satisfactory inspection. Public health also requires such action. But these results cannot be obtained unless public confidence in our own goods is restored. And I fully concur in the suggestions of the Montreal 'Star' as contained in the following extracts. The 'Star' suggests that we should at first seek to take out of the hands of the Americans their own market, and affirms :

> This can only be accomplished by relieving the public mind, so far as the Canadian products are concerned, of its natural revulsion of feeling against all sorts of canned meats. The people must be convinced that the Canadian goods are clean and sanitary ; and they can only be persuaded of this by a thorough inspection and a detailed and independent report.

I now ask whether it is the intention of the government to provide for a thorough inspection of meat packers' houses ? And if I were permitted to give my inquiry a somewhat more extensive purport, I would ask also whether the government is contemplating some action with the view of prohibiting the importation from the United States of the goods put on the market by the meat trust ?

As I have already stated, England has cancelled its orders for such meat. Should we not go a little further and prohibit entirely this importation ? In any case this is a question which is worth the attention of the government.

Hon. Sir RICHARD CARTWRIGHT—There is no doubt whatever that the disclosures which have recently been made as regards the manner and method in which the trade of packing meat has been conducted in the United States have been of a character to astonish and almost appal the whole civilized world. The attention of the government has been directed to the points mentioned by the hon. gentleman, and they will be prepared, I think, at a fitting time to deal with the question; but it is not altogether free from difficulty. To a very considerable extent it is rather a question of enforcing existing legislation than it is of adding new clauses to the statute-book. I am rather inclined to believe that there is power both in the municipalities and in the provision made by the local legislatures for purposes of health and sanitation, not to speak of such as may be vested in the federal government itself, to deal to a very great extent with all the worst class of abuses. But I am perfectly in accord with the hon. gentleman in thinking that there is a very considerable opportunity opened to the people of Canada and other British colonies, in view of these recent disclosures, to greatly extend their trade in canned meat products, and I for one will be disposed to advocate in the interest of trade and commerce—the department I more particularly represent—any measure which will tend to completely prevent the possibility of any such atrocious misconduct being perpetrated by Canadian packers or in Canadian manufacturies, as I fear have, beyond all doubt, occurred in the case of Chicago. Of course, hon. gentlemen will not expect under these circumstances that the government will say more than that they will consider the matter at the very earliest opportunity.

Hon. Mr. LOUGHEED—Have any communications been received from the imperial government with reference to Canada supplying the British army with canned beef?

Hon. Sir RICHARD CARTWRIGHT—They have not come before us officially. As yet we have seen nothing except the paragraphs my hon. friend has referred to relating to the probability that the imperial authorities will refuse to accept any canned goods coming from the United States and would endeavour as far as possible to supply the needs of the army from colonial sources. I may remark to my hon. friend that I doubt whether it would be possible for Canada to meet more than to a very partial extent the requirements of the British army, whatever Australia might be able to do. Our total exportation of canned goods amounted to $3,500,000 in the last year—and that is but a very small fraction of the amount of that class of article which is consumed in England or even by the imperial authorities alone. But there can be no sort of doubt that a matter of this kind, affecting so vitally as it does the health of consumers, affords, as I have said, large possibilities for the extension of trade, if we can succeed in convincing foreign customers

that our system effectually prevents the possibility of any such practices prevailing in Canadian packing houses as are alleged to have prevailed in Chicago. There can be no doubt that the question is one of first rate importance and deserves the consideration of the government.

Hon. Mr. MACDONALD (B.C.)—Will the hon. gentleman be prepared to recommend that the importation of United States beef be stopped ?

Hon. Sir RICHARD CARTWRIGHT—That is a question which will be for the consideration of the government. I am not in a position to answer the hon. gentleman at present.

Hon. Mr. MACDONALD (B.C.)—It should be prevented in view of the condition of things disclosed in Chicago.

A CORRECTION.

Hon. Mr. FERGUSON—I wish to call the attention of the House to a matter of some interest. When the hon. senator from Richmond addressed the House last evening on the question of the Senate, he made a somewhat strong statement, with regard to actuarial calculations which I had submitted on the previous day. Towards the close of his remarks he returned to the subject and made another statement which I was perfectly satisfied had amply contradicted the statement made by him in the earlier part of his speech. I was a little surprised when I saw the unrevised edition of the 'Debates' this morning and found that the later statement did not fully appear. I know that my hon. friend has not interfered with it, but I have had the advantage of consulting the notes of the reporter and find my recollection verified by these notes. The first statement of the hon. gentleman was :

> But I wish to say at once that many of my hon. friend's actuarial calculations seem to me very fallacious and even absurd.

As I said, I was quite content to allow my hon. friend's ipse dixit to go against my statements and the statements of the expert I had consulted, as the statement further on in the hon. gentleman's speech entirely supported our view ; but I found that was not fully reported.

Hon. Mr. MILLER—Have I not a right to make a change if I think proper ?

Hon. Mr. FERGUSON—Yes, but if my hon. friend had made an important statement which supported my figures and subsequently changed it, I would have a right to call attention to the change having been made ; but in this instance the change came in another way. The words that appear later on are :

> With a good majority now, the present government will have a much larger majority in this House three years hence. Then suppose that the Liberal party is successful at the polls at the next general election, what will be the result in this Chamber ? The government will have a majority in this House of over fifty or sixty before the end of their fourth term.

The subsequent words which fail to appear are these :

> It is evident from the common sense view of results that that must be the effect.

That would be in 1913. I turn to the actuarial calculations which I submitted to the House on Tuesday, and it will be found that the Liberal majority in 1913 was estimated at 49 out of a house of 87. Then I find that by this statement which the hon. gentleman makes, that at the end of the fourth term the Laurier government, if they are sustained at the next general election, will have a majority of 50 or 60. Suppose we assume that they will have at that time a majority of 49, which is more moderate than my hon. friend put it, that will be 68 Liberals and 19 Conservatives at the end of the fourth term. I turn to my expert's table, and find that at 1913 the number of Conservative senators in the House then will be 19, so my hon. friend's later statement entirely corroborated the statement of the expert referring in both cases to a date seven years in advance of the present time, and having been found right, in the middle of a term of 14 years, it is fair to assume that these expert calculations will be right according to 'common sense' as well as actuarial calculations, to the end of the term. Therefore my hon. friend's imputation of fallacy and absurdity against the expert's table is absolutely contradicted from his own lips.

Hon. Mr. McMULLEN—I fully expected when the hon. gentleman from Marshfield rose that he was going to make some re-

marks in addition to those that fell from the hon. gentleman from Winnipeg regarding the exceedingly important question of the impurity of the United States meat as reported on by the committee, and the desirability of Canada stirring herself under present conditions to secure an important and large exportation of canned meats. I listened with much pleasure to the words that dropped from the hon. Minister of Trade and Commerce. I earnestly hope that the government will take very active steps to encourage in every way we possibly can the exportations of those meats and picking up the trade that our neighbours are evidently bound to lose by the report that has gone abroad.

Hon. Mr. CASGRAIN (de Lanaudière)—I rise to a point of order. What is the hon. gentleman discussing.

Hon. Mr. McMULLEN—Discussing the question raised by the hon. senator from Winnipeg.

Hon. Mr. CASGRAIN (de Lanaudière)—That is closed.

Hon. Mr. LOUGHEED—If my hon. friend will give the hon. gentleman an opportunity he may come around to the actuarial tables in the course of the afternoon.

Hon. Mr. McMULLEN—I heard the Minister of Trade and Commerce make a reply to the hon. senator from St. Boniface and I thought the subject was still under discussion.

AN IRREGULARITY IN PROCEDURE.

Hon. Mr. DAVIS—Before the orders of the day are called I wish to call the attention of the House to the fact that I have a grievance. On the 30th May I had a Bill standing in my name called Bill (Y) An Act to incorporate the Prince Albert and North Saskatchewan and Hudson's Bay Railway Company. My hon. friend who sits beside me offered to move the second reading of the Bill, but was not allowed to move it on the ground that it was claimed the Bill was not printed. I find on Tuesday last that same Bill got its second reading and should have gone to the Railway Committee. The following day, that is yesterday, Bill (GG) appeared on the order paper here. It was not even printed, according to the 'Minutes of Proceedings.' Much to my surprise I found that my Bill was not on the order paper of the Railway Committee, while this other Bill was, and was railroaded on the order paper and railroaded through the committee. I objected to the amendments to that Bill being concurred in to-day, and I understand that the Speaker has ruled that the amendments should be concurred in. I took exception to that, and, I think, under the rules of parliament, the report should not have been concurred in to-day, and I ask the Speaker's ruling on it. I think my Bill should have been on the order paper this morning at least.

Hon. Mr. ELLIS—I would like to make an observation as to the manner in which the hon. gentleman has made his statement. It is very objectionable to say that a Bill is railroaded through the committee, because it conveys an imputation for which there is no ground at all. The committee has been sitting two hours and a half each day and has given full consideration to every Bill that came before us.

Hon. Mr. DAVIS—Will the hon. gentleman say that a Bill which was not printed yesterday and was not on the order paper of the committee to-day, and yet was run through, was not railroaded through?

Hon. Mr. WATSON—If the hon. gentleman will remain in his seat in the House and be informed as to the legislation which passes the House he will not make such rash statements. The Bill standing in my name was moved in my absence by my hon friend from Killarney (Mr. Young) and an explanation was given. The Bill, printed in both languages, was produced before it was given its second reading. If the hon. gentleman had consulted the 'Debates' he would have found that such is the case. The Bill came regularly before the committee to-day and was explained in the committee. It was on the orders of the day as furnished by the law clerk, who was clerk of the Railway Committee, and on the Orders of the Day furnished the chairman of the committee. That Bill was entered there regularly. The first time I was aware that a mistake had been made in the printing of the Orders of the Day was when I was told of it by the law clerk: That Bill should have been on the Orders of the Day and it was regularly before the committee,

The explanation was made in the committee and no objection was taken and the Bill was regularly reported. As far as this session is concerned, no member can fairly say that any Bill has passed the Railway Committee without free and full consideration. I am satisfied that in no session that I have attended here has the Railway Committee given more attention to Bills presented to it than it has this session, and that remark applies particularly to the Bills which were considered to-day. As the hon. senator from St. John has stated, therefore it is wrong to say that Bills are railroaded through committee. If the hon. gentleman has fault to find with the officers of the House for not putting Bills that he has charge of on the orders of the day, he can do so, but why the hon. gentleman should make such vague and reckless charges against the Railway Committee is hard for me to understand.

Hon. Mr. DAVIS—There are many things it is hard for the hon. gentleman to understand. I complain that the Bill in which I was interested and which stood in my name, and which passed through this House on Tuesday, was not placed on the order paper to go to the committee this morning, while a Bill in which another gentleman was interested was taken up the next day, considered, referred to the committee, and reported and put through the House to-day against my protest.

Hon. Mr. WATSON. What I say is, that Bill (GG) was regularly dealt with. Why the hon. gentleman should pick out that Bill which stands in my name to say that it was railroaded through the House I cannot understand.

Hon. Mr. POWER—This conversation may be very interesting to the hon. gentlemen who are particularly concerned, but there is really nothing before the House and there is important business to be dealt with, and I do not think our time should be taken up with these altercations.

The SPEAKER—The complaint of the hon. gentleman refers more to what took place in committee. It cannot be remedied by the House. He also objects to the report being concurred in this afternoon.

Hon. Mr. DAVIS—Yes.

The SPEAKER—The hon. gentleman's objection is too late. He should have objected when the motion was made. No objection was made and the report was concurred in.

Hon. Mr. WILSON—The objection was made by the hon. gentleman, who claimed that the report should not be concurred in, that it required a day's notice before concurrence could take place. I in my place, raised the same objection. I thought I spoke loud enough to make myself understood, that we objected to concurrence in the amendment when the report was before the House. To my surprise, and I will say to the surprise of the House, the motion notwithstanding the strong objection that was raised, was declared carried. What my hon. friend objects to is that the Speaker allowed the amendments to be concurred in after he had raised his objection. As to the other point, I suppose that that Bill not being printed was one reason why it ought not to have been read the second time yesterday and referred to the Railway Committee.

The rules, unless suspended, implicitly exact that every Bill shall be printed in the votes and proceedings of the House. That Bill was not so printed, and, therefore, it had not right to go to the House. If it did go, when it came back here, and we raised objections to the report being received to-day, why was it not held over until another day ?

The SPEAKER—Objection was taken by the two hon. gentlemen to the report being discussed and adopted at that meeting, but, was taken as against the right of the hon. gentleman who made the motion to do so to-day ; as there was no point of order the motion was carried, and the point the hon. gentleman raises now is too late.

Hon. Mr. WILSON—I understood that when hon. gentlemen rise to a point of order and object in accordance with the rules of the Senate, the Speaker's duty is to see that the motion is not put, but that the rules are complied with. On this occasion that certainly was not the case. We raised an objection. The Speaker must have heard the objection, yet, notwithstanding that objection, he put the motion and declared it car-

ried. I expected that the Speaker would not put the motion, because he knew perfectly well that it had not the unanimous concurrence of the Senate. I therefore thought we had just cause of complaint.

The SPEAKER—The hon. gentleman complained that the time of notice was too short, and asked if it would not be apropos that the motion should be held over, but, when the motion was put, no point of order was taken ; and I may add that I have some doubts as to whether any point of order could properly be raised, although I would not like to pass judgment upon that question. My present impression is that it is a matter for the House to decide.

Hon. Mr. WILSON—It was not necessary to put the motion, under the circumstance.

The SPEAKER—There is nothing presently before the Chair.

BILLS INTRODUCED.

Bill (HH) An Act respecting the Manitoba, Keewatin Railway Company.—(Hon. Mr. Kerr, Toronto.)

MILITIA REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY—Before the orders of the day are proceeded with I should like to ask the hon. Secretary of State if the militia regulations published in the 'Canada Gazette' on the 5th of May last have been laid before both Houses of parliament or before this House. The Militia Act, chap. 23, Edward VII., sections 126, 127 and 128, provide as follows :—

> The Governor in Council may make regulations for carrying this Act into effect for the organization, discipline, efficiency and good government generally of the militia and for anything required to be done in connection with the military defence of Canada.
>
> Such regulations shall be published in the 'Canada Gazette,' and, upon being so published, they shall have the same force in law as if they formed part of this Act.

The publications of these regulations in the 'Canada Gazette' is therefore obligatory in order that they may become law. The Act further provides :

> The regulations shall be laid before both Houses of parliament within ten days after the publication thereof in the 'Canada Gazette' if parliament is then sitting, and if parliament is not sitting then within ten days after the next meeting thereof.

Parliament is sitting now; these regulations were published in the 'Canada Gazette' on the 5th of May last; the ten days would have expired on the 15th ult., and I ask the hon. gentleman if he has produced before this House of parliament—it may have escaped my attention—a copy of these regulations?

Hon. Mr. SCOTT—They have certainly not been laid on the table by me. I am not sufficiently familiar with the militia law, not being myself a military man. I rather belong to the peace party, and therefore I have not perhaps taken the interest I should have done—certainly not the interest which my hon. friend takes—in all military matters. I intended to-day to call the attention of the Minister of Militia to the subject-matter which the hon. gentleman referred to a few days ago, namely, the importance and propriety of printing these regulations in French. Sir Frederick Borden has been out of town for some days, however, and I have had no opportunity of bringing the matter before him, but I shall do so at the earliest opportunity. I presume the hon. gentleman is right in his contention that the regulations to which he refers—I am not familiar with them, and I do not know to what they refer, but from a cursory glance at them I thought they had reference to the pay of the force.

Hon. Mr. LANDRY—Pay and allowances.

Hon. Mr. SCOTT—They are then such regulations as the statute contemplated should be laid on the table. I will draw the attention of the Department of Militia to the subject at once and see that the papers are laid on the table.

Hon. Mr. LANDRY—I will take the same occasion to ask the hon. gentleman, in the interest of our French militiamen, if the syllabus of what is done in camp every day, the daily exercises prescribed by the syllabus, could be printed in French as soon as possible for the use of French militiamen in the province of Quebec. I think these men are serving the country as well as any other citizens could, and they should be put on a fair and equal footing with militiamen in the other provinces.

Hon. Mr. SCOTT—As soon as the Minister of Militia returns I will bring the sub-

ject before him and give him my opinion that they should be printed in French.

HENRY LUTHER HOUK PATENT BILL.

THIRD READING.

Hon. Mr. KERR (Cobourg) moved the third reading, Bill 51, an Act respecting a patent of Henry Luther Houk. He said : In moving the third reading of this Bill it would be proper for me to state that when the Bill was reported to the House by the proper committee, it was understood that certain information would be forthcoming as to the object of the patent, before the House should be called upon to allow the third reading. The patent covers a new and useful improvement in vehicle tires, and tires under the said patent have been manufactured and sold in Canada ever since the date of the patent, July 21, 1899. It was a patent granted for eighteen years; the fees were paid for six years and the holder of the patent understood that his agent had, before the six years expired, paid the necessary fees and renewed the patent for the remainder of the term, to wit, twelve years. As soon as he discovered that that was not the case, within a month from the time the six years expired he tendered the proper fees, but the proper officer did not feel that he was at liberty under the Act to accept payment for the renewal, and hence the owner is driven to come to this parliament under our law to ask for a renewal. I understand that some hon. gentlemen wish to avail themselves of the opportunity which will now be given them, to offer some observation on the general principle involved. I do not understand that they refer so much to this Bill in particular, but rather to the general principle of the inexpediency of renewing patents or of renewing them in the manner which has hitherto been pursued. The officer of the department in charge of these matters appeared before the committee and said that so far as the department was concerned there was no objection to this Bill. I would, therefore, move that this Bill be now read a third time.

Hon. Mr. LOUGHEED—Before my hon. friend sits down, will he inform the House as to what particular article this patent has to do with ?

Hon. Mr. KERR (Toronto)—The Bill, unfortunately, does not contain, as I think it should, information as to the nature and object of the patent. It is one, as I mentioned a few moments ago, for a new and useful improvement in rubber tires, and tires under the said patent have been manufactured and sold in Canada ever since the date of the patent.

Hon. Mr. JONES—Before this motion passes, I wish to take the opportunity of making one or two observations with reference to the renewal of patents, not especially with reference to this Bill. I do not know anything about this particular patent except what the Bill indicates. The hon. mover has advised the House that it is a patent relating to rubber vehicle tires. The principal objection which I have towards this particular renewal and to all renewals, practically, that have come before the House since I have been a member of it—and the number year by year is increasing, doubtless naturally so—is first with reference to the last clause in the Bill for the protection of the public. That is after all possibly the most important part for the consideration of this House. I think the latter clause in this Bill is the same as the last clause in all the renewals of this nature which have been granted for some time, at least last year and this year. In this case the words ' Or licensees ' are put in, because in this particular instance I believe the owner of the patent has licensed some persons in Canada to manufacture under his patent, and the mover of the motion has indicated that it is because of their carelessness or oversight that this Bill comes before the House. I shall read the clause in this Bill :

> Any person other than licensees, who has within the period between the 31st day of July, 1905, and the passing of this Act commenced to manufacture, use and sell in Canada the inventions covered by the said patent may continue to manufacture, use and sell the said inventions in as full and ample a manner as if this Act had not been passed.

The object of the clause of course is to protect the interests of those who, after the patent lapsed, undertook to manufacture. Now, if I read this aright it necessitates that any such person or persons must have begun to manufacture, must have used, and must have sold the said article or articles in order to give them the right

to continue. The wording of that clause to my mind is not clear and definite, and goes much further than the House intends to go in establishing or in reserving to such persons the rights that they would have, which it is the intention of this Act to give to them. If I read the clause correctly, it does necessitate the manufacturer not only manufacturing the article but using it himself and selling it, in order to continue to him the right to manufacture. It might be, and it is in certain cases impracticable if not impossible, that the manufacturer should make for his own use as well as make and sell the article. He ought not to be asked to do so; he is not asked to do so in the original patent.

If I read the patent Act and the patents themselves aright, if he manufactures the article so that it is available for any other persons in Canada who desire to purchase it, he has fulfilled the intention of the law. This amendment, therefore, worded as it is at present, goes materially further than the original patent does. I contend further that this House ought not to reinstate patents unless it is in possession of the fullest possible information indicating that it is, under all the circumstances, desirable and necessary, fair and reasonable, to the patentee or the owner of the patent—that it should be of the very strongest nature. The object of a patent is self-evident; it affords an incentive to inventive genius; and if inventors devote time and thought—in important patents a great deal of time and thought is frequently expended, and a good deal of money is often spent—a certain period of time should be conserved to them for the manufacture and sale or use of the article so that they may be reimbursed. It is not in the interests of the country that patents should be tied up for speculative purposes. It is not in the interests of the country that large sums of money should accrue to people who purchase patents for little or nothing and thus possibly prevent competition in the manufacture and sale of the article. In this, as in most of the cases that come before the House, the patentee is not the applicant for the renewal. This renewal is asked for by Henry Luther Houk; doubtless the patent had been sold and transferred to him. There is no objection to that. A Mr. Swinford, of Akron, Ohio, is the patentee, but the patent has passed out of his hands. In this particular case the mover of the resolution has pointed out that his article has been manufactured in Canada under license; but in a number of the patents which have been renewed by this House, so far as the House is aware, the patent law has not been complied with, and, so far as this House knows, possibly the person applying for a renewal of the patent may have purchased that right from the patentee after it had lapsed and have gotten it for a song, or he may have acquired the right shortly before the time lapsed, acquired it very cheaply, because the article was not apparently being called for to any considerable extent, not being looked upon as a public necessity, and no one was willing to accept a license and begin to manufacture. In such a case, I think the House should give careful consideration to the inadvisability of tying up a patent for another twelve years, as is generally the case. As every hon. gentleman knows, the patents now cover a period of 18 years. Previous to the last two or three years the period was 15 years, and that was divided into three terms of 5 years each. The first payment made would secure to the patentee the right for 5 years. In taking out patents, persons frequently take advantage of the fact that they need only pay for one-third of the whole period, because a patent when first taken out is generally to a large extent an unknown quantity, and there is considerable doubt as to how far it may be of value. The difference between taking out the patent in the first place for the full period of eighteen years, and taking it out, or paying the fees, for six years only, is about $50. In Canada under the present law, the fees may be paid for six, twelve or eighteen years as desired. Nearly every application for renewal which comes before the House is in relation to a patent that has been taken out and the fees paid for the shorter term only, the parties interested desiring to wait and see whether the invention will prove to be sufficiently useful and in public demand to make it desirable to continue its protection. There is a further provision in the Patent Act that in the case of a foreigner taking out a patent in Canada, he shall within two years from the date of the patent, commence the manufacture of the article in the Dominion,

so that if he has tied up a new and useful invention by his patent he must, within a reasonable time, make provision to supply the article to the people of Canada if they desire to purchase it. The rules of the department permit the officer in charge of the Patent Office, under representations made by the patentee, showing that it would be reasonable and fair to do so, to make some extension of that term of two years, probably to three years. I do not know of any cases in which they have gone to four years, but I know in a number of cases the Patent Office has extended the time for one year, making a total of three years within which the patentee from a foreign country has to begin to make, or have made for him, the article so that it may be sold in the country. It is well known among manufacturers and others that this is in a large number of cases arranged by the patentee having some one in the country manufacture a sufficient number of the articles to preserve his rights under the patent. It may only be necessary to make one, two or three of the articles—simply enough to enable him to prove that they are being manufactured in Canada, and that will preserve his rights under the patent until a larger demand grows up. As regards this question of manufacture, the law in Canada differs from the law of the United States, and differs also from the laws of some of the other countries where patents are granted; and it may be a question for consideration whether that is desirable or not. No doubt when the patent law was brought into force in Canada it was felt, as I think it would be now, if that were under consideration and had to be decided by this House, that we could not necessarily be guided by a principle laid down by the nation to the south of us or by any other nation. Great Britain, for instance, does not require that the patentee shall manufacture in that country the article within a given period; but here we lie beside a great country where, if my recollection is correct, the number of patents issued is, as compared with Canada, as fifty to one; and many of the patents that are taken out on the other side are also taken out here, because it costs but little money to do so. Fifty to seventy-five dollars would be the extreme sum required. Doubtless the view taken by the government in passing the law was that, situated as we are, it would be in the interests of Canada that such provision should be made. Personally, I think it is an excellent and wise provision. Now, so far as I have learned or have observed, the members of this House do not know, when they renew a patent, whether the law in respect to manufacture within the prescribed period has been complied with. In this particular case—and I repeat that I am not discussing this particular case, but am simply taking the present opportunity of referring to the general principle involved—the mover of the resolution has been advised that there are licensees in Canada who are actually manufacturing; but this is an exceptional case. In no other case where renewals of patents have been asked for, when I have been present, have I heard a definite statement that there was actually an arrangement under which the article was being manufactured in Canada and sold in Canada. Now if the law has not been complied with in this matter of manufacture, and this House passes an Act reinstating the patent, it does not do injury to the public nor to the patentee, and no difficulties would arise other than would have arisen had the patentee taken out his patent for the full period in the first instance. It simply puts the patentee or the owner of the patent in the exact position he would have occupied if his patent had not been allowed to lapse. But I submit that it is not desirable for this House to reinstate a patent unless they know that the law in that respect has been complied with, because if it happens to relate to a desirable invention—some article which a Canadian company or individual in Canada might desire to manufacture, that company or individual is put to the expense of establishing the fact that the article had not been made in Canada as required by the law, and very considerable expense in the way of law costs may arise in that way which ought not to have arisen in the case of a renewal by this House. This House ought to have the most definite, positive information before granting the renewal, that all these conditions have been complied with, and that the owner of the patent, or the patentee himself is clearly and absolutely entitled, for the reasons given to the House, to a renewal of the patent.

Therefore I believe, in regard to the information that comes before the committee who have these matters under consideration, the information that is furnished to the House should be much more full and complete so that every member of this House may feel he is not doing an injustice to the people of Canada, and that he is doing justice to the foreigner who asked for the renewal and only justice to him, and that the best interests of Canada are conserved if we, by legislation, hand back to him what, from carelessness or otherwise, he may have allowed to lapse, which may or not have been his own fault. Generally speaking, I believe it is the fault of the individual; possibly at times something has arisen within the period after the patent has lapsed, and before it comes to this House, that indicates what they had not previously known in connection with the patent, that it is likely for some reason to be valuable. If that were the case, this House should not pass the Act under any circumstances whatever. It is only when the patentee has clearly been doing what he felt was his full duty under the patent that he should get the extension from the House himself. As to the latter clauses particularly, I would ask the House to give to the suggestion which I have made with reference to what is necessary to protect the public, their most careful consideration. The legal members of the House will understand better than I do whether my interpretation is correct or not. I know my interpretation is correct to this extent, that where the public and the patentee differ in their views with reference to the reading of that clause, it would end in litigation that is expensive and unfair to both the patentee and the public, and it is extremely important that we should in every way guard their interest. Further, take this patent as an illustration. It expired in July of last year—ten months ago. Any manufacturing company in Canada, who may have desired to manufacture this particular article, who sent to the patent office and inquired from the patent office if that patent had expired, would get an official letter from the patent office stating that it had expired. In the natural course of events, any individual or company, who desired to manufacture the article, would, upon that information, undertake to get ready to do so, and they might spend $5,000, $10,000 or $50,000 in preparations for manufacture without any expectation or knowledge that the parliament of Canada would be asked to reinstate the patent a year later; and so while we are legislating back to this man the rights that he originally had, some one in Canada may have gone to very considerable expense to get ready to manufacture the article; they might really have large sums of money tied up in the plant when they find, probably by accident, or notification from the patentee, that his patent has been restored, and dated back to the date at which it lapsed, and is as fully in force now as if it had never lapsed at all, and without their knowledge. I think that under those conditions the protection that is offered by this clause is not sufficient. Even if they have not actually established a business and manufactured, they should certainly be reimbursed for any expense they have gone to in getting ready to manufacture if the patent is to be reinstated, and if they are to be prevented from proceeding. The patent office itself takes no responsibility with reference to these matters. The mover of this particular Bill advises that the deputy minister of the department was before the committee but the deputy takes no responsibility. The deputy did not tell the committee, I am positively certain, that it would be proper and right to reinstate this patent. All the deputy tells them is that the office has no responsibility of any kind whatever. We are here to do certain things in certain ways and we are acting under our rules. We do not know what has happened in the interim. We have no knowledge of it. We have no right to ask the patentee or owner of the patent for information of that kind, and we could not have asked it. Such a thing is never done in the patent office. I have had a good deal to do with the patent office, have had hundreds and hundreds of patents myself, and my experience indicates that the officials are entirely and always without information, outside of matters coming directly within the interests of their department. So the House is dependent upon the knowledge that the person who asks the information can furnish to the House. It is necessary of course, that certain notice be given of a Bill of this nature. If I am correct, it is

five insertions in the 'Canada Gazette,' five weeks. In my opinion that provision does not necessarily protect the public in a matter of this kind. There are a very large number of manufacturers who do not take the 'Canada Gazette,' and do not examine it weekly, and possibly there ought to be some further publication than that for the protection of the public when this extraordinary legislation is asked for. Now that might be done by at least one of the principal newspapers in our province, or by some other plan that would reach the manufacturers and builders of the various articles that are patented in Canada. That notice ought to indicate what this Bill does not indicate, what most of the Bills do not indicate. This notice would not indicate necessarily even to the manufacturer, if shown to him, that it affected any part of his business or the articles he was manufacturing, because they may give the number of the patent, but do not give any details. This Bill does not, you must go to the patent office, or the record, to find out what kind of article this really covers, and so the notice in that regard should be such as would enable the businessman and the purchasing public to understand whether they were purchasing or using or selling an article which they had a right to sell or dispose of or not. I apologize to the House for occupying so much time on this matter, but it is a far more important subject probably than many others that will appeal to members of the House who are not in close touch with the many difficulties that arise in connection with patents in Canada. There are now probably 65,000 or 70,000 patents taken out in Canada. Many of these have lapsed. Probably not more than one in a hundred is of any considerable value, but any one who undertakes to follow them through and see whether they are alive or have been allowed to lapse, would have a good deal to do, and it is not asking too much of any gentleman or any company who want us to legislate them back into possession of something that is now the property of the public of Canada, and which they ask to take away from the public, and give to the individual, that the fullest possible information should be given to the House before we adopt such legislation.

Hon. Mr. POWER—I do not think the hon. gentleman from Toronto has any reason to apologize to the House for the speech he has made. It has been the practice of the House not to look into Bills to revise patents. These Bills come before us and are read the first time as a matter of course, are read a second time as a matter of course, and are then referred to the Standing Committee on Miscellaneous Private Bills. Whether they are very carefully considered there or not I do not know, but I presume that they are, and I have no doubt that if the hon. gentleman had been here at the time and had been aware of the fact that this Bill was before that committee and he had gone before the committee, every weight would have been given to his views. His suggestions deserve a great deal of weight, but I think the hon. gentleman somewhat misapprehends the position. I have looked at some of the Bills which we have passed, and I find that this particular Bill (No. 51) of this session, is not nearly as objectionable in its language as some of those measures which we have passed.

It seems to me that the interests of the public are amply protected under this Bill. It appears that the patent lapsed on the 31st of July last, and the second clause of this Bill provides:

> Any person, other than licensees, who has, within the period between the thirty-first day of July, one thousand nine hundred and five, and the passing of this Act, commenced to manufacture, use and sell in Canada the inventions covered by the said patent may continue to manufacture, use and sell the said inventions in as full and ample a manner as if this Act had not been passed.

That I think is full protection to any one who has begun to manufacture. Where the expression is first used the wording might be modified so as to read 'manufacture, use, or sale,' but I do not think in the interpretation of the Act the courts would hold that there was really any difference between 'and' and 'or' so that, from the 31st July last, when this patent lapsed up to the time when this Bill is assented to by His Excellency; any person who has manufactured or used or sold the article can continue to do so. I do not think there is anything unreasonable in that proposition. The interests of outsiders are amply provided for. With respect to what took place, and as to where the blame lies, as a rule, for these patents being allowed to lapse, I venture to say in the hearing of hon. gentlemen who are members of the committee on Miscellaneous Private Bills,

that in a good many cases the fault is not with the patentee himself, but with his solicitor, who is employed to see that the patent does not lapse, and who overlooks it. In a great many cases that is the fact, and it would be hard on a man who has made an important invention, and who has manufactured it himself, that his rights should be cut off in that way through the oversight of a professional man. We passed a Bill here the other day that contained a provision which I thought objectionable, and I was under the impression when the hon. gentleman referred to it that a similar provision would be found in this Bill. The provision in the other Bill was :

> Any person who had commenced to manufacture, use and sell, at any time between the date when the patent lapsed, and the date when the first notice was given in the 'Gazette' of the intention to apply for this Act, &c.

I felt that that was exceedingly unfair, and I thought when the hon. gentleman proposed to call attention to this Bill, that the language was the same.

Hon. Mr. LOUGHEED—What Bill was that.

Hon. Mr. POWER—I think it was No. 45.

Hon. Mr. KERR (Toronto)—The puffed rice Bill.

Hon. Mr. POWER—The clause says :

> Any person other than the licensee, who has within the period between the 31st December, 1904, when the patent lapsed, &c.

Hon. Mr. LOUGHEED—We amended that clause.

Hon. Mr. POWER—Yes, and fixed the date when the notice was first given in the 'Gazette', which I think was exceedingly improper. I do not mean to reflect on the action of the House, but I think it was not a proper thing to do. The speech of the hon. gentleman will have the effect of making the House and the members of the committee more watchful in future in dealing with Bills of this character ; and I think he has placed the Senate under an obligation.

Hon. Mr. SULLIVAN—As a member of that committee I wish to state that every possible care was taken, and the idea was that every Bill having reference to a patent having elapsed, and restoring rights to the party, had a provision in it to guard any one who had from the time of the lapsing of the patent until the application for a renewal was advertised, or until it was passed in the House, manufactured or sold the article in question. That was the idea that prevailed in the committee at that time. and every Bill which passed the committee, when I was present, had such a provision in it.

Hon. Mr. KERR (Toronto)—In the absence of the chairman of the Private Bills Committee, perhaps I might be permitted to say a word or two in reference to these matters, which are not easy matters to deal with and which cannot very well be dealt with as a class and which we ought to deal with as they come before us in every case. Being exceptional cases they should be dealt with in an exceptional way, if they are entertained at all. At the risk of being somewhat troublesome and repeating to some extent what has been said by the hon. gentleman who brought the matter before the Senate, I would venture to remind the House that under our patent law a person who is the inventor, or his assignee, may obtain a patent which protects him in the use of the invention, on certain conditions, for a fixed period of time, namely eighteen years. One of the conditions is that he must satisfy the department that the article has not been in use or manufactured in the country, and one of the conditions of every patent is that it is not a public property in any way, so that it has to be, in fact, a novelty, a new invention, and it must be a new invention which has not hitherto been manufactured or used in the country. That being so, on payment of a certain fee, and on satisfying the department as to its being the invention of the applicant and as to its being a novelty, and as to the bona fides of the transaction, the inventor receives a patent covering eighteen years. The law requires that he need not pay the whole fee down which is necessary to cover the eighteen years, but he may make the payments by instalments, payable every six years. He receives a patent, which remains valid for six years, and on payment of a fee, but without further application and further particulars. it is renewed for another period of six years, and at the end of twelve years and a third pay-

ment it is renewed for a further period of six years, making the term eighteen years. In the case we are dealing with, the patent was issued in 1899, and, therefore, was in force until 1905. When the six years covered by the first payment transpired, it became necessary in order to continue the patent that he should pay the additional fee for the next six or twelve years as he might do if he desired. Prior to that time, under the general law, his patent would cease and be void unless he had complied with the conditions as to manufacturing. So that we have a case where the time had expired within which the fee should be paid, in which he had complied with the law by manufacturing an article which he had obtained his patent for eighteen years, subject to the payment of a few dollars to the department at the expiration of the year 1905. By some slip—I can't say what it was in this case, or on whom the responsibility rested —that fee was not paid when it should have been, and when the payment was subsequently offered, the department could not receive the fee.

Now there is no pretense that up to that time there was any reason whatever why this patent should not be renewed. The patentee had complied with the law as to the manufacturing, and with the conditions in every respect, and all that was necessary, in order to give him protection for the next twelve years was to pay the fee. This application was made and notice given in conformity with the rules of the House. Whether those rules are sufficient or not is for the House to say. Reasons may be suggested why rules in patent cases, should be amended so as to provide for more ample notice; that is for the Senate to say. Dealing with the matter, notice was given, proofs were received, the petition was received establishing the facts that were necessary, and that petition came before the House. A Bill was received, and the principle of the Bill was adopted in the House of Commons months ago I may say. The matter went before the committee of the House of Commons in due course and was investigated, and the Bill was adopted, in this case without change, and sent over to the Senate. The preliminaries were all investigated, the Bill was received and read the first and second time and referred to the committee and stood before the committee for some time. There was ample time for any one interested in what is covered by this patent to have intervened and shown either that he had acquired a right, or that it was not reasonable that he should be precluded from acquiring a right, so there was no person who was interested in this manufacture who had not ample time, because of the notice that was given prior to the Bill being introduced in the House of Commons and dealt with by the committee in the House there. On its coming before the committee here, the committee declined to deal with this case without having the deputy of the department before them, and the deputy of the department appeared before the committee and stated that, so far as was known in the department, there was no reason why this Bill should not pass if parliament saw fit, in its wisdom, to extend or revive patents at all. In other words, if there was any case in which it was fit to be done, this was such a case so far as the department could in any way know. The hon. gentleman from Toronto (Hon. Mr. Jones) pointed out, with reference to patents, that inquiries are made from time to time to know if they are still in force and for how long, and would be advised by the department of the expiration of a patent, at a certain day, and people might engage in the manufacture of the patent article. Let us consider for a moment if a person did that and engaged in the manufacture. He would be a person so in touch with the Patent Law and with the patent business that he would know that if the patent had been in force for any length of time the article must have been manufactured in the country, and he would know therefore that when he got the advice that the patent had expired, he was getting the benefit of a patent, which ought to have been in force for eighteen years, and which had expired simply through a slip, nonpayment of a small sum of money. There may be cases of that kind where the patent may have been working hardship to people in this country, and it might be desirable to get rid of the patent. That does not appear to be the case in this instance. It was open to any person to have made that representation before the committee. That might have involved a further inquiry in the matter, but there being

nothing of the kind, the committee dealt with the matter after due notice, and this House having assumed the principle that Houk is entitled to an extension of his patent, unless, on inquiry, there is some reason to prevent him getting it, the committee have only to ascertain if any person should be protected in connection with the revival of the patent. There being no evidence of the kind, the protection is given by the committee in general terms. They say that any person who has commenced the manufacture and sale, any person who has acquired a vested right, so to speak, shall be protected. Every one is entitled to anything he has done and to any rights acquired by him from the time the patent lapsed until it goes into force again. I venture to submit that the committee have acted in accordance with the practice of the House in this case, and with due regard to the protection of acquired rights, as provided by the rules of the House in the way of notice, and, so far as they could that every interest should appear before them.

Hon. Sir MACKENZIE BOWELL—Have all the conditions of the Patent Act been complied with, except the failure to pay the fee?

Hon. Mr. KERR (Toronto)—We were advised by the deputy minister that the patent was in force, and would have continued in force but for the non-payment of the fee.

Hon. Sir MACKENZIE BOWELL—That does not answer my question.

Hon. Mr. KERR (Toronto)—We did not make an investigation of the factory at which Houk is manufacturing this article. We did not make inquiry as to the number of persons he is employing or the prices he is charging, but we did inquire of the department, whether they were satisfied that the conditions had been complied with.

Hon. Mr. JONES—Does the hon. gentleman say that the chief of the patent department advised him that the conditions were fulfilled, or only that the patent was in force?

Hon. Mr. KERR (Toronto)—What I said was this. The deputy showed that the patentee had complied with those conditions. That was before the department and the department, with that information before them, advised us that, so far as they knew, there was no reason why this extension should not be granted if it is granted in any case. I do not say there was any inquiry, or that inquiry should be made in such cases, but I do say it has been the practice, and that no effort has been made by any one to provide for any more notice being given. Under these circumstances, it appears to me, that if any person had been making inquiry with a view to manufacturing this article, he would have been on the lookout to ascertain what was about to take place, and if there had been any person engaged in the manufacture you may depend upon it, during all the delay since notice was given last November or December down to the present time, we would have heard some suggestion that there was certain inquiry, and there having been none the committee reported the Bill.

Hon. Mr. LOUGHEED—There seems to be a misapprehension in the minds of some hon. gentlemen who have listened to the explanation. Are we to understand that the Bill simply continues the patent as if the payment had been duly made, and does not validate anything other than the non-payment of the fee.

Hon. Mr. KERR (Toronto)—It is in a form that has always been adopted here.

Hon. Mr. LOUGHEED—I understand it is so.

Hon. Mr. KERR (Toronto)—The first clause provides:

1. Notwithstanding anything in the Patent Act, or in the letters patent mentioned in the preamble, the commissioner of patents may receive from Henry Luther Houk an application for a certificate of payment and the usual fee upon the said patent for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said Henry Luther Houk a certificate of payment as provided by the Patent Act and an extension of the duration of the said patent to the full term of eighteen years in as full and ample a manner as if application therefor had been duly made within six years from the date of the said patent.

And then they put the qualification in the next clause:

2. Any person, other than licensees, who has, within the period between the thirty-first day of July, one thousand nine hundred and five, and the passing of this Act, commenced to

manufacture, use and sell in Canada the inventions covered by the said patent may continue to manufacture, use and sell the said inventions in as full and ample a manner as if this Act had not been passed.

Every person's right is protected, so, under the circumstances, if this Bill cannot get the sanction of the Senate, there is no case which has come before parliament during the time I have been here that would be likely to meet approval. I have not stated, and I do not want to be understood as stating, that I am at all in favour of the idea of protecting patents for any longer time than the patentee chooses to protect himself, but once the principle is invaded it is a very difficult thing for a member of the committee to say that A's patent is to be revived, and B's is not, when they are all on the same footing. In this class of cases at all events, where the default is not in manufacture or importation or other violation of the conditions which would void a patent, but where it is a mere omission of the payment of a fee which may have been caused by miscarriage in the mail or through the illness of the agent, or his absence from his business, or various other circumstances, there is nothing to justify parliament in saying that a proper case has not been made out. I am not saying what that case should be. Acting on precedents which have occurred before this case, it comes under them. It is for parliament to lay down the principle as to whether they are going to grant any of these extensions at all. Parliament should take up and deal with the question and determine some principle by which no special cases would be recognized.

Hon. Sir MACKENZIE BOWELL—Personally I am very much pleased that the hon. senator from Toronto (Mr. Jones) has brought this question before the Senate in such a plain and distinct manner. I took objection to the amendment which the hon. gentleman from Toronto (Mr. Kerr) suggested to a Bill of a somewhat similar character, in which that patentee was protected against the commencement of the manufacture of the article from the date of notice of application for a renewal of the charter. I supposed when the hon. gentleman commenced speaking, that this Bill contained the same provision. I find, however, on reading it, that it does not. Still that does not meet the objections that I think were so forceably advanced by the hon. senator opposite (Hon. Mr. Jones). The question put by myself and renewed by the leader of the opposition, as to whether all the conditions of the Patent Act had been complied with other than the payment of the fee, has not been answered. The only reply is that an officer of the department had appeared before the committee and stated that so far as the department knew, the conditions of the Patent Act had been complied with other than the payment of fees. That is not a satisfactory answer. How could the department know whether the conditions of the patent had been complied with other than the payment of the fee unless they had made special inquiry throughout the whole Dominion to ascertain whether any one had commenced the manufcature of the article after the lapse of time, within which he should have paid the money ? There is no evidence before the Senate to establish that fact, and, to my mind, that is an important fact which ought to be established before any patent is renewed. No doubt if the patent is of any value, manufacturers might be keeping a keen and close watch upon the patentee to ascertain whether the provisions of the Patent Act had been complied with, and the moment it was found they had not been complied with, they would take advantage of that fact and begin to invest money for the purpose of manufacturing the article. In such cases, men who had invested their money to prepare to manufacture this article should be protected.

Hon. Mr. KERR (Toronto)—My hon. friend misunderstood me. What I wanted to say was that a petition was before the committee establishing the fact that there had been manufacturing under the patent and that petition was verified. There was a declaration establishing the truth of that petition before the committee.

Hon. Sir MACKENZIE BOWELL—Certified by whom ?

Hon. Mr. KERR (Toronto)—The statement of the petitioner is that the article has been manufactured and sold in Canada ever since the date of the said patent, and all demands

for the said vehicle tires have been and still are filled. That is verified by the affidavit of Houk. in which he solomnly declares that the allegations contained in the petition are true. I was misunderstood by the hon. gentleman when he said we had no evidence. We did have this evidence and that evidence was also before the department.

Hon. Sir MACKENZIE BOWELL—That strongly supports the argument made by the hon. member for Toronto (Hon. Mr. Jones) when he introduced the subject that these facts should be recited in the report or in the Bill when it comes before the House in order that every member may understand and vote intelligently on the subject. I know there is not one-half as much interest in the way of investigation taken in the renewal of patents at the present time as there was fifteen or twenty years ago when I was on the Private Bills Committee in the House of Commons. The Bill before us does not even mention the article that is patented, and, consequently if the notice given in the newspapers and in the 'Gazette' were of the same character as the preamble of this Bill, a manufacturer might have been manufacturing the article for months and years and never know what was meant by the notice. It simply refers to the number of the patent, without any reference whatever to the character of the article covered by the patent. Many patents have been renewed over and over again. Bills of this charactr are introduced every session. We have had nearly a dozen of them this year, and the most objectionable amendment was made in one instance. I hope that in future, in any application of this kind, the facts will be set forth in the preamble of the Bill and also what has really been done, in order that we may be able to vote upon the question intelligently. I do not know if my hon. friend from Toronto (Hon. Mr. Jones) intended to move an amendment to this Bill or to allow it to pass as it is. I frankly admit it is not as objectionable as the Bill to which I have referred, and for the objectionable character of which my hon. friend from Toronto (Hon. Mr. Kerr) is responsible.

Hon. Mr. KERR (Toronto)—No.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman either made the amendment or defended it with the earnestness which he always displays when he advocates any measure. I am glad this discussion has taken place, and I hope that in future the House will be given sufficient information when these questions come before us to enable us to cast our votes intelligently.

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

THIRD READINGS.

Bill (AA) An Act for the relief of Asenath Ramsay.—(Hon. Mr. Perley.)

Bill (136) An Act respecting a patent of the Cyclone Woven Wire Fence Company, Limited.—(Hon. Mr. Watson.)

Bill (25) An Act respecting the Niagara, Queenston and St. Catharines Railway Company.—(Hon. Mr. Gibson.)

Bill (65) An Act respecting the Richelieu and Ontario Navigation Company.—(Hon. (Mr. Forget.)

Bill (103) An Act respecting the Quebec and Lake Huron Railway Company.—(Hon. Mr. Béique.)

Bill (141) An Act respecting the Saguenay and Gulf of St. Lawrence Railway Company.—(Hon. Mr. Tessier.)

Bill (151) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—(Hon. Mr. Young.)

Bill (125) An Act respecting the Algoma Central Railway Company.—(Hon. Mr. Kerr, Toronto.)

The Senate adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Friday, June 8, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RULES OF THE SENATE.

NOTICE OF MOTION.

Hon. Mr. POWER gave notice that he would move :

That the new Rules and Orders of the Senate, contained in the Report of the Committee of the Whole as adopted on the second day of May

last, and set forth in the volume recently distributed to Senators entitled : 'Standing Rules and Orders of the Senate of Canada, adopted during the Session of 1906,' be made Standing Orders of the Senate, the Senators in attendance on the Session being summoned to consider the same under Rule 16.

Hon. Mr. LANDRY—I do not wish to interfere with the notice of motion given by the hon. gentleman, but would ask if the French translation of these rules already made could be distributed, that is, the translation having the same form and the same numbers as will appear in the English edition. We have not received the French translation yet; if it is ready for Wednesday next it will be all right.

Hon. Mr. POWER—They have not been printed in book form yet, but I understand they are translated.

Hon. Mr. LANDRY—They are translated, but I would like to have them distributed, because I would have a few suggestions to make as regards the French edition so as to render it more clear before being finally adopted.

Hon. Mr. POWER—I hope that by Wednesday it will be ready.

AN ADJOURNMENT.

Hon. Mr. SCOTT moved :

That when the Senate adjourns to-day, it do stand adjourned until Tuesday, the 12th instant, at three o'clock in the afternoon, notwithstanding anything to the contrary in the resolution adopted by the Senate on the 11th May last.

Hon. Mr. ELLIS—I do not rise to oppose the motion, but wish to call the attention of the House to the long order paper which is now before us and our utter inability to finish it to-day in consequence of the amount of matter which had to go over from last week until Tuesday. I am perfectly willing to meet the views of hon. gentlemen who desire to go home, but it is rather hard on those of us who cannot go home, who have to travel 1,200 miles to reach our domiciles, and back again, to ask for an adjournment under the conditions which exist at this moment.

Hon. Mr. LANDRY—If the hon. gentleman cannot go home, I will invite him to come to my home, and he will be back in Ottawa in time.

The motion was agreed to.

CHIEF JUSTICESHIP OF QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has the position of assistant chief justice at Quebec been offered to the Honourable François Langelier ?

Has he accepted or refused the position so offered ?

Hon. Mr. SCOTT—The hon. Francois Langelier has been offered the position of chief justice of Quebec, not assistant, but as chief justice of Quebec, with a residence at Quebec. Mr. Justice Tait has been appointed chief justice of Montreal with a residence at Montreal

Hon. Mr. LANDRY—That is a new departure.

Hon. Mr. SCOTT—The orders in council read that Mr. Justice Langelier is to be appointed chief justice of the court at Quebec, with a residence at Quebec, and Chief Justice Tait is appointed chief justice at Montreal, residence at Montreal.

Hon. Mr. LANDRY—Who is really the chief justice? Are there two chief justices now?

Hon. Mr. SCOTT—I presume, as far as the seniority goes, it rests with the one who is the longer on the bench.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the Secretary of State and the hon. gentleman from Stadacona to the fact that in answering these questions which are somewhat important in their character, the hon. gentleman is addressing the House in such a tone as just to reach the hon. gentleman from Stadacona. Now, the other members of the Senate are just as anxious to know what the answers are as the hon. gentleman from Stadacona.

Hon. Mr. SCOTT—I took an extract from the order in council which reads as follows :

Hon. F. Langelier a justice of the Supreme Court of the province of Quebec be appointed chief justice of the said court in the room of Chief Justice Routhier resigning to perform the duties of chief justice in the district of Quebec, and that his residence be at the city of Quebec.

Hon. Mr. LANDRY—That gives two chief justices.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Who is in charge of the higher command?

Hon. Mr. SCOTT—I presume it will go by seniority. Justice Tait has been a long time on the bench.

Hon. Mr. FERGUSON—Is there a provision in the statutes permitting two chief justices?

Hon. Mr. SCOTT—I cannot answer that myself, because I have not looked it up, but I am informed that the appointments follow the statute.

CHIEF JUSTICESHIP OF QUEBEC.

MOTION.

Hon. Mr. LANDRY moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House a copy of the correspondence exchanged between the Prime Minister of Canada, or any other member or ex-member of the present cabinet, and the Honourable Mr. Justice A. R. Routhier, ex-Chief justice of the Superior Court of Quebec, and the Honourable Mr. Justice François Langelier, on the subject of the appointment of the successor of the Honourable Mr. Justice Routhier as chief justice of the Superior Court of the province of Quebec ?

Hon. Mr. SCOTT—I brought up that question at council to-day, and was informed generally by the minister that there was no correspondence.

Hon. Mr. LANDRY—There is no correspondence ?

Hon. Mr. SCOTT—No correspondence.

THE POSTMASTER GENERAL.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I desire to refer to the discussion which took place yesterday in reference to a member of the House of Commons holding two seats. I am not bringing it up for the purpose of worrying the hon. Secretary of State, but there seems to be some doubt as to whether the contested election of Mr. Lemieux, the present Postmaster General, has been decided. There seems to have been a want of knowledge on the part of the government on this point. I frankly confess that, with some other friends on this side of the House, I was under the impression that there was no law preventing a member who had been elected for two seats from resigning one of them, even though the other had been contested. I am not yet aware whether there is any law on the statute-book upon that point, but I find on reference to 'May' that the principle is laid down very clearly that in such cases the member who has been elected for two constituencies cannot resign either of them until the contest is decided. At page 614 of the 10th edition of May, I find the following :

When a petition has been presented against his return for one place only, he cannot elect to serve for either. He cannot abandon another, and thus render void an election which may turn out to have been good in favour of some other candidate ; neither can he abandon the other seat, because if it should be proved that he is only entitled to sit for one, he has no election to make, and cannot give up a seat without having incurred some legal disqualification, such as the acceptance of office, or bankruptcy.

I have read that because I had been under a misapprehension myself. Now as to the other point, I find that the hon. senator from Stadacona was quite correct. The Votes and Proceedings of the House of Commons for 1905, page 853, contains the following :

In re the election of a member for the House of Commons of Canada for the electoral district of Nicolet, held on the 27th October and the 3rd November last, 1904, being respectively the days of nomination and of votation.

Omer Camirand, jeweller, of the town of Nicolet, petitioner,

vs.

The Hon. Rodolphe Lemieux, advocate, of the city and district of Montreal, solicitor general, in the Government of Canada, respondent.

To the Hon. R. F. Sutherland,
Speaker of the House of Commons,
Ottawa.

Sir,—The undersigned, the Hon. Napoleon Charbonneau, and Hon. Richard Stanislas Cooke, judges of the Superior Court of the province of Quebec, have the honour to transmit to you a copy of the judgment by them rendered in this matter, at Three Rivers, on the 24th June, 1905, dismissing the election petition of the said Omer Camirand, and declaring the said respondent, Hon. Rodolphe Lemieux, duly elected a member of the House of Commons of Canada, for the electoral district of Nicolet.

The undersigned have no notes of the evidence to transmit to you, inasmuch as no evidence whatever was adduced before them in support of the said petition.

The undersigned further report that in the said petition it was alleged that corrupt practices had been resorted to during the election to which the said petition relates, but that it has not been proved that corrupt practices were committed by any of the candidates

at the said election or with their knowledge and consent, nor by any other person; that they have no reason to suspect that the inquiry into the conduct of the said election had been rendered incomplete by the act of any of the parties to the said election, and that they do not consider it advisable that further inquiry should be made to ascertain whether corrupt practices extensively prevailed thereat.

Three Rivers, this 3rd day of July, 1905.

NAP. CHARBONNEAU, J.S.C.
R. S. COOKE, J.S.C.

It is clear that the hon. senator from Stadacona was quite within his right as regards the question which he put, and to which the hon. Secretary of State objected. Not only was he within his right, but as a matter of policy he was quite correct in asking for which constituency the Hon. Mr. Lemieux, who was lately sworn in as Postmaster General, had elected to sit. Though we may be senators, it does not follow that gentlemen interested in the elections either in the maritime provinces or in the province of Quebec take less interest in the matter than if they were not members of this House, and under the circumstances the petition against Mr. Lemieux having been dismissed nearly twelve months ago, is it not time that some member of the government should be able to tell the country which seat Mr. Lemieux has elected to sit for; or is the policy which was carried out by the Ross government in the province of Ontario to be re-enacted in the case of the province of Quebec. We all know that a constituency in the province of Ontario was kept vacant for political purposes for some eighteen months. Mr. Lemieux has held these two seats for nearly twelve months; how much longer is one of them to be kept vacant, either for the convenience of the government or to better prepare the electorate for an election in the interests of the government? It is well that the country should know and I do not think that, though we are senators, we are any the less entitled to receive the information asked for by the hon. gentleman from Stadacona.

Hon. Mr. SCOTT—I made no statement as to the time. I did not really know when the contest had been settled in Nicolet. I had never heard when the matter was decided. Of course it is a matter the House of Commons can deal with at any time they choose to do so.

THIRD READINGS.

Bill (DD) An Act for the relief of Jane Frances Fields.—(Hon. Mr. Kerr, Cobourg.)

Bill (FF) An Act for the relief of Frederick William Wight.—(Hon. Mr. Kerr, Cobourg.)

Bill (EE) An Act for the relief of James Allen.—(Hon. Mr. Kerr, Cobourg.)

HAMILTON, WATERLOO AND GUELPH RAILWAY COMPANY'S BILL.

THIRD READING POSTPONED.

Hon. Mr. McMULLEN moved the third reading of Bill (No. 104) An Act to incorporate the Hamilton, Waterloo and Guelph Railway Company.

Hon. Mr. LANDRY—I would ask the hon. gentleman to be kind enough to postpone the third reading of this Bill until Tuesday next. We want to know whether it is really a provincial or a federal Bill. The postponement will not delay the Bill very much.

Hon. Mr. McMULLEN—That phase of the question was fully discussed at the Railway Committee. We do not deny that it is entirely within the province of Ontario, but there are certain conditions connected with the project that absolutely necessitate the company coming here to get a charter. For instance they have to cross the canal, and Canadian Pacific Railway and Grand Trunk Railway and through the city of Hamilton. The result is, in order to get the necessary powers to enable them to carry out the undertaking, it is absolutely necessary that they should come under the jurisdiction of the Dominion Railway Act. That is why they are here. Of course if my hon. friend insists on having it left over until Tuesday I must consent.

Hon. Mr. LANDRY—I ask it as a favour.

Hon. Mr. McMULLEN—Then I consent.

The order of the day was discharged and the third reading of the Bill was fixed for Tuesday next.

FORDING VALLEY RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. WATSON moved the third reading of Bill (GG) an Act to incorporate the Fording Valley Railway Company.

Hon. Mr. DAVIS—I gave notice yesterday of an amendment to this Bill. I desire that it be distinctly understood that I do not want to obstruct any legislation coming before this House. I should also like it to be understood that McKenzie & Mann are not interested in this Bill, because I find the solicitor for McKenzie & Mann, Mr. Smith, is in charge of this Bill, and I cannot be charged with opposing it in the interest of Mackenzie and Mann. I took exception yesterday to this Bill being, as I said at the time, railroaded through the Senate. Some hon. gentleman on the other side took exception to that term. Well, it is a matter of words. I think this Bill has been railroaded through, not only by the Senate but the committee, and when I give the history of the Bill, the hon. gentleman will agree with me that that is the fact. I do not think it is right or proper to suspend rules of this House on every occasion to allow private legislation to go through. I have not been accustomed to such practice in the other House, and have never seen it done anywhere else to the extent it is done here. I want to give the history of this Bill. The petition for it was presented May 18th, and rules 17 and 60 were suspended in order to allow the petition to be presented. The report of the Standing Orders Committee was read on June 5, I have the report here.

Hon. Mr. POWER—We will take the hon. gentleman's statement as correct.

Hon. Mr. DAVIS—The Standing Orders Committee reported on June 5 that the notice was short; that the time for notice had not expired as provided by the rules of the House, but they recommended that rule 49 be suspended. I want to say in connection with that, that the rule was not suspended. As I understand it, before a rule of this House can be suspended some member must move its suspension, and in this case when the chairman of the Committee on Standing Orders made his report, which report recommended that, as the time was short, this rule be suspended, I find that it was not suspended. I cannot discover any motion in the minutes of the House to that effect. However, it was suspended without a motion being made—rather it was not suspended and it has gone through without the rule being suspended. I find on June 6, the order paper showed the Bill was not printed, and on that day, rule 60 was suspended in connection with this Bill. I understand that while our order paper shows that the Bill was not printed, still some hon. member, or the hon. gentleman who had charge of the Bill, stated that it was printed. I am not in a position to contradict that, because I do not know anything about it. But, as far as we were concerned, we were dealing with matters which appeared on the order paper, and it appeared from the order paper that it was not printed. If it was printed I was not aware of it. I find again, on June 17, that the Bill was sent to the Railway Committee, and I found in the Railway Committee it was not advertised as being a Bill that was to be before that committee. I think this is rather an important and serious matter. We know as a matter of fact that in the case of legislation which goes through the Railway Committee there are parties who wish to support it, and also parties who desire to oppose it. Notices are sent to the people through the country in order that they may oppose the passage of legislation in this House if they so desire. Gentlemen come here the day the committee meets, or the evening previous, and they obtain a copy of the order paper. They find that the Bill in which they are interested is not on the orders, and they say 'There is nothing there which interests us particularly and we will go home,' and they send their solicitors home. What is their surprise when they learn next day that, although the Bill did not appear on the order paper, it had been railroaded through the committee and no opportunity had been given to them to object. I say that that is a serious objection to this mode of legislating. The same day that the Bill went through the Railway Committee it was reported to this House. That was on June 7, and amendments were made to the Bill. These amendments dealt with the principle of the Bill and were very important. The clerk of the House, who has a very good voice I am bound to say, rises from his seat and rattles off the amendments in such a quick manner that I venture to say not one-half of the members of this House can understand what he is reading. Would it not be right and just

that these amendments should be laid on the Table for one day at least, in order that hon. members of this Chamber, would be able to see them and to inform themselves of the legislation that was being passed through the House. If every member of the House was a member of the Railway Committee, there might be some justification; but I suppose more than half the members of this House are not members of the Railway Committee, and I should think these hon. gentlemen would want to know what is going through the House. I submit they did not have a proper opportunity to consider and digest those amendments when the measure was rushed through as it was yesterday. Therefore I contend that this Bill should not have gone through. I wish to say again that this Bill was reported on June 7, and the amendments were read. Another hon. gentleman protested as well as I did against this Bill going through in the way in which it had been amended in committee. However the Bill was passed. I do not know whether I am right or wrong in reference to it. I am not as well versed in the procedure of this House as some hon. members are, but I think we should be allowed time to consider amendments. In connection with this Bill I have looked up the petition and the notices, and I find that the notices were short in every case. The notice was given in the 'Canada Gazette,' and in British Columbia, and also in Alberta, but the time was not up. When the chairman of the Standing Orders Committee made his report he did his duty, because he reported to the House that the time was short but asked in his report that a certain rule be suspended, which, as I pointed out, was not suspended. I desire to state to the House that the time of those notices would not expire until the 16th day of June. If hon. gentlemen will tell me that this is not railroading legislation through this Chamber I should like to know it, when we find the Bill, the notice of which does not expire until June 16, becoming law on June 7, 10 days before the time which is allowed by the House for the notice to run, I claim that is railroading legislation through the House. I have no wish to obstruct the Bill, but I wish to point out that I do not think it is right and proper for us to suspend the rules in this manner, to permit legislation to go through with a rush. I think we should have these measures properly advertised, and let them stand on the order paper, and take their turn, in the same way as the measure which stands in my name must take its course. It is a Senate measure, and is in the same position as this Bill. I have to take my chances whether the other House will sit long enough to put it through. I find also, in looking over the petition that it does not cover clause 9 of this Bill. That is a matter that is open to debate. I have an idea, however, when a railroad company comes to this House and asks for power to operate telephone and telegraph lines, that that should be asked for in the petition and mentioned in the notices. I find that they do not ask for this privilege either in the notices or the petition.

The petition reads as follows:—

The petition of the undersigned James Q. Pike, W. Herbert Evans, and Andrew Laidlaw, all of the city of Montreal, and William Johnston, of the city of Ottawa, humbly sheweth:

That your petitioners are desirous of obtaining an Act of the Parliament of Canada incorporating your petitioners and others under the name of the Fording Valley Railway Company, with power to lay out, construct and operate a line of railway from a point north of Fording river, thence northeasterly to the Fording river valley, thence following Fording river to the north of Henrietta creek, thence northeasterly along Henrietta creek to the Alberta boundary, thence northeasterly in the province of Alberta to a point at or near Okotoks; also branch lines up Gracel Ewin, Smith Lewis and Henrietta creeks, all in the province of British Columbia, with power to enter into agreements with or amalgamate with other railway companies, and with such other powers as are generally given to railway companies.

Wherefore your petitioners humbly pray that your honourable House may be pleased to pass an Act for the purposes mentioned.

Clause 9 in the Bill reads as follows:

9. The company may construct and operate telegraph and telephone lines along and upon its railway and branches, and establish offices for and undertake the transmission of messages for the public and collect tolls therefor.

I submit that if this company wanted the power to run a telephone business in British Columbia and Alberta they should have given the public notice of that fact in their petition and in the notice published in the papers. They are asking to collect tolls. It is not for the purpose of their business. They may claim that they have the right to do this without notice being given to the

public. I submit this is not for the purpose of their business, because the sending of despatches along the line of railway is very different from establishing a telephone line for the purpose of collecting tolls from the public. I claim that should be in the notices as well as in the petition. Probably some hon. gentleman will be able to throw more light on that point than I can. I want to see this Bill go through, and I have simply drawn attention to the fact that it has proceeded a little too quickly, when we consider that the ink was hardly dry on the Bill before it became law as far as the Senate was concerned. I do not think the members of the House had an opportunity to consider the amendments, unless they obtained them in some other than the regular way before the Bill was put through. I do not wish to press this motion. I merely brought it up for the purpose of putting my views before the House. I think the Bill went through too quickly. The least we could have done was to leave it over until such time as the proper notice was given, that is to the 16th inst., before giving the Bill its third reading in this House.

Hon. Mr. YOUNG—The hon. gentleman has reflected somewhat on the Committee on Standing Orders, and I wish to make an explanation. He complains not only on account of the action of the Standing Orders Committee, but on account of the action of the House itself. The Bill is travelling too fast to suit him—in fact, travelling faster than one he has charge of, and no doubt that is grating to any hon. gentleman when he finds his Bill cannot go as fast as the other fellow's. The petition in this case appeared before the Standing Orders Committee, short as to time of notice. Three out of five notices had been given. To-day I fancy four out of the five notices have been given, because, as my hon. friend states, the notices will be completed on the 16th June. The committee found there were reasons for the late application and found also that three notices had been given. They also found that before the Bill would get through the Senate the notices would be complete, because the Bill originates in the Senate. The committee found that it would be in the interest of legislation, and nobody would suffer, if they recommended the suspension of the rule. The report was presented accordingly and passed unanimously by the committee. There were other petitions as well as this in the same position and they were all treated in exactly the same way. No special case was made of this. The report was read in the House, explanations were asked for by hon. gentlemen, and there was some discussion. Then I moved the adoption of the report, and the motion was carried unanimously. My hon. friend says there should be a special motion made with reference to this—that in each particular case the rule should be suspended in so far as it relates to any petition; that is, that each petition should be dealt with separately afterwards by a separate motion.

I am not going to argue that point because that may be good practice, and in some places it is done in that way. For some years the reports of the Standing Orders Committee were never adopted directly by the House; they were, as I understand, presented and laid on the Table. Since I have been chairman I have always moved concurrence in the report, so that the House, by their concurrence, would sanction the action of the committee. If any hon. gentleman wished them to demur to the report, the door was wide open for them to do so. There has been no railroading in regard to this Bill. The hon. gentleman who has charge of the Bill moved the suspension of rule 60, which relieves the Bill from being posted up six days in the corridor, and, as a consequence, the Bill appeared before the Railway Committee in a shorter time than it would have appeared had rule 60 not been suspended. The clerk at the Table, by an inadvertence, put down the words 'fifty-two' instead of 'sixty,' but—and the Speaker will bear me out in this—common sense would show that rule 52 has no application to the situation at that stage of the Bill. That was remedied and corrected at the Table, therefore the Bill appeared before the Railway Committee very properly, because a suspension of the rule had taken place. My hon. friend did not move the suspension of rule 60 in regard to his Bill, and, as a consequence, he got behind on account of the necessity for having the Bill posted up for six days, which may mean in some cases eight or nine days, because the committee may not meet just at the end of the six days. I am sure no one in this House has

any desire to delay the legislation in which the hon. gentleman from Alberta is interested, nor any other legislation. Had he been alive to the situation and made the same motion which my hon. friend from Portage la Prairie made with reference to the Fording Valley River Railway Company's Bill, I am very sure that the House would have given him the same consideration. He did not ask for that consideration and, therefore, he cannot charge this House with any unfairness when he himself did not take the opportunity when it was open to him to move the suspension of the rule, and to ask the indulgence of the House upon that point.

Hon. Mr. CASGRAIN (de Lanaudière)—I think, as chairman of the Railway Committee, I should take exception to the words used by the hon. gentleman from Alberta, in saying that legislation has been 'railroaded' through the committee. I do not remember being present at any meeting of the Railway Committee where Bills were more seriously and quietly considered, and better attention was paid to legislation, than at the last meeting of the committee, the one to which he specially referred. Why this was not on the order paper has been explained fully by the hon, gentleman from Killarney (Hon. Mr. Young). Through some inadvertence on the part of some of the officials of this House the number 52 was substituted for 60 in the motion for the suspension of the rules which was made by the hon. gentleman from Portage la Prairie, and consequently those who have charge of the work of preparing the order paper, seeing that rule 52 could not have any bearing on this subject at all, not being the proper rule, very naturally thought this Bill would not come up before the committee, until the motion was amended by inserting the number 60. At that time the order paper had been printed. I do not believe that this Bill should suffer in any way through a slip or a mistake made by some of the officials of this House. The Bill was brought up a couple of times during the sitting of the committee, so that every member was well aware that it would be brought before the House and dealt with. It was even suggested by the hon. gentleman from Portage la Prairie that this Bill should be taken before the other Bills but the hon. gentleman from Missisquoi (Hon. Mr. Baker) objected, saying that we would go through the order paper, and, if necessary, would sit after one o'clock in order to deal with this Bill. We went through the whole of the order paper, deliberately and quietly, giving full attention to every Bill, amending a great number of the Bills and when we came to this particular Bill, which is supposed to have been railroaded through, it was fully considered, and even amended. I think all the members of the committee should take exception to the use of such an expression as that used by the hon. gentleman. I do not think it is creditable to any committee of this House to say that we railroad legislation through. We have plenty of time to do our work, and we do it well. Every member of this House should resent the statement which has been made. As chairman of the committee I feel it very much. It is absolutely wrong to use such an expression in this House. It is suggested to me that it is a western term; I am glad it is not an eastern term, and it should not be employed on the floor of the House. Not only was this particular Bill carefully considered but two important amendments were inserted. They were carefully drawn up in writing by the hon. gentleman from Portage la Prairie and inserted in the Bill by the law clerk. I supervised the work myself.

Hon. Mr. DAVIS—Will the hon. gentleman allow me to ask him the question: Does he consider it right that the public should not get notice that a Bill is to come before the committee? When the order paper is printed that is the only notice that is given to the public. Not a man in this country who wants to oppose a Bill has any other means of knowing whether it is coming up before the committee, and if he does not get notice in that way he will not be in a position to oppose the Bill. The expression I used is a western expression, and I think it applies. That Bill had no right to come before the committee on a day when the public had no notice of the fact that it was coming up.

Hon. Mr. CASGRAIN (de Lanaudière)—I understand that the order paper is only for the convenience of the members of the committee. I do not understand that it is circulated amongst the public at all. I am

quite willing to stand corrected if I am wrong. I understand that the order papers are for the use and convenience of members of the committee, so that we may know in what rotation the Bills will come up, and, I say once more, that I think the Railway Committee in regard to that Bill have done their duty as they have done in regard to all Bills coming before them, and it is very wrong to cast such an aspersion on the work of the committee.

Hon. Mr. WILSON—It appears to me that there is just cause of complaint as to the manner in which this Bill has been treated from its inception. I am not adverse to the construction of this road; I am not here to oppose in any way the construction of the road, and it is not my intention, in taking exception to the manner in which it has been proceeded with up to the present time, to do so for the purpose of obstructing. But what I complain of is that a reasonable and fair chance was not given to parties affected by the measure to oppose the Bill, if they felt disposed to do so. We found that the notices will not expire before the 16th of this month. The people living in that locality may feel disposed, with reason, to object to this Bill and thinking that it will not pass for a certain time may have postponed coming to Ottawa to take action. That being so, is it not a good reason why the Bill should not be hurried through until everybody interested in it is given a fair opportunity to present his views before the committee? We are told that the suspension of the rule has been recommended by the chairman of the Standing Orders Committee. The rules of parliament provide that any suspension of a rule ought to be made a special motion. It is all very well for the chairman to suggest that the rules be suspended, but that is not enough. Furthermore, if objection is raised against concurrence in the report of the committee without due notice, that objection should be entertained. My hon. friend from Prince Albert did object to concurrence in the amendment, and asked that the report be laid over for another day to give members an opportunity to examine the amendment. That was his just right, but it was refused him, and he has just cause of complaint. Was it an unreasonable thing that the Bill should be laid over for one day at least, as other Bills were? We find in the minutes that six or seven reports from the Railway Committee were allowed to stand until to-day. Why should this Bill be given a preference over all the other Bills? It is said that if this Bill is delayed the House of Commons may suddenly get through with their work, with the result that this Bill is likely to be slaughtered. Is that a justification of the violation of the rules of parliament?

Hon. Mr. YOUNG—Will the hon. gentleman tell us where the rules are violated?

Hon. Mr. WILSON—They are not allowed to have their proper legitimate force, and that is a violation. The rules provide that the amendments should stand over until the day following the presentation of the report.

Hon. Mr. YOUNG—Will the hon. gentleman read the rule?

Hon. Mr. WILSON—I will see what a better authority than myself has to say on this matter. Bourinot, at page 555, says:

Many motions for concurrence in reports of select committees are brought up without notice and allowed to pass by unanimous consent.

Was this consent yesterday unanimous? I think the Speaker will bear me out in saying that objection was made.

In all cases objection may be taken, and it is the regular course to give notice.

Did my hon. friend give notice of this? No. The chairman of the committee merely recommends that such a thing should take place.

It is consequently always done when there is objection taken by one or more members opposed to the report. A debate is likely to arise on the matter, the report of the Committee on Private Bills is not concurred in.

Is this authority good or not good? If it be good authority, the amendments should not have been concurred in yesterday.

Hon. Mr. YOUNG—What is the hon. gentleman reading from?

Hon. Mr. WILSON—I am reading from 'Bourinot's Parliamentary Proceedings,' page 555. It is pretty good authority, almost as good as some members of this House. It ought to be satisfactory to my hon. friend. I will send him over the book if he wishes.

Hon. Mr. YOUNG—I am not questioning the hon. gentleman's honesty at all. He said he was going to read a rule to show that the hon. member from Prince Albert was wrong yesterday. I asked him to read that rule. He had the Rules in his hand but dropped it and took up Bourinot instead.

Hon. Mr. WILSON—I am reading the best authority on procedure in committees of this House. Has any reason been given why this Bill should be hurried through parliament? My hon. friend the chairman of the Railway Committee presented a number of reports yesterday, all of which stand over until to-day, but Bill (GG), forsooth, had to be concurred in yesterday. In all fairness, all these Bills should be treated in the same manner. Then as to whether the hon. member from Prince Albert had the right to refer this Bill back to the Railway Committee for consideration, I find that rule 48 provides :

A report from a committee may be referred back to them for reconsideration, or with instructions to reconsider, or amend, or strike out clauses, or add new ones. A Bill reported from a committee may also be referred back in the same way.

Even amendments may be sent back, and all that my hon. friend asks is that that should be done. He is desirous not to do anything to delay the Bill if there be just ground to fear that delay may ultimately defeat it. But if the Bill should be defeated, on the promoters must rest the responsibility. I say that the motion moved by my hon. friend is a just and proper one, and that the rules of parliament in this case have been violated. I am not going to oppose the Bill, but I hope that in future every Bill will receive fair consideration at the hands of committees as well as in the Senate.

Hon. Mr. LOUGHEED—There may seem to be an opinion that the rules of this House will permit of reckless legislation, but we should not forget the fact that we have rules perfectly safeguarding every stage of any legislation which may be submitted to the House, and while I do not express approval of the very hasty way in which the Bill in question was put through its various stages, yet it must be said that every hon. gentleman in this House is quite as great a sinner as his neighbour with reference to this particular Bill. My hon. friends could at the earlier stages of this Bill have protected themselves from any alleged railroading of a Bill through the Chamber by refusing to assent to the suspension of the rules. There is no good reason why hon. gentlemen in this House, if they have any objection to suspending the rules for the purpose of expediting or accelerating the passage of a Bill, should hesitate to object. Of course that involves hon. gentlemen being diligent with reference to every step taken in the passage of legislation. It is very desirable and very commendable that every hon. member should be diligent with reference to the transaction of public business, and I know of no better way of exhibiting that particular virtue than by keeping a very close track of every stage of a Bill. The discussion which has taken place to-day will not be prejudicial to the interest of future legislation, but, certainly, no reflection should be cast upon either the rules of the House or the members of the House because in this particular case the House apparently unanimously agreed to suspend the rules, and this could have easily been averted had any hon. gentlemen refused to consent to the suspension of the rules.

Hon. Mr. DAVIS—I want to say, hon. gentlemen——

Some hon. GENTLEMEN—Order, order.

Hon. Mr. DAVIS—Have I not the right to make a motion ?

The SPEAKER—The hon. gentleman has exhausted his rights.

Hon. Mr. DAVIS—I have only spoken once on my notice of motion, and I think I have a right to speak in closing the debate.

The SPEAKER—The hon. gentleman has not moved anything.

Hon. Mr. DAVIS—I have the right to move the adjourment of the House.

The SPEAKER—It is too late.

The Bill was read the third time.

The SPEAKER—This Bill has been read the third time and is now ready to pass.

Hon. Mr. DAVIS—I want to say in reply to the chairman of the Railway Committee that I did not want to cast any reflection

on the members of that committee. It is not very likely that I would, because I am a member of that committee myself, and I am speaking on the Bill at the present time. This argument applies to this measure. I was going to say that the term 'railroading' appears to be too strong for some of my hon. friends and I will withdraw it. I desire to say that at every stage of this Bill the rules of the House have been suspended. If hon. gentlemen will follow the matter, they will see that this statement is quite correct, that from the day the petition was presented, and the day it went to the Standing Orders Committtee, the time that it went into the committtee and came back to this House, and even to-day, the rules have been suspended right along, and now I am accused of saying that the Bill has been rushed. I am simply drawing the attention of the House to these facts, and I do not wish to say anything that would be offensive to anybody. I am simply stating that this Bill has been put through a little too quickly, casting no reflections on any one. The hon. chairman of the Standing Orders Committee intimated that if I had been as sharp as some hon. members I would have got my Bill through this House by this time. I may say that I am protesting against a violation of the rules of the House, and I do not intend to ask any suspensions of the rules in order to put any legislation through this Chamber.

Hon. Mr. YOUNG—I said the door was open to him as well as to any hon. member to ask the indulgence of the House as far as his Bill was concerned, and that he has neglected to do so.

The motion was agreed to.

SECOND READINGS.

Bill (117) An Act to incorporate the Erie, London and Tillsonburg Railway Company. —(Hon. Mr. Watson.)

Bill (139) An Act respecting the Northern Commercial Telegraph Company.—(Hon. Mr. Lougheed.)

EXTRAJUDICIAL EMPLOYMENT OF JUDGES' BILL.

SECOND READING POSTPONED.

The order of the day being called :

Second reading (Bill I) An Act repecting the Extrajudicial Employment of Judges.—(Hon. Mr. Ferguson.)

Hon. Mr. DAVIS.

Hon. Mr. FERGUSON—I move that this order of the day be discharged and that it be placed on the orders for Tuesday next.

Hon. Sir MACKENZIE BOWELL—I would like to ask the hon. Secretary of State whether any steps have been taken in the direction of passing a Bill in the lower House affecting the extrajudicial employment of judges? I understood some time ago that one of the reasons why this Bill was delayed by the hon. member from Marshfield was that it was understood that the Minister of Justice at that time was about introducing a Bill in the same direction. Whether it went as far as this Bill or not I do not know, but can either of the members of the government in this House inform us whether a Bill of that kind has been introduced, and if not whether it is the intention to introduce it ?

Hon. Mr. SCOTT—I do not think a Bill has been introduced. I have not seen it on the notice paper of the House of Commons. I doubt whether one would be introduced at this period of the session.

Hon. Mr. FERGUSON—I may explain that no Bill covering these points has been introduced in the House of Commons, but as I explained on the first reading of the Bill, the late Minister of Justice expressed himself quite strongly in favour of the principle of this Bill in discussing a motion by the hon. gentleman from South Simcoe (Mr. Lennox) with regard to the judges in other respects.

The motion was agreed to.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (14) An Act to amend the Weights and Measures Act,

(In the Committee.)

Hon. Mr. LOUGHEED—Might I ask my right hon. friend what, generally, has led to this amendment of the Act? Possibly there are facts which may be interesting to the House.

Hon. Sir RICHARD CARTWRIGHT—The Bill is slightly analogous to a celebrated Bill which my hon. friend, doubtless, has heard of, which was introduced at the last

session of the Irish parliament, by which it was proposed to enact that a quart bottle in future should hold a quart. The object of the Bill is to define the capacity of cans used for selling milk. It has been alleged—and the matter was pretty fully investigated before the Committee on Agriculture in the other House—that the farmers in various portions of the country, more particularly in the neighbourhood of Toronto, were being compelled practically to sell eight and one-half or nine gallons of milk for eight; that by some process the Irish rule was reversed—by some process best known to the dealers in milk, the can in which the milk was sold had grown gradually larger, so that from being intended to hold eight gallons, it had gradually grown to nine, while the farmer continued to get paid for eight gallons only. That appears to have been proved to the satisfaction of the Agriculture Committee; at any rate the desire is to have a standard. The standard can is to be eight gallons, the half standard will be four, and a quarter can will be two gallons. That, in brief, is the whole object of the Bill. I do not think it can do any particular harm, and I trust the farmers will in future get full pay for the milk they deliver, and I trust the milk they deliver will continue to be of good, sufficient and satisfactory quality.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment, and it was then read a third time.

SPAIN DIVORCE BILL.

REPORT FROM COMMITTEE ADOPTED.

The order of the day being called:

Consideration of the fifteenth report of the Standing Committee on Divorce, to whom was referred the petition of Osprey G. Valentine Spain, together with the evidence.—(Hon. Mr. Kirchhoffer.)

Hon. Mr. KIRCHHOFFER—In moving the adoption of this report I would point out that this is a case—one that very seldom occurs at our Divorce Committee—in which one member of the committee did not concur in the report altogether. One of our members objected as follows:

I concur in the foregoing report, but only in so far as it is founded upon the existence of collusion between the parties. Had not the agreement evidenced by Exhibit No. 2 been established, I would have considered the proof sufficient to warrant the granting of the prayer of the petition.

JAMES McMULLEN.

From this the House will infer that the rest of the committee were agreed that there was not sufficient evidence of adultery to warrant granting the prayer of the petitioner. There is recited, in addition, in this case an agreement which the committee held to be a collusive agreement between the parties to this divorce by which the respondent had made a confession of adultery to a party who was employed as an agent by the petitioner. This confession was obtained under certain conditions whereby the respondent was to allow the divorce to go against her under this agreement.

Rule 115 states:

Condonation, collusion or connivance between the parties is always a sufficient ground for rejecting a Bill of divorce, and shall be inquired into by the committee. And should the committee have reason to suspect collusion or connivance, and in their opinion it is desirable that fuller inquiry should be made, such opinion and the reasons therefor shall be communicated to the Minister of Justice, that he may intervene and oppose the Bill should the interest of public justice in his opinion call for such intervention.

This does not mean that we should report the evidence to him and ask his opinion on it, but he takes the position in regard to our committee that is taken in the English divorce courts by the officer called the King's proctor. In the divorce proceedings in England a court does not pronounce a decree for an absolute divorce when the case is heard. They pronounce what is called a decree nisi. Nisi is the Latin for unless—unless within six months after that decree nisi is pronounced, objection is taken on any point to the decree being made absolute an application is then made to the court to pronounce the decree absolute, which is generally done. In those cases intervention is made by an officer called the King's proctor, a professional gentleman, appointed I believe, by the government, and he is obliged to intervene in any case where attention is called to facts after the decree is pronounced which would interfere with having the decree made absolute. In the law of divorce by Dixon it is laid down under the head of intervention:

Intervention is the interposing by a third person, not originally a party to the suit, but claiming an interest in the matter in issue, in defence of his own interest, either personal, or as to property which he could not otherwise protect.

It goes on to recite who is to intervene:

Interveners are of three classes :

1. Persons whose names are brought into divorce suits as alleged adulterers, and who intervene because they are not made parties.

2. Any person who can show a ground of intervention in divorce or nullity suits, at the time when the law permits such person to intervene.

3. The Queen's proctor, who may intervene officially, or as one of the public.

It goes on to state the object of intervention :

Their object in intervening is to protect their own rights, and, in the case of the official intervener—the Queen's proctor—the rights of those whom he represents, i.e., the public. The grounds and time of intervention vary, according to the object of the intervener.

3. The Queen's proctor : Intervening officially : At any time during the progress of the suit, and before the decree absolute, in a suit for divorce or nullity of marriage, the Queen's proctor may intervene, on information received, in his official capacity, on the ground of collusion only.

Now, collusion is one of the points we have particularly to look into. When a case is brought before the committee and the committee has evidence of collusion, it is obligatory upon them to ascertain the facts as fully as possible. The principal authority which is up to date, I think, is the case of Churchward against Churchward :

If the initiation of a divorce suit be procured, and its conduct (especially if abstention from defence be a term) provided for by agreement, this constitutes collusion, although it does not appear that any specific fact has been falsely dealt with or withheld.

The petitioner made an agreement with the respondent who had committed adultery with the co-respondent, by which she undertook to settle money on the child of the marriage, and he to take proceedings for divorce, which she was not to defend and of which she was to pay the cost, he not claiming damages against the co-respondent. The agreement was disclosed to the court. The petitioner did not connive at the adultery, and no false testimony was adduced before the court in proof of it. It was not shown that there were any specific facts, material to defence or recrimination, which might have been brought forward by the respondent ; but it was not proved that there were no material facts which she might have brought forward by way of defence of recrimination :

Held, on the intervention of the Queen's proctor, that the agreement constituted collusion between the petitioner and the respondent, so as to disentitle the petitioner to a divorce.

In this case there was an appeal. The president, Right Hon. Sir F. H. Jeune, in giving his judgment, said :

It is clear that Lord Hannon did not intend to insist on such facts being decisive, if they were material, because it would appear, from the case of Bacon vs. Bacon and Ashby, decided shortly before Hunt vs. Hunt, that he considered that agreement between the parties to withhold relevant evidence was one form of collusion ; and also that the evidence need be relevant only and not decisive. The latter point is now established by the decision of the Court of Appeal in Butler vs. Butler, which I recently followed, in Rogers vs. Rogers. It must be remembered, also, that in summing up it is not necessary, or indeed desirable, to do more than state as much law as covers the case in hand ; and I think that the view of Lord Hannon, expressed in his summing-up, ought not to be put higher than this, that, where the main evidence of collusion is an agreement not to defend, in order to find collusion you must see that it was intended to conceal material facts.

The president goes on to deal with the intervention by the Queen's proctor and he goes on to recite certain decisions of the House of Lords. He says :

Those decisions of the House of Lords have been repeatedly recognized as authorities, and notably so, in a case I shall presently mention, by this court. By its standing order of March 28, 1798, No. 142 (Macqueen's Practice of the House of Lords, pages 528,791) the House of Lords imposed on itself the duty of inquiring 'whether there has or has not been any collusion, directly or indirectly, on the part of the petitioned, relative to any act of adultery that may have been committed by his wife, or whether there be any collusion, directly or indirectly between him and his wife, or any other person or persons, touching the said bill of divorce, or touching any proceedings or sentences of divorce had in the Ecclesiastical Court at his suit, or touching any action at law which may have been brought by such petitioner against any person for criminal conversation with the petitioner's wife.'

Then in the Chisim case the judgment reads :

Now it cannot possibly be said that in this case it was shown that any specific material facts were concealed, and it is expressly stated that the adultery was proved. It seems to be therefore that no collusion is possible except that the House of Lords considered collusion to be made out from the fact that the parites in the conduct of the proceedings were acting in concert. No doubt the inference was that where such concert existed it was impossible to be sure that all the truth was presented ; but the point is that proof of concert in the conduct of the proceedings was held sufficient to engender such a doubt.

In the Edwards case the report states :

The evidence of adultery in this case was clear, but a bond signed by the petitioner, Thomas Edwards, was produced, dated December 10, 1778, securing payment of £45 to his wife Judith Edwards, who on the other hand conditioned on her part that she and all those who were or might become concerned for her in her defence to the said Thomas Edwards obtaining a divorce, would not give any necessary delay in the proceeding thereof, but in all things conform herself and themselves

so as to bring the suit and proceedings to as speedy an issue as possible, yet nevertheless, not so as to weaken any real defence that the said Judith might be able to make to the said proceedings, or the said Thomas Edwards obtaining his said divorce. The Bill after counsel had been heard as to effect of this document was rejected, and it was so treated therefore, merely on proof that the parties had agreed that there should be no defence, and this single fact was considered to establish collusion.

He further goes on to say :

On the whole it appears to me that the authority of the House of Lords, as shown by its practice, and of Sir Cresswell Cresswell, as well as of Byles and Wightman, J.J., is decidedly in favour of the position that, if the initiation of a suit be procured, and its conduct (especially if abstention from defence be a term) provided for by agreement, that constitutes collusion, although no one can put his finger on any fact falsely dealt with or withheld ; and I do not think that the authority of Lord Stowell, Dr. Lushington, Lord Penzance, or though no doubt this is less clear, of Lord Hannon, can be invoked in favour of a contrary opinion.

It must always be remembered that, on grounds of public policy, second, perhaps, to none in importance, the marriage status cannot, however much the parties to it may otherwise desire, be altered, except on the fulfilment of certain conditions prescribed by law, conditions which relate to the conduct not only of the person against whom, but of the person by whom, relief is sought.

I am not, therefore, prepared to say that the reason underlying what I think is the effect of the decision of the House of Lords and of the Acts of 1857 and 1860, may not be that, when the parties to a suit are acting in complete concert, the court is deprived of the security for eliciting the whole truth afforded by the contest of opposing interest and is rendered unable to pronounce a decree of dissolution of marriage with sufficient confidence in its justice.

Further on the report states :

But it may well be worth while to prevent the parties to a suit from binding themselves by an agreement, which, if there be anything to hide, renders it obligatory on both of them to keep the veil drawn, at least if a petitioner makes the institution of his suit and its proceedings a matter of bargain, stifling defence and recrimination by a covenant of silence, he cannot wonder if the court declines to be satisfied that it has before it all material facts. Such a petitioner has mistaken his position. 'Pacem duello miscuit,' he appears before the court in the character of an injured husband asking relief from an intolerable wrong but, if at the same time he is acting in concert with the authors of the wrong, and is subjecting his rights to pecuniary stipulations, he raises more than a doubt whether in the words of Lord Stowell ; He has received a real injury and bona fide seeks relief.

I have one more authority to quote, which will be found in probate division, 1890, Butler versus Butler :

In my opinion it is very important that in every case brought before the court the proceedings shall be fairly and properly taken, that all judgments shall be fairly obtained and that the court shall refuse to make a decree not only and merely where it finds that the facts suppressed might lead to the conclusion that a matrimonial offence has been committed, but also where it finds as in this case, that the parties by an agreement. between them, have prevented material facts from being brought before the court. Here, by agreement, between the parties, the matter was not fully brought before the court, and that is collusion. It is not necessary that the petition should be presented in collusion. It is enough if it is presented or prosecuted in collusion.

It is said, however, that there is no collusion here, because the matters which were kept back from the court were not facts which would lead to the conclusion that the wife had committed a matrimonial offence. Perhaps they would ; for the jury differed. But, in my opinion, in such a state of things, it is enough, if the parties have agreed together not to put before the court material facts relevant to the issue which has to be tried.

We follow, as far as we can, the English practice, and in this case the English practice lays down very clearly what we have to examine and look into, and while, as I said before, this is not the sole ground upon which the committee refuses to grant the divorce, we thought we had quite sufficient under the authority laid before us on that ground alone to refuse to do so.

Hon. Mr. MACDONALD (B.C.)—With regard to the agreement for collusion, of course there was an agreement, but that agreement has been broken by the wife coming forward in defence of her case. The agreement for collusion, therefore, falls to the ground. I am not a lawyer, but that appears to be plain common sense. When an agreement is broken by either sides it falls to the ground. If there ever was a case where a man ought to get a divorce it is in this case. The woman behaved in a scandalous way and the man should have his divorce.

Hon. Mr. POWER—I am not in favour of granting this divorce, but I cannot vote for the report of the committee. I take this view chiefly on the ground taken by the hon. gentleman from Victoria. The report of the committtee is as follows :

5. Your committee, after mature consideration, have resolved to recommend that the prayer of the petition be not granted.

6. In their opinion, the document produced on behalf of the petitioner and filed as exhibit No. 2, a copy of which is appended hereto, taken in conjunction with the testimony of the

petitioner, of St. Charles B. Gywnn, one of the petitioner's witnesses, of the respondent, and of Reginald Salmon, the co-respondent, is evidence of such collusion as to bring the proceedings within the provisions of rule 152 of the Senate, hereto appended.

Now, the hon. chairman of the committee has quoted from 'Dixon on Divorce,' and also cites two recent cases in the Probate Division in England. I shall not venture to question the authority of the cases which he has cited, but it seems to me that they do not apply. In the first place, they are decisions under the Divorce and Matrimonial Causes Act, passed by the imperial parliament in 1857. That Act took divorce away from the jurisdiction of the House of Lords in England and placed it in the hands of the court; and our committee does not follow the practice of the court, but follows the practice of the House of Lords which had prevailed up to the Act of 1857. I cite Brown and Powles on Divorce, and I find collusion defined at page 81 in this way:

> Collusion, as defined by former writers, is different from that which the Divorce Act appears to contemplate. The word was formerly used in the sense of connivance and a conspiracy between the parties to commit the offence.

There is nothing of the sort alleged in this case. It continues:

> But the collusion contemplated by the statute is a conspiracy in presenting or prosecuting the petition and embraces cases where the original ground of petition may not have been connived at, but where the parties subsequently agreed to use it as means for a divorce.

I think it is exceedingly doubtful whether the law with respect to collusion which prevails in England would apply in this case. But I take the authority which the hon. gentleman has himself cited, the 'Law of Divorce,' by Dixon, and I find this language at the foot of page 382:

> The collusive agreement must be brought home to the actual parties. The solicitors for the petitioner and respondent so conducted the suit as to raise a suspicion of collusion. The Queen's proctor intervened. Neither of the actual parties knew of the irregularities of their respective solicitors. The court there acquitted them of collusion.

What does the evidence in this case show? I turn to page 17 of the report of the committee and I find that Gwynn, the witness who drew up this agreement which it is alleged was the collusive agreement, was asked by the chairman:

> Q. For whom were you acting ?—A. For Captain Spain, but without his knowledge of the agreement.

Then at page 23, the same witness says in answer to the counsel for Mrs. Spain:

> Q. You had authority from Captain Spain to draw out that agreement in which it appears ?—A. I had no authority concerning any agreement. It was never spoken of between Captain Spain and myself.

And further down:

> Q. Do you mean to tell me that she entered into this agreement with you without you letting her understand that you had authority from Captain Spain to make it ?—A. I let her understand that I was Captain Spain's attorney, and I told her that the question of divorce had never been discussed between Captain Spain and myself.
>
> Q. But you had authority to enter into an agreement ?—A. I did not tell her anything of that kind.
>
> Q. You deny it ?—A. I do.
>
> Q. When did you first know that any divorce was contemplated between Captain Spain and his wife ?—A. It was some little time after that. I cannot fix the date. I had a letter, I believe, from McGiverin & Haydon. It was the first I heard of it, or a letter from Captain Spain in which he said he had instructed McGivern & Haydon.
>
> Q. It was some time after the agreement was made, was it not?—A. Yes.
>
> Q. How long after ?—A. A week or ten days.
>
> Q. Before you knew of any divorce proceedings being contemplated ?—A. Yes.

Then further down:

> Q. You cannot explain it ?—A. I am sure I knew nothing about Captain Spain's desire for a divorce; he may have spoken of it, but he expressed no desire.

I contend that even under the English law as it stands to-day the allegation that there was collusion is not borne out. The collusion should concern the petition, and at this time there was no petition, and according to the authority quoted by the hon. chairman of the committee this collusive agreement had to be brought home to Captain Spain, and it was not.

These may be looked upon, to a certain extent, as arguments more suited to a court than to the Senate, but the hon. chairman of the committee cannot, nor can any hon. gentleman here, find any case in the English law reports where a divorce petition has been fought from start to finish and where it was held there was collusion. What is the object of prohibiting collusion? It is to hinder parties from entering into an agreement, often to conceal facts which would prevent the divorce being granted or to save expense, or some other reason—to conceal the

real state of affairs from the court—and allow the divorce to go without opposition, but as soon as there is a strenuous opposition offered to a divorce, then the collusion ends; the reason why collusion vitiates the application ends, and here we have a case which from the day the petition was served on the respondent up to the close of the hearing, was fought in the most strenuous way by the respondent. To my mind it is almost trifling with the intelligence of the Senate to say there has been any collusion. Granting that this was a collusive agreement, if in pursuance of that agreement Mrs. Spain had refrained from appearing, if she had offered no opposition to her husband getting a divorce, then I admit that the production of this agreement would. under the recent English cases at any rate, have been held to be evidence of collusion, and it would be for the House then to decide whether or not it was such evidence as would prevent the granting of the divorce. But instead of doing that, Mrs. Spain from the time the petition was served on her fought it most strenuously, and it seems unreasonable to claim that this man should not get his divorce on that ground. I am not anxious that he should get his divorce, but respect for our own position as a judicial body should hinder us from refusing the relief that the petitioner seeks on that ground. I understood the chairman of the committee to say that the evidence was not considered satisfactory—that there was some difference of opinion in the committee on that point, but that they had agreed on this question of collusion. If the majority of the committee concluded that the guilt of the respondent was not satisfactorily proved, I shall be delighted to vote for the report, but I do not feel that I can vote for a report which is based on what I consider an essentially wrong principle.

Hon. Mr. KERR (Toronto)—I think it is important that we should not place on record a judgment which certainly is open to question and which if placed on record might be a precedent to be followed in other cases. I am not going to make any remarks at all with reference to what one might call the merits or demerits of the case, as to whether there was or was not such a breech of martial duty as to justify divorce, because I do not apprehend that judgment has been pronounced upon that point. If there is, if the committee have come to a conclusion, I think it is very important that the conclusion should be placed on record and the judgment of the Senate might be based on that one way or the other, but it is unfortunate that a case which, to say the least of it, would only be by the strictest possible construction and on the closest possible margin of authority should be determined to be a case of collusion such as this is. Our rule is set out in the proceedings here. We have propounded and interpreted collusion in our rule. That is such collusion as would be sufficient to bar the party. The rule reads :

Collusion in the proceedings for divorce.

First we have in the rules :

Connivance at or condonation of the adultery.

Those are acts preceding anything in the divorce proceedings and they relate to the ground for procuring a divorce. The other is entirely one with reference to collusion in the proceedings for divorce. That points to some arrangement or agreement by the parties for the suppression of the facts or for the presentation of a case different from what it actually was. It is perfectly true that in England there have been a series of cases, all of which are reviewed in the leading cases, adverted to in the report, and the different rulings there have been considered. The effect of those, however, has not been in any way controlled or qualified, but the decision in that case went upon this ground—and it seems to me it is entirely distinguishable—that while there was an agreement between the parties respecting the proceedings in a divorce being taken in the case in question, and there was no admission, on the face of the agreement, of guilt, there was an agreement that the applicant for a divorce should pay a sum of money, the benefit of which the respondent in that case should receive, and that there should be no proceedings against the correspondent in respect to any allegations that were made. Now, in this case, whilst there is an agreement on the part of the wife that she will not contest the proceedings, there is no provision for payment to her of any money or of any consideration, nor is there any provision made for her getting the benefit of any estate or advantage out of the husband's estate, either present or future. On the con-

trary, she releases and abandons everything of the kind and instead of there being, therefore, a consideration given to her, an inducement held out to her, a special advantage which would have the affect or might have the affect of supressing evidence or of helping to get sufficient evidence to enable the applicant to get his divorce, quite the contrary appears. There is an admission of guilt, and there is in addition to that the fact that the case is contested. All that can be said against the applicant is that he is a party to a collusion by which she admits her guilt, in the face of a document which is to be used, and may be used, and is only to be given for the purpose of being used in the divorce proceedings, and the co-respondent is named as the person with whom the respondent had been guilty. There is an agreement on her part that she will not contest the proceedings, and, if the matter had stood in that way, that would have been collusion; but we have that agreement absolutely ignored by her contesting and disputing and, as far as she could, endeavouring to defeat the application. How is it possible to say, whatever paper may have been signed in which there was an admission of guilt, when that document is followed up by a contest on her part, by a most determined opposition to the application, by the assertion of her innocence afterwards, and by the endeavour to get the committee to find that she is free from such a charge, how is it possible to say there is collusion between them in these proceedings? I am talking of collusion in the proceedings. This paper was obtained prior to the application occurring. What was intended here was collusion in the matters which are matters of trial—collusion in having the proceedings so conducted that the whole facts should not be brought out—collusion in having the proceedings so carried on that the truth will be to some extent suppressed, and what may not be the truth will appear. That is collusion in the proceedings. The prior entering into an agreement on the part of the respondent that she will not appear and defend whilst accompanied by an admission of her guilt, followed by her appearance here and her defence, surely cannot be said in any sense to be collusion? I take it that is the distinction which can be drawn in this case. At all events it is one so close to the line that I think it would be unfortunate if this report stood on this ground. For my part I think it would be much better to refer the report back. My motion would be that the report be not now concurred in, but that it be referred back to the Divorce Committee for further consideration, and if necessary for further evidence, so that if there is anything further to connect this agreement or for anything further to be brought out in the proceedings, it can be done. There is this further fact, that it must be borne in mind that collusion is usually set up by the respondent. He conceals nothing from the tribunal, the committee, but on the contrary opens his case by bringing forward this agreement and uses it as an admission of her guilt. He comes in good faith, presents his case and establishes it. In the case where the Queen's proctor intervened the respondent did not defend at all, and it was the Queen's proctor who brought forward this matter for defence. It seems to me, therefore, that the matter should be referred back, and I would say that even if the House were in doubt about the matter, that it should be referred back for further consideration and the committee could then report, under the rule, for a submission to the Minister of Justice, and they would have a definite, authoritative guidance under which they might proceed. I, therefore, move that the report be referred back to the committee for consideration to deal with the case on its merits or to have a reference to the Minister of Justice.

Hon. Mr. ROSS (C.B.)—My views of the tribunal which we have in connection with divorce cases have been fully expressed several times already, not that I have not the greatest respect for the men who compose that committee. In the most of cases that have been reported I have thrown the reports in the waste-paper basket, because I did not consider it was very nice literature according to my way of thinking, but knowing Captain Spain, and having had some business with him in his official capacity, I took the trouble to read part of the evidence of that trial. I am not through with it yet, but as far as I have gone my judgment is that if I were a member of that committee I would be inclined to grant him his divorce, and I believe that there are several members in this House who agree with that opinion.

Hon. Mr. LOUGHEED—Will my hon. friend permit me to state to the House, without going into the merits of the case, the rather difficult position from a legal standpoint which the members of the Divorce Committee found themselves in as to this agreement. I would advance for the consideration of the House two or three propositions which confronted the committee. In the first place the agreement having been obtained by the petitioner, it was at the time of getting same a collusive agreement. I think that will be manifest. It was given in contemplation of divorce proceedings about to be taken. The petitioner having obtained this agreement, which is clearly collusive within its four corners, we must therefore assume that it was obtained for collusive purposes. Then, in the next place, the question arises whether if this collusive agreement were used by him for purposes of evidence it would lose the particular quality which attached to it at the time of his obtaining it. Could he blow hot and cold so to speak? Could he approbate and reprobate? If it were collusive at the time he obtained it, and he deliberately used it before the committee, did it then lose by reason of the then immediate circumstance the collusive nature which of necessity attached to it at the time he obtained it? That is a proposition which I submit to hon. gentlemen; and in the next place, it was used by the petitioner to establish the adultery of the respondent, and I must say that in my judgment it was the most conclusive evidence before the committee of her adultery. Could he then use it for a purpose other than for which he obtained it without assuming all the legal obligations which necessarily attached to it at the time he secured it? He obtained it for one purpose and used it for another purpose, namely, to establish adultery, which it unquestionably did. Then having used it could he be heard to say before the committee that notwithstanding his having obtained it for collusive purposes it was not collusive. With these propositions before us we have what I might term to be the final proposition. Did her contestation of the proceedings, notwithstanding the use of the agreement by the petitioner, remove the agreement beyond the doctrine of collusion. Now you have to consider in this connection that notwithstanding her contestation of the proceedings, the agreement appears upon the record and appears as having been placed there by the petitioner who obtained it in such a way as to preclude at the time of his getting it the remedy which he sought by the divorce proceedings. These are some of the difficulties or legal complications that confronted the committee in considering whether this was a collusive proceeding or not. I have no intention of reviewing the evidence. I think I might say that the committee, although each member thereof had his opinion as to whether the respondent was guilty of adultery or not, collectively did not express an opinion upon the merits. The legal results attaching to this agreement rendered it in their judgment unnecessary to go into the question of dealing with the other branch of the case, hence we, being unanimous on the question as to the collusiveness of the agreement, agreed to the report accordingly.

Hon. Mr. BERNIER—It seems to me that the agreement is complete evidence of collusion, and the very fact that the wife has appeared afterwards in this trial does not, as has been said, cause the argument drawn from the agreement to fall to the ground. To my mind the appearance of the wife in this case is but a second move in the way of collusion. Very likely the petitioner when he came before the court had an idea that this document would be put in and perhaps he intended himself to put it in and then by arranging with his wife to make contestation of the case it might be that they both of them wanted to cover their tracks and take away from the document its collusive character. In my opinion there is nothing in the argument that the fact of the wife having appeared in the case has caused the charge of collusion to fall to the ground, or the argument drawn from it to fall to the ground. It is only a second move in the way of collusion.

The amendment was declared lost on a division; contents, 6; non-contents, 16.

The report was then concurred in on a division.

GENERAL INSPECTION ACT AMENDMENT BILL.

POSTPONEMENT.

The order of the day being called :

House again in Committee of the Whole on (Bill C) An Act to further amend the General

Inspection Act.—(The Right Hon. Sir Richard Cartwright.)

Hon. Sir RICHARD CARTWRIGHT—I find that there is a very considerable amount of doubt as to certain provisions of this Bill, and my hon. friends from Manitoba and the Northwest have expressed a desire to get further information about it. In any case it is perfectly clear that no Bill passed this session could effect hay which has been made up to date, and under all these circumstances, although I leave it for a short time on the order paper, I do not think I shall proceed with it. I therefore move that this order be discharged and that it be made an order of the day for this day week.

Hon. Mr. BERNIER—Before the motion passes I would like to represent to the government that the Board of Trade of Winnipeg has worked this matter up very fully and they are very anxious that this Bill should pass.

Hon. Sir RICHARD CARTWRIGHT—I am aware of the fact, but the Board of Trade of Winnipeg are not apparently quite in harmony with other parties who are effected, and there is a very considerable divergence of opinion. I prefer to wait to ascertain more fully what is the real merit of the question.

The motion was agreed to.

CRIMINAL CODE, 1892, AMENDMENT BILL.

THIRD READING.

The House went into Committee of the Whole on Bill (155) An Act to amend the Criminal Code, 1892.

Hon. Mr. SCOTT—As I explained on the second reading of the Bill, the object of the measure is to apply the same principle to ordinary charges of offences that is now applied to indictable offences, that is that a judge can issue a commission to take evidence outside of Canada. It is simply enlarging the scope of the law as it now stands.

Hon. Mr. POWER—There is one point to which I direct the attention of the minister. Just at the end of the first subclause of the proposed new law there is this proviso :

Provided that no such appointment shall be made without the consent of the Attorney General.

It seems to me that inasmuch as this clause deals with minor offences and with the county court judges and also judges of superior courts, that the meaning is that the appointment is to be made with the consent of the Attorney General of the province, and I would respectfully suggest with a view of preventing any misapprehension on the subject, that the words : 'of the province' should be inserted after the words 'Attorney General' at the end of the first subclause.

Hon. Mr. SCOTT—I have no objection, although as the Criminal Code is put in force by the province, I see no necessity for it. The federal Attorney General is called the Attorney General for Canada, while a provincial Attorney General is known as the Attorney General for the province. The Bill was drafted in the Department of Justice, and I presume they have reasons for putting it that way.

Hon. Mr. LOUGHEED. In some provinces there might be doubt as to what that meant.

Hon. Mr. SCOTT—We have an interpretation Bill now before parliament, which has been reviewed by the law clerk of the other House. I do not know whether it contains a definition of 'Attorney General,' but I presume it does.

Hon. Mr. POWER—I find in the second section of the Criminal Code the interpretation is there.

The clause was adopted.

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

The Bill was then read the third time and passed.

EXCHEQUER COURT ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into the Committee of the Whole on Bill (156) An Act to amend the Exchequer Court Act.

(In the Committee).

Hon. Mr. SCOTT—A question of doubt has arisen in relation to appeals from the Exchequer Court as to what a final judgment is, and this gives a definition :

2. A judgment shall be considered final for the purpose of this section if it determines the rights of the parties, except as to the amount of the damages or the amount of liability.

It is thought necessary on account of a doubt having been expressed by some judge as to what a final judgment meant.

Hon. Mr. McKAY (Truro), from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

SECOND READINGS.

Bill (134) An Act respecting the Toronto and Hamilton Railway Company, and to change its name to 'The Toronto, Niagara and Western Railway Company.'—(Hon. Mr. Kerr, Toronto.)

Bill (138) An Act to incorporate the Toronto Terminals Railway Company.—(Hon. Mr. Gibson.)

ASHCROFT, BARKERVILLE AND FORT GEORGE RAILWAY COMPANY BILL.

AMENDMENTS CONCURRED IN.

The order of the day being called :

Consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill 89) An Act to incorporate the Ashcroft, Barkerville and Fort George Railway Company.—(Hon. Mr. Casgrain, de Lanaudière.)

Hon. Mr. LOUGHEED—This order, and the next three orders, are Bills to which an amendment prepared by the hon. member from De Salaberry relates. He came to me before leaving for the train and asked to have an amendment which he had prepared inserted in these Bills.

Hon. Mr. POWER—This matter was referred to a sub-committtee of the Railway Committee, and the amendment recommended by the sub-committee was adopted unanimously by the Railway Committee; and it is a question whether these Bills should be held over to make an amendment which one member thought desirable. The amendment can be moved at the third reading.

The motion was agreed to.

QUEBEC HARBOUR COMMISSIONERS BILL.

FIRST READING.

A message was received from the House of Commons with Bill (174) An Act respecting the Quebec Harbour Commissioners.

Hon. Mr. SCOTT—This Bill, authorizes an advance of $150,000 to the Quebec Harbour Commissioners for the purpose of completing the new deep water frontage of the Louise Embankment in the tidal harbour.

The Bill was read the first time.

The Senate adjourned until Tuesday next at three p.m.

SENATE.

OTTAWA, Tuesday, June 12, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

APPOINTMENT OF CHIEF JUSTICE IN SASKATCHEWAN.

Hon. Mr. PERLEY rose to

Ask the government, if they have appointed a chief justice for the province of Saskatchewan, and if not, is it their intention to do so, and when ?

Hon. Mr. SCOTT—Until the provincial legislatures shall have organized courts under the Act giving them existence, there will be no opening for the appointment of a chief justice. The judges appointed at the time the provinces received their charter will continue. The answer I received from the department reads as follows: 'No. The Supreme Court of the Northwest Territories continues, under section 16 of the Saskatchewan Act, until abolished by the local assembly. No provincial Act yet passed so far as I am aware abolishing that court or providing for a new one. Therefore, no office of chief justice to fill.'

CARRIAGE OF MAILS IN PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON rose to

Inquire of the government why the mails for the southern parts of Queen's and King's County, P.E.I., are not carried over the Murray Harbour Railway, instead of by teams, as at present ?

Hon. Mr. SCOTT—Authority has already been given for the establishment of a postal car service over the Murray Harbour branch of the Prince Edward Island Railway, and the mails will be conveyed by railway as soon as the necessary contracts can be entered into for the performance of the side services, tenders for which are now being invited.

Hon. Mr. FERGUSON—Did the hon. Secretary of State say that tenders were invited ?

Hon. Mr. SCOTT—Tenders are now being invited.

Hon. Mr. FERGUSON—There can be no necessity for tenders.

Hon. Mr. SCOTT—This is for side service.

THIRD READINGS.

Bill (91) An Act to incorporate the Canadian-Minnesota Bridge Company.—(Hon. Mr. Frost.)

Bill (121) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (132) An Act respecting the Ontario Northern and Timigami Railway Company.—(Hon. Mr. McHugh.)

Bill (112) An Act respecting the Huron and Ontario Railway Company.—(Hon. Mr. Gibson.)

Bill (133) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (87) An Act to incorporate the Vancouver, Fraser Valley and Southern Railway Company.—(Hon. Mr. Bostock.)

HAMILTON, WATERLOO AND GUELPH RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. McMULLEN moved the third reading of Bill (104) An Act to incorporate the Hamilton, Waterloo and Guelph Railway Company.

Hon. Mr. LANDRY—I thank my hon. friend for having acquiesced in my request on Friday last to postpone the consideration of this Bill until to-day. I have no particular objection to the Bill itself, but I find that it is entirely a local Bill. It provides for the construction of an electric railway situated altogether in the province of Ontario, and I think it should come under the jurisdiction of the provincial government. My intention was at the time to raise an objection to the Bill as being outside the jurisdiction of this parliament. I do not see that the fact of declaring in a Bill that the work is for the general advantage of Canada, makes it really a Bill which should come under our jurisdiction. If such a declaration is included in any Bill in order to bring it under the operation of the federal laws, that declaration should be borne out by the facts. If the facts really are that the work is one for the general advantage of Canada, all right ; but where the work is situated altogether in one province, we should not declare, so as to bring it under the operation of our federal law, that it is for the general advantage of Canada. I think it is a childish way of bringing a local Bill under the operation of our federal laws. The Bill we are now considering contains that declaration, I suppose, but it is not true merely because the declaration is there, and I claim that this Bill does not come under our jurisdiction ; it is entirely a local Bill that should come under the jurisdiction of the legislature of the province of Ontario. I move, therefore, that the Bill be not now read the third time but that it be read a third time this day six months. In the meantime I suppose the province of Ontario might take hold of the Bill and pass it.

Hon. Mr. McMULLEN—If I might be permitted to offer a few remarks in reply, I would say to my hon. friend that the four Bills which have preceded this one are all local Bills, each of them within the jurisdiction of the province of Ontario. In the next place, electricity has become such an important motive power now, that almost every railway charter that we pass gives the privilege of running by steam or by electricity. The question as to the propriety of passing this Bill was fully discussed in committee. This railway will have to cross both the Grand Trunk Railway and Canadian Pacific Railway, and to build a high bridge over a Dominion canal and across Dominion property. It was thought by the promoters that it would be impossible to

carry the scheme through unless they had a Dominion charter to enable them to do it under the Dominion Railway Act. That is why they have come here. I earnestly hope that my hon. friend will not press his amendment.

Hon. Mr. LANDRY—The hon. gentleman gave a bad reason when he said that four other Bills that we have passed were in the same anomalous position that this Bill occupies. That is no reason why we should proceed with this Bill. I want to ascertain the opinion of this House on this question of provincial and federal rights, but as his Bill is, fortunately for him, one of the five that are out of order, I shall not press my amendment to-day owing to the thinness of the House ; but I give warning that the next time a Bill of this character comes up I shall call for a division. With the permission of the House, I withdraw my amendment.

The amendment was withdrawn, and the Bill was read the third time and passed.

HILLCREST RAILWAY, COAL AND COKE COMPANY BILL.

SECOND READING.

Hon. Mr. FERGUSON moved the second reading of Bill (157) An Act to incorporate the Hillcrest Railway, Coal and Coke Company.

Hon. Mr. WILSON—This is a very important Bill, and I think the promoter ought to give some explanation of it. I find also that it is only printed in English and, therefore, the French members have no opportunity of looking into its provisions carefully. I should therefore like the mover to either defer the order, or to let us know what we are asked to vote for.

Hon. Mr. LANDRY—As the French copy is not distributed yet, the hon. gentleman might give the explanation in French.

Hon. Mr. FERGUSON—I do not know very much about this Bill. It is really a coal company in British Columbia, whose mine is in the Crow's Nest Pass, near the town of Frank, and the railway is needed to carry out the product of the mine. The road is near the boundary, and lies partly in Alberta and partly in British Columbia. The company is turning out about 120 tons of coal a day at the present time. It is already incorporated as a coal company, and this short line of railway is necessary to enable the company to bring out its coal.

Hon. Mr. WILSON—I think the Bill deals with a little more than the question of coal. My hon. friend will see that they have the right to deal in lands and mines and also in coal oil. By the ninth clause that power is asked for, and, if we pass the Bill in its present shape, of course, the company will have that power. They will also be able to deal in roadways and tramways. It is not merely railways, but tramways and sundry kinds of roads. I think my hon. friend should certainly comply with the expressed wish of my hon. friend from Stadacona and either explain the Bill in French or allow it to stand until the French copy is printed.

Hon. Mr. FERGUSON—I think the Bill complies with the model Bill pretty well, and we can have these details all discussed in committee.

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

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

Hon. Mr. ELLIS moved the second reading of Bill (S) An Act to amend the Criminal Code, 1892, as respecting lotteries. He said : When the Criminal Code was passed, I think in 1882, a subsection relating to certain kinds of lotteries was inserted in it. Subsection 6 of section 205 of chapter 29 of the Criminal Code reads as follows :—

> Any distribution by lot among the members or ticket holders of any incorporated society established for the encouragement of art, of any paintings, drawings or other work of art produced by the labour of the members of, or published by or under the direction of, such incorporated society, &c.

In consequence of the growth in some cities of a system of lotteries by which paintings and works of art were used to enable a species of gambling business to be carried on, the law was amended, and the amendment in the law shut out those established art unions, the Art Union of London, the Art Union of Glasgow and those other incorporated art unions which are known to be of a high character, and under which a

great many works of art of considerable value have been brought into Canada. The object of this Bill is to enable these unions to resume their legitimate business in this Dominion. There are a number of people in different parts of the country who are interested in these art unions; that is to say, they are annual subscribers. The special art union which I have in mind is the London Art Union, which is well known all over the world.

Hon. Mr. SCOTT—Can the hon. gentleman give me the date at which the Criminal Code was amended so as to cut out these unions?

Hon. Mr. ELLIS—1901. The London Art Union has sent to every hon. gentleman of the Senate and to every member of the House of Commons a statement of its position with regard to that and a copy of its rules. I do not know whether hon. gentlemen have looked over these or not, but they are in the possession of every hon. gentleman in the House, and it will be seen beyond peradventure that there is no opportunity whatever for anything which might be termed a gambling operation being carried on under its provisions. There is no allowance of money in place of pictures. If a subscriber draws a picture, he can not exchange it in any way unless it be for another work of art. It seems rather hard that we should be debarred from the advantage in Canada of the facilities and advantages enjoyed in England which are afforded by those art unions. The Bill has been so drawn that no art union can take advantage of it unless it is incorporated under the laws of the United Kingdom. I do not know whether that phraseology is sufficient, because the London Art Union is incorporated by what is called a royal charter, by petition to the King or Queen as the case may be. It is presided over by the Earl of Plymouth, who is well known by a number of gentlemen as a patron of art. First, must be incorporated under the laws of England, and it must have obtained permission to sell in Canada these tickets. The second provision is, the art union does not give any money prizes and does not exchange any work of art for any valuable consideration other than another work of art of the same character. The Bill guards the public in every way possible against any misuse of the provision.

Hon. Mr. MACDONALD (B. C.)—Have there been any prosecutions threatened for carrying on a business of this kind?

Hon. Mr. ELLIS—I think not; I have not heard of any. I might say with regard to the London Art Union, that as soon as the law was passed it ceased to do any business in Canada, and although it was advised by some legal gentlemen that it might continue to do business, still there was some uncertainty about it. If Canadians wish to transmit their money to England they might not run any risk, but they do not care to do business in that way.

Hon. Mr. McMULLEN—In my humble opinion we should proceed very carefully in re-enacting a provision which was dropped from the Criminal Code in 1901. In that year clause (c), of the Act of 1892, was amended, and I see that this Bill proposes to re-enact the very clause that was then struck out, word for word, except that my hon. friend proposes to substitute the words 'Art union' for the words 'Incorporated Societies'. We passed a law last year completely wiping out the provision with regard to trading stamps. This, of course, may not be exactly in a line with that Act, but certainly there must have been some good reasons given for re-enacting this clause when it was eliminated from the Criminal Code by the amendment of 1901. That clause had been in existence since 1892, and this Bill, as I have said, proposes to reinstate that very clause word for word, all but the words I have mentioned.

Hon. Mr. ELLIS—I beg the hon. gentleman's pardon. If he will look at the Bill he will see that the art union is to be incorporated under the laws of the United Kingdom, and the union must obtain permission from the Governor in Council.

Hon. Mr. McMULLEN—The other had to have incorporation within the realms of the kingdom; they acquired corporate powers under the clause that I refer to. I do not know what the object may be. Possibly it may be all right, but I say we should be exceedingly careful in interfering with the Criminal Code or encouraging anything like the disposal of goods by lottery. That vir-

tually was the character of the Bill we passed last year, doing away with the lottery system. This is practically the same thing. It proposes to do business in the same way, and then it makes provision that one article may be exchanged for another. A man may, by lottery, draw a certain picture or work of art and, if he is not satisfied with it, under this Bill he can exchange it for something else from the same company. I do not know whether it is wise ; in my opinion we should be very careful in interfering with the Criminal Code in this way.

Hon. Mr. LOUGHEED—It may be pointed out that this is peculiarly class legislation. We seem to have repealed the clause in the Criminal Code by the Act of 1892, which would prevent art unions generally from disposing of their products in this particular way. The difficulty I see with reference to this amendment is, that while the works of this particular art union may be very meritorious, yet what reply can this parliament have hereafter to any other art union that may occupy an equally important position who may ask permission to dispose of their works in the same way ? It is peculiarly class legislation in that regard. Furthermore, it will contribute to a general evasion of the Act. Any institution desiring thus to dispose of their works may, hereafter, make application as, and dignify itself by the name of a corporation, and ask for similar exemption. While I have no doubt in my mind that the disposal of those works of art would not in any way contribute to immoral results, yet immediately you make an exception as to one particular incorporation, you are bound hereafter to give an equal privilege to others.

Hon. Mr. SULLIVAN—Is the operation of this art union the same as that of the old one that existed many years ago ?

Hon. Mr. ELLIS—Yes.

Hon. Mr. SULLIVAN—There is no additional power given ?

Hon. Mr. ELLIS—No.

Hon. Mr. SULLIVAN—That was entirely harmless, and was calculated to encourage art. The members had an opportunity of securing a statue, a picture or an engraving at less than the usual price. I was a subscriber for some years myself. I never drew anything, but I know that it was a good thing, and I hope there will be no opposition to this Bill, which has for its object the encouragement of art and the improving of the artistic taste of the people.

Hon. Mr. POWER—I entirely concur in what my hon. friend from Kingston has said. It is clear that parliament thought that these art unions were entitled to special consideration, because, when the Criminal Code was passing through parliament, they were excepted from the operation of section 205. In addition to the exception of these art unions, paragraph (d) of the sixth subsection of section 205 excepted the Crédit Foncier du Bas Canada and the Crédit Foncier Franco Canadien. The objection which parliament had to the exemption applied, I think, rather to the associations mentioned in paragraph (d) than to those mentioned in paragraph (c), and, in 1901, this subsection 6 was repealed and a new subsection was substituted for it, which included paragraphs (a) and (b) but dropped (c) and (d). The feeling of parliament was in favour of encouraging the distribution of works of art, and I think we should still feel that way. In the United States where they are given over altogether to protection, they have, recently, amended their tariff so as to allow works of art to come in free or at reduced rates of duty. It is our duty, if we can, to encourage such an association as the London Art Union. The hon. gentleman from Wellington said that the language of the Bill which is now before the House is absolutely identical with the language in paragraph (c) of subsection 6 of section 205 of the Criminal Code; but if any hon. gentleman will take the trouble to compare the two, he will find there is a marked difference. In the first place, the Bill before us limits the exemption to the members or ticket holders of any art union. The original paragraph said 'any incorporated society established for the encouragement of art.' The language of the present Bill is much narrower. And then this Bill inserts two provisos which were not in the original enactment :—

(1) Such art union is incorporated under the laws of the United Kingdom, and has obtained permission from the Governor in Council to sell in Canada tickets or chances for such distribution ; and

(ii) Such tickets or chances are solely for the distribution of works of art, and the art union does not in any manner give money prizes and does not exchange any work of art so distributed for any valuable consideration other than any work of art of like nature.

These are important restrictions, and they remove any danger of the privilege being abused. Guarded as it is there is really no danger to the public morals or interests in passing the measure. While the hon. gentleman from Wellington has a very strong objection to anything being disposed of by lottery, the law as it stands allows the division by lottery of property held jointly, or raffles for small prizes at bazaars for charitable objects. The art union is really quite as deserving of exemption from the operation of section 205 of the Criminal Code as those raffles for charitable purposes.

Hon. Mr. KERR (Toronto)—No one objects to the work that is carried on by the two art unions of which the hon. gentleman from St. John has spoken, but the question which we ought to consider is whether an amendment of the law in this way is not wide and could not be easily evaded. A suggestion has been made that the provisos introduced here are so protected that they would prevent much mischief being done. The first is that the art union must be incorporated under the laws of the United Kingdom. Anybody could become incorporated by filing a memorandum in England, and, therefore, that practically means that anybody who takes the trouble to be incorporated in England would be admitted, subject only to obtaining permission from the Governor in Council.

The project which would be submitted to the Governor in Council would be of such a character that it, no doubt, would pass muster as an art union, but, on the other hand, once incorporated, and once a license had been granted it, its operations could be carried on here although the evasion might occur at a subsequent time; therefore, it is open to objection in that way. The second subsection, providing that the tickets or chances are to be solely for the distribution of works of art, and that the art union does not in any manner give money prizes, might be evaded by having one company to carry on the business of issuing tickets and another company placed next door to redeem them. There is no law that I know of which provides against a company's redeeming or otherwise dealing with the tickets of the art union. It would be much better, therefore, if the hon. gentleman will do so, to make a special proviso for the two companies whose character have been established and whose work is known, and to provide that the clause should not apply to their distribution. In that way parliament would know just what it is dealing with. It would know that we are accepting the works of these particular associations or art unions, and that we are not opening the door to imitations of them which might be in their nature just as injurious as any lottery which could be established in any other way.

Hon. Mr. BEIQUE—I entirely concur in the remarks of the hon. gentleman from Toronto. This Bill would clearly be open to the abuses which he has pointed out, and moreover it would be rather strange legislation to give a privilege of that kind, a general privilege, to any corporation now incorporated or hereafter to be incorporated under the laws of the United Kingdom, while not extending the same treatment to domestic corporations, and I fail to see the reason why we should give a preference of that kind. There may be a good reason, because of their being special institutions. In that case they should be treated as the Crédit Foncier was treated. An exception was specifically made for the Crédit Foncier in the law of 1892. On refering to the law of 1892 it will be found that exception was made also for all incorporated art unions, but in 1900 and 1901 it was found that this exception had given rise to so many abuses that parliament removed the exception by amending the Act of 1892. I would suggest that this Bill be made to apply to these two specific art associations, and I would further suggest that power be given to the Governor in Council to withdraw the permit which he would have given. The Governor in Council may find that abuses have crept in under the working of the Act, and then, whether it be two years or five years, after the exception has been made, or the permit has been given, the Governor in Council might take such action as seemed to him desirable.

Hon. Mr. LOUGHEED—While my hon. friend is on his feet, would he point out the

distinction between the principle involved in this amendment and that which we repealed in the legislation of 1900 and 1901?

Hon. Mr. BEIQUE—I do not think there is any distinction. I have not referred to the statute recently, but I have quite a distinct recollection of the clause which was repealed in 1901, and, subject to correction, I do not think that there is any distinction except as regard the permit which is to be given by the Governor in Council. I do not think that was provided for; further, the exception is made solely in favour of art unions incorporated under the laws of the United Kingdom. The exception previously was in favour of all incorporated art unions, whether incorporated under the laws of the United Kingdom or the laws of Canada.

Hon. Mr. LOUGHEED—The point I desire to have my hon. friend's view upon is this: If the legislation of 1892 was productive of the abuses to which my hon. friend has referred, in what way have we any proof or what satisfactory evidence have we before us to-day that this legislation which is now proposed will not be productive of the same vicious results as that of 1892?

Hon. Mr. BEIQUE—I did not rise for the purpose of advocating the passing of the Bill. I rose merely for the purpose of showing the special objection which I saw to it, and of suggesting in what way, if the Bill is to be passed, it should be limited.

Hon. Mr. KERR (Toronto)—I would suggest that the Bill be given its second reading now, and before it is considered in Committee of the Whole my hon. friend might consider the question as to whether this exception might not be incorporated in the way that I spoke of.

Hon. Mr. ELLIS—I am desirous that these art unions, the Dublin Art Union, the London Art Union, and possibly the Glasgow Union—which are all art unions of considerable standing, of high reputation, indeed, should be brought under the operation of this measure; but the reason I did not name them in the Bill was because I thought that the objection which my hon. friend from Calgary has taken to the Bill as it stands might then be taken with more force if they were named specially, but I am perfectly willing to make an amendment to the Bill to declare just what it means, and, if the House will consent to the second reading now, I shall move that it be considered in Committee of the Whole two days hence. Meantime I will endeavour to have an amendment prepared which will meet the views of all parties, and at the same time preserve the character of the Bill.

The motion was agreed to.

SECOND READING.

Bill (Z) An Act to incorporate the Grand River and Western Power Company.—(Hon. Mr. McMullen.)

MARKING OF GOLD AND SILVER BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (U) An Act respecting the sale and marking of manufactures of Gold and Silver. He said: The object of this Bill is to make it compulsory that gold and silver manufactured in Canada should bear certain stamps, trade mark, date, and the quality. If the manufacture is of gold, the number of carets must be marked, the standard caret of course being 24. The Bill is one of detail which has been asked for by the gold and silver manufacturers in Canada, who propose sending a deputation to the Banking Committee, to which committee the Bill will be referred on Thursday next, and with a view of getting their opinion. I am now asking the House to pass the second reading. This measure marks a departure in Canada, and therefore it is very difficult to advance any positive views on the subject. The Bill has been drawn by the manufacturers of gold and silver wares, who consider that it is necessary at the present stage of development in Canada and they say that if they are given an opportunity of presenting their views before a committee of parliament, that they are able to establish the necessity for the measure.

Hon. Mr. POWER—Perhaps the hon. gentleman might inform the House what legislation this Bill follows? There must be similar legislation in the United Kingdom, and probably in the United States and it is desirable that we should know where it came from.

Hon. Mr. SCOTT—I am quite unable to tell my hon. friend the basis of the Bill. I presume it is based on similar legislation in Ontario, although I have not been able to find any exactly in harmony with it, nor do I know who drafted the Bill. It has been sent to the government by the Manufacturers Association, particularly those who work in gold and silver, and they have stated that the Bill is a necessity, and that they are prepared to establish its importance and value in trade, if they are given an opportunity to appear before the committee.

Hon. Mr. LOUGHEED—Can my hon. friend say to what extent the Inspection Act would apply to this Bill? By clause 14, it is provided that the matter shall come under the supervision of the Minister of Inland Revenue. The Inspection Act does not seem to be made applicable to it.

Hon. Mr. SCOTT—No, it is not intended to come into operation for more than a year after it receives the royal assent. In the meantime inquiry can be made as to the necessity for such legislation and how it is going to operate. No harm can arise from it, because it is in the direction of having articles honestly marked, according to the proportion of gold and silver they contain. Pure gold is 24 carats, and every article containing less than that must show the amount of alloy in the composition, and the same observation applies to silver. There is a certain standard for pure silver, and the amount of alloy which is put into it must be indicated by a certain mark. The industry is a very large one in Canada. A very considerable number of persons are interested in it. I was asked before bringing the measure to a second reading to have an extra number of copies printed, and I sent 100 copies to the association that is interested in furnishing the information necessary to justify the passing of this Bill.

Hon. Mr. LOUGHEED—I might say to my hon. friend, that I quite approve of the principle of the Bill, so far as I have been able to peruse it; but inasmuch as the Bill, or at least its working out will be subject to the supervision of the Minister of Inland Revenue, it seems to me that a provision should be incorporated in this measure before we go to committee, so as to make the Inspection Act properly apply to it. As it is at present, the machinery of the Inspection Act would not apply, because no express provision is made therefor.

Hon. Mr. SCOTT—The clause reads:

> The administration and enforcement of the Act shall be under the supervision of the Minister of Inland Revenue, and he shall appoint inspectors whose duty it shall be to have the Act complied with.

I think that practically brings it under the control of the Minister of Inland Revenue.

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

MANITOBA AND KEEWATIN RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. YOUNG, in the absence of Hon. Mr. Kerr (Toronto), moved the second reading of Bill (HH) An Act respecting the Manitoba and Keewatin Railway Company.

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

Hon. Mr. YOUNG—As this is a Senate Bill, and it has to go to the Commons, I move the suspension of rules 17 and 60 so that the Bill may go before the committee on Thursday.

Hon. Sir MACKENZIE BOWELL—Why should the rules be suspended? Might I ask my hon. friend where this road runs from? The expression 'Manitoba and Keewatin' is a very wide range. What is the object of presenting it? Why has it not been brought before the House earlier in the session?

Hon. Mr. YOUNG—I am not familiar with the circumstances, but, speaking from memory, the petition for this Bill was presented very early in the session, and I think the Bill simply asks for an extension of time.

Hon. Mr. POWER—That is all.

Hon. Mr. YOUNG—It is an extension of time for the construction of a road through Keewatin north towards Hudson bay.

Hon. Mr. BEIQUE—Yes, the company was incorporated in 1902. It is merely for the ordinary extension of time within which to complete the road.

Hon. Mr. LANDRY—If it is for an extension of time we do not need a suspension of the rules. We do not want to extend the time by suspending the rules. Leave the rules as they are and it will come up when it is due.

The motion was agreed to.

EXTRAJUDICIAL EMPLOYMENT OF JUDGES BILL.

SECOND READING.

Hon. Mr. FERGUSON moved the second reading of Bill (I) An Act respecting Extrajudicial Employment of Judges. He said: This Bill, as hon. gentlemen are aware, was introduced some three weeks ago, and it will be remembered that on the introduction of the Bill I made several explanations, one of which was that the principle of the Bill had been formally and emphatically accepted by the then Minister of Justice in the House; secondly, that the House of Commons had, by resolution, affirmed and approved the general principle of this Bill. My object in introducing it is to redeem a promise made to the House two or three years ago on this subject, and then, having introduced it, I allowed it to stand over until it would be found whether the Minister of Justice in the other branch of parliament intended to deal with this question in connection with two or three other matters to which he had in a similar way given his adhesion in the House of Commons, one of which was the Bill introduced by the hon. member from South Simcoe (Mr. Lennox), which referred to judges being employed on arbitrations, to which the Minister of Justice gave his assent on the second reading of the Bill, but indicated that, possibly, later on in the session, he would deal with the subject in connection with some other amendments to the provincial courts Acts. However, we know that Mr. Fitzpatrick has left the parliamentary arena and the intentions he had may not be carried out. That being so, I propose to proceed with the second reading of this Bill. Before doing so, I shall just read for the information of hon. gentlemen who may not carry them in their memories the words used by Mr. Fitzpatrick in speaking on a motion of the hon. member from South Simcoe early in May. He said:

> But under whatever circumstances judges might be appointed, whatever services they might be called upon to render the state, I would lay down a rule, from which I would not depart, that a judge's time belongs to the country, and that whether that time be given to the performance of his regular judicial work or given to the performance of quasi-judicial work in connection with the commissions, there should be no remuneration except his salary alone. That, it seems to me, is a rule that might fairly be established and that could profitably be followed.

Then the House came to a resolution, which is as follows:

> That, in the opinion of this House, public business should have first claim on the time and attention of each and every member of the government and the permanent officials of the government should give to the performance of their respective offices their whole time and attention.

That resolution was, I think, carried unanimously. That Bill merely provided that if a judge is called upon to perform extra judicial work, he shall not be allowed any remuneration for such service above the usual salary paid him as a judge. The ground of that is, that judges are paid for all their time as it is, and, if they are selected by the government for the performance of any other work, they should not be paid any further sum as salaries; but provision is made in the Bill that expenses generally allowed to judges in the performance of their regular duties would also be paid to them in the event of their performing quasi judicial work of the nature to which this Bill refers. When the other branch of parliament assented unanimously to this resolution, and when the late Minister of Justice put himself on record so very emphatically in regard to this subject—and I may say that Mr. Borden, the leader of the opposition, had at an earlier period of the session expressed himself almost in the same way that Mr. Fitzpatrick did subsequently—seeing a consensus of opinion had been reached on the question, I felt, as a measure of this kind would have eventually to pass through parliament under the care of the government, I would not press the Bill until there would be time for the intentions of the government to develop. The resignation of the Minister of Justice, and his removal from parliament, has intervened and, as the session is not likely to last very much longer, I thought perhaps the House, the principle of the measure being so universally acceded

to in the other branch of parliament, might give the Bill a second reading and let it go to the House of Commons. Of course, it cannot pass the Commons without the government taking charge of it there, but we would be adding our assent to the assent already given to it by the House of Commons in the resolution which I have just read.

Hon. Mr. SCOTT—In appointing judges both to the higher courts and the county courts, the commissions had not in view the employment of judges in extrajudicial inquiries such as are referred to in this Bill; and, therefore, I do not think that the government should ask a judge to make an inquiry such as has been made under chapter 114, concerning public matters, unless with the intention of compensating the judge for the labour. The principle of employing judges on certain commissions is one that has been long recognized as one of very great importance and value. A judge is certainly much more competent than a layman to make an inquiry that in any way involved the examination of witnesses under oath. Take, for instance, as an illustration, a commission that is now sitting; there is a county court judge who is the chairman of the commission inquiring into the working of the Insurance Act. That commission has now been sitting six or seven weeks. It would be scarcely fair to expect the judge to give his whole time and be absent so long from home unless he was paid additional remuneration. I think the Act under which these commissions are issued contemplated that there should be a judge employed. The Act is chapter 114 of the revised statutes, which has been a long time on the statute-book, and it has been the policy not only of this government but of its predecessor, on many occasions, in appointing commissions, to have for the chairman a judge of either the higher courts or of one of the courts of the province. It provides that:

> Whenever the Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of Canada, or the conduct of any part of the public business thereof, and such inquiry is not regulated by any special law, the Governor in Council may, by the commission in the case, confer upon the commissioners or persons by whom such inquiry is to be conducted, the power of summoning before them any witnesses, and of requiring them to give evidence on oath, orally or in writing, or on solemn affirmation.

It describes how the evidence is to be given, and gives the commissioner sole power of decision as to who are to be competent witnesses and what witnesses should be examined, so that it, practically, contemplates in the powers that are given to inquire into certain public matters such as the one I have illustrated, namely, insurance, that a judicial head should be on the commission. I owe my hon. friend an apology because I have not got an answer from the government as to what policy they propose to adopt with regard to this measure. The pressure of work has been so great that I have not had the opportunity of conferring with the Hon. Mr. Aylesworth as to whether he proposes to follow in the lines laid down by his predecessor, the Hon. Mr. Fitzpatrick. I have no objection to the Bill going to a second reading, leaving it open at a future stage, if the government do not concur in the principle of the Bill, that we should then allow the measure to stand over for another year. If my hon. friend will postpone the committee stage until Friday, perhaps I might get Mr. Aylesworth to give me his views on the subject, and we could then decide as to the best course to take. I have no very strong views myself one way or the other beyond the fact that it has been a practice that has been found convenient in the past and this government has availed itself of the existence of that statute to have several inquiries conducted by judges.

The motion was agreed to.

RAILWAY ACT, 1903, AMENDMENT BILL—(MORTGAGES.)

SECOND READING.

The order of the day being called:

Second reading Bill (H) an Act to amend the Railway Act, 1903, with respect to the operation of mortgages.

Hon. Mr. BEIQUE—This Bill is for the purpose of removing two words from section 112 of the Railway Act, the words 'property and assets' in the fifth line of the section, and by removing these words to reinstate the section as it was before 1903. The section reads as follows:—

> The company may secure such security by mortgage, but such mortgages, charges and en-

cumbrances upon the whole of such property, assets, rents and revenues of the company, present and future or both, as are described therein.

That portion of the section I do not propose to touch at all. It proceeds :

But such property, assets, rents and revenues shall be subject in the first instance to the payment of any penalty then or thereafter imposed upon the company for non-compliance with the requirements of this Act, and non-payment of the working expenses of the railway.

It will be noticed that the words 'property and assets' are repeated in this last portion of the section, and the effect of that is to give preference to working expenditures over mortgages issued by the railway company. This has a very serious effect, and when the present Railway Act was considered in this House I am quite sure that the change was not noticed. I have looked at the 'Hansard' of the Commons and I fail to see that the change was noticed in the Commons either. If we turn to the definition of the term 'working expenditure' in the Railway Act, section 2, subsection (cc), we find that it means and includes :

All expenses for the maintenance of the railway, and all such tolls, rents or annual sums as are paid in respect of property leased to or held by the company, apart from the rent of any leased line, or in respect of the hire of rolling stock, let to the company ; also all rent charges or interests on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for ; and also all expenses of or incidental to working the railway and the traffic thereon, including all necessary repairs and supplies to rolling stock, while on the lines of another company ; also rates, taxes, insurance and compensation for accidents or losses ; also, all salaries and wages of persons employed in and about the working of the railway and traffic ; and all office and management expenses, including directors' fees, agency, legal and other like expenses ; also all costs and expenses of and incidental to the compliance by the company with any order of the board under this Act ; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenues as distinguished from capital account.

As distinguished from capital account. We can see that this wording is very comprehensive and that it covers, as stated, generally all such charges as in the cases of English railway companies are usually carried to the debit of revenues as distinguished from capital account, and the effect of the introduction of these two words is to give preference to these charges, which should be paid out of the rents and revenues of the railway, because they are charges which are carried to the debit of the revenue, and to make them payable out of the property and assets of the company, I contend, is very serious, because it is opening the door to the creation of any amount of liability by the company. The working expenditure may be allowed to pile up to any extent, and the mortgagee may find that the value of his mortgage has been practically destroyed. I know of a small railway which was recently sold, one which was not of large value, and there was some $200,000 of working expenditure which had been accumulated on the property, representing a large proportion of the value of the property. Happily these working expenditures were created under the old Railway Act and it did not affect the prior charges. If the working expenditures had been created under this Act of 1903 it would surely have been a surprise to the mortgagees or to the vendors of the railway who were supposed to have the first lien on the railway and they would have found that their lien had been practically wiped out to a very large extent. It would be very easy for the persons who are in control of the railway to let the working expenditure pile up, and other railways would feel perfectly safe, because the term covers all traffic exchanges, all claims of one railway against another. It covers all repairs to rolling stock and it covers rents on rolling stock, and, therefore, the owners of rolling stock rented to any railway company would feel perfectly safe in allowing these charges to accumulate to a very high figure, because they could rely on their being paid as preferential claims, and if the parties who have control of the property were dishonest they could buy coal and supplies of all kinds and they might sell them again. Then the question would come up as to whether these would not have a preference also ; if they did not take a preference the party who would have supplied the material would have relied upon a law which would prove to be illusory.

Hon. Mr. LOUGHEED—I do not desire to interrupt my hon. friend at all, but would just ask him as rents and rev-

enues are the only available assets for the payment of penalties, will he say what rents and revenues mean under the Act? Rents, in all probability, would be a charge against the company, or would be outgoings. What constitutes revenues? There is no interpretation given to it in the Act, and the tolls of the road might not constitute revenues under the Act that would be applicable for this particular purpose.

Hon. Mr. BEIQUE—I have noticed that these two words are always coupled together, rents and revenues, for this reason, that very often a railway company leases part of its road and collects the rent from that portion of its line and, therefore, such rent forms part of the revenue of the road, and it is the reason, I apprehend, that the word is coupled with revenues; but, in any case, the meaning of the word 'revenues' is easy to ascertain. The revenues of the road should go towards paying the cost of operation, but to charge the property itself, after it has been mortgaged possibly to its full extent, with the cost of operation, I think, is a vicious principle which would open the way for fraud and which would depreciate the value of bonds. I have no hesitation in saying that capitalists realize that the changes have been made in the Railway Act they would not dare touch any railway security for fear they would not be protected. Mortgagees have no means of controlling the property at all until there is a default in payment of the interest or capital of the bonds. They would be perfectly at the mercy of the persons in control, with out any means whatever of protecting themselves.

Hon. Mr. LOUGHEED—The information I desired to obtain from my hon. friend was scarcely given by the answer which I received. It seems to me that rent would scarcely be available for this particular purpose. A railway company in active operation very seldom has rents that would be available. Almost invariably they are the lessees of a road rather than lessors. As to the revenues, I apprehend that they would be first applicable to working expenditure. My hon. friend, in striking out the two words, as he proposes to do, therefore, throws the government back upon realizing out of the rents and revenues for any penalties that may be imposed owing to a violation of the Railway Act. The question then arises, would these be net revenues? Would those revenues first be chargeable with the payment of the penalties, the working expenditure afterwards coming out of those revenues? It seems to me that a further amendment should be made so that no further question might arise as to what portion of the revenues would be available for this particular purpose.

Hon. Mr. BEIQUE—The hon. gentleman says that a very general rule is that a company leases another railway. But when there are leases there are necessarily rents. One company pays and the other receives.

Hon. Mr. LOUGHEED—That would not be the company violating the Act?

Hon. Mr. BEIQUE—As far as that is concerned, my object is to return to the wording of the old Railway Act as far as this section is concerned, and the recourse of the government would be reasonably secure, it seems to me, out of the rents and revenues of the property, and the working expenditure would come next to the government's claim, as it was before 1904, before this Act came into force. These penalties in favour of the government are very seldom enforced, I think, and, if there were any enforced they should not be allowed to accumulate. If there is any occasion for the exercise of the penalty, the government should act promptly and not permit any large claim to accrue.

Hon. Mr. POWER—The debentures which are issued are generally secured by a mortgage on the road. It seems to me the Bill is in the proper direction, because a capitalist would not be willing to lend money on mortgage on a road, if the other charges came in ahead of the mortgage.

Hon. Mr. SCOTT—I presume when the words 'property and assets' of the company were added to theses securities that were necessary to keep the road in running order, this matter was pretty well thought out and considered. The Minister of Railways has now a Bill, which has been elaborated over and over again in the other Chamber, bearing upon the various amendments necessary to the Railway Act, and I think the proper way would have been for my hon. friend to confer with the Minister

of Railways and ask him if he would consent to the changes made in the Bill. Of course if he did not, it would be idle to pass it here, because it would not be accepted elsewhere.

Hno. Mr. BEIQUE—I may say that I saw the Minister of Justice and called his attention to the Bill and explained it. I will not say that it was his final decision, but he seemed to be impressed at first sight with the reasons I gave, and I suggest that the Bill be now read the second time, and that the government should take the matter up. I will not press the Bill if the government objects. I do not think I will have time to see the Minister of Railways, as I leave to-morrow.

Hon. Mr. SCOTT—I think I sent a copy of the Bill to both the Minister of Justice and the Minister of Railways with a view to eliciting their views upon it, but I have failed so far to receive any answer. I have no objection to advancing the measure a step, and name Monday or Tuesday of next week for the committee stage, in order that they may have an opportunity of bringing it up at the council meeting on Saturday. With only three-quarters of an hour given on week days for council meetings, it is quite impossible to get the ear of council long enough to deal with this matter, and as Mr. Emmerson had a Bill with a certain number of amendments I had hoped that my hon. friend would confer with him as to the propriety of making a change.

Hon. Mr. LOUGHEED—As my hon. friend has thought this out, and as I have not given any consideration to it and cannot express an opinion, I should like to ask what would be the effect of the amendment on the securities held by the government in the guarantee given by the Grand Trunk Pacific ? If the Railway Act would be applicable to that particular guarantee, then the elimination from the Railway Act of those two words would certainly cut down the security of the government to a very substantial extent and, practically, throw the government upon a security out of which they would not be likely to realize any portion of their indebtedness.

Hon. Mr. BEIQUE—I think the hon. gentleman will bear in mind that the government's guarantee of security in the case to which he refers is not in virtue of this Act at all.

Hon. Mr. LOUGHEED—No, but the Railway Act applies.

Hon. Mr. BEIQUE—It applies, but the guarantee is specially provided for apart from the Railway Act. There was a special provision guaranteeing all the interests payable to the government.

Hon. Mr. LOUGHEED—The Railway Act is interwoven in so many complicated ways into those various private Bills or legistion of that character that it is very difficult to say how far reaching such an amendment might be without proper consideration.

Hon. Mr. POWER—It occurs to me that as this Bill meets with the approval of this House, and as it seems probable that it may go to the other House, and the government Bill with respect to railways will certainly not have passed through the committee stage by the time this measure reaches them—that is if it is pushed through this House—the government could decide whether they will embody the provisions of this Bill in the general government Bill or take it up as a separate measure. I think that is probably one of the best ways to bring it to the attention of the Commons.

Hon. Mr. BEIQUE—After this Bill has received its second reading I shall leave it in the hands of the House, but I am satisfied that the passing of this Bill is very imperative. It is something that is liable to a great deal of abuse and we should let the Bill become law this session. To merge it with the Railway Bill now before the House of Commons might imperil its passage, because there may be contentious points in the other Bill and it might not go through this session.

Hon. Mr. SCOTT—I consent to the second reading now on condition that the committee stage be postponed until next Tuesday. In the meantime I shall myself see the Minister of Railways and discuss it with him.

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

LEPROSY BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (115) An Act respecting Leprosy.

(In the Committee).

Hon. Mr. ROBERTSON—May I ask the hon. Secretary of State if he has an amendment to clause 5?

Hon. Mr. SCOTT—No; I have an amendment to clause 8.

Hon. Mr. ROBERTSON—I thought the hon. Secretary of State had an amendment to clause 5.

Hon. Mr. SCOTT—I think the precautions taken are quite sufficient. The clause says 'may be examined by a medical officer or officers to be designated by him,' and the minister will designate a doctor familiar with leprosy, if he can be found. The suggestion was made that the person suspected of being a leper should be examined by the man in charge of the lazaretto. Now, as our lazarettos are 4,000 miles apart it would involve a great deal of expense to bring the doctor in charge to a particular point. Of course when the leper has been committed to the lazaretto an examination will be then and there held, and if the diagnosis establishes that he is not afflicted with leprosy, the man would be again at large. There is no possible danger of any one being forced into a lazaretto unless the evidence is of the most complete character that the lazaretto was the only place to send him.

Hon. Mr. SULLIVAN—Would he not be examined by the man in charge of the lazaretto?

Hon. Mr. SCOTT—Yes, when he got there.

Hon. Mr. SULLIVAN—You need not send to New Brunswick for a man to perform the service. The man in charge of a lazaretto should have the preliminary training for such an office, and, therefore, he would be competent to make an examination. The man in charge should certainly be the chief examiner.

Hon. Mr. SCOTT—The suspect will come under his examination in the end.

Hon. Mr. SULLIVAN—The doctor would want to have external evidence of this disease. Then he sends the patient to the lazaretto and the man in charge there examines him, and that is where the examination should be held. I would not care to have an ordinary practitioner who has had no experience of leprosy given the power to confine a man in a lazaretto. I would rely on the man in charge of the lazaretto.

Hon. Mr. SCOTT—The whole point is well guarded in clause 8, where you have to satisfy a judge in addition to the first preliminary examination. My hon. friends may rely upon it that the minister will not be hasty in confining anybody in a lazaretto, but will only do so when there is ample evidence that that is the only place to send him. Since confederation there has been no complaint that any one has been unduly forced into the lazaretto. The lepers have gone there of their own accord. The people now in the lazaretto on the Pacific coast have gone there of their own accord, showing that there is no coercive influence behind the placing of those unfortunates within bounds and that no action would be taken until the disease became so developed that a medical officer at all conversant even with the theories of the disease would be able to pronounce upon it. But even then the application for the consignment to a lazaretto must be before a judge.

Hon. Mr. SULLIVAN—We met Dr. Montizambert, the chief medical officer of the Dominion, and had a conversation with him, and he agreed to a certain number of amendments which should be made.

Hon. Mr. SCOTT—I have them here.

Hon. Mr. SULLIVAN—If the hon. gentleman has accepted them, I shall not interfere any more in the matter.

Hon. Mr. BEIQUE—When this Bill was first considered there was an inquiry whether there was any legislation on the subject. Some hon. gentleman expressed the opinion that it was legislation which interfered with the liberty of the subject. On referring to the statutes of New Brunswick I find that the local Act was passed in 1855. That Act gave the lieutenant governor power to appoint a board of health composed of three persons with power to establish a lazaretto. The third section of the Act provides that each and every board of health appointed under the Act, and each and every member of any such board in their respective districts, shall have full power and authority, individually and collectively, at all convenient times, to inspect any person or persons suspected to be labouring under or infected with leprosy,

and to enter houses in which it might be suspected that such person or persons might be found, and if necessary to break open the doors of such houses to obtain entrance and cause to be removed to the lazaretto every person or persons who, upon such examination or inspection, might be found labouring under the disease. The present Bill is drafted very much on the same lines, but it is not quite as severe as the law now on the statute-book, because the latter is now in force. This Act, to which I have referred, was continued from time to time. In 1864 it was continued for another five years. By the Confederation Act it was provided that all the laws in force in any of the provinces should remain in force until altered, so this Act remains in force unless it was repealed or amended by the legislature of New Brunswick after confederation.

Hon. Mr. ROBERTSON—I was under the impression that the hon. Secretary of State had an amendment in reference to this clause which had been agreed upon by the medical men. Hon. gentlemen will see that this clause is very arbitrary; so is the law which has been read by the hon. senator from De Salaberry, but the fact of the latter being so severe is no reason why it should be continued. There is danger that some innocent person may be put into a lazaretto where he would be liable to contract leprosy. We know that there are several diseases very like leprosy, and a person having such a disease might be mistaken for a leper and put in the lazaretto. I move that the first four lines of clause 5, and the fifth line down to the word 'is' be stricken out and the following substituted:

So soon as the minister receives information from a local sanitary authority that any person is suspected of being affected with leprosy, he shall order an examination to be made of such person by a duly qualified medical practitioner, together with the local medical superintendent of the lazeretto, and if the result of such examination justifies the conclusion that the person, &c.

Hon. Mr. LANDRY—My hon. friend from De Salaberry has given us the authority for instituting the lazaretto in New Brunswick. It was instituted under a provincial law, which was renewed from time to time until confederation took place, when a general law was enacted, continuing in force all the laws of the different provinces. If, at the time of confederation, a law was in force in New Brunswick, the confederation of the provinces in 1877 and the legislation then enacted did not prevent that law from expiring at the end of the five years for which it was to run. If no legislation has occurred in New Brunswick since that time, how has that lazaretto a legal existence?

Hon. Mr. ELLIS—That institution passed under the control of the Dominion of Canada at confederation.

Hon. Mr. LANDRY—In what way? Is the lazaretto a hospital?

Hon. Mr. POWER—Yes.

Hon. Mr. LANDRY—The British North America Act provides that in each province the legislature may exclusively make laws in relation to matters coming within the class of subjects specially enumerated, and the seventh clause of that section is as follows:—

The establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions in and for the province other than marine hospitals.

That lazaretto is not a marine hospital such as is contemplated by section 92 of the British North America Act. If this is a marine hospital it comes under the federal government; if it is not, it belongs to the province, and we have no right to interfere with provincial affairs as we are doing by this legislation.

Hon. Mr. ELLIS—The matter was thoroughly discussed at confederation between the government of New Brunswick at that day and the government of Sir John Macdonald. The lazaretto may have been regarded as a marine hospital on the plea that the disease came in through mariners. At any rate it has been for 40 years under the control of the Dominion government and all legislation relating to it since confederation has been passed by the Dominion parliament and the officers are employed by the Dominion government, so my hon. friend is 25 years behind time.

Hon. Mr. LOUGHEED—The Dominion may possibly have jurisdiction in a case of this kind, since the persons afflicted with the disease come from without the jurisdiction of the Dominion. Cases arising within the Dominion or being of a provincial character would come under provincial juris-

diction. I apprehend that most of these cases come from without the Dominion.

Hon. Mr. SCOTT—As the federal power has been supplying funds to maintain the institution since 1867, I think it is rather too late to raise the question. The onus of keeping up a lazaretto there has been thrown on the Dominion by arrangement at confederation, and the money has been annually voted to keep it up. It is considered the model institution of the world; it is pointed to as the best arranged institution for lepers to be found anywhere. I gave illustrations of this at the previous stage of this discussion, when I mentioned that several inmates of the institution have been discharged as cured, a result which was thought impossible. I am aware that some hon. gentlemen are sceptical on that point, but there is the fact, that the disease, under hygienic and superior medical treatment received in the lazaretto, has been cured and the patients have been allowed to go abroad. At no time has there been any compulsion. The necessity for action on this account is due to the fact that an unfortunate colony is now confined to an island on the Pacific coast. The British Columbia government declined to expend any money on them or to look after them in any way other than simply providing food for them, and the proposition is that the government should take over that as well as the lazaretto in New Brunswick. The object of this Bill is to give form and shape, and the powers required by the Minister of Agriculture, in order that both institutions may be carried on in the very best manner and on the most modern system. Dr. Montizambert gave me one or two amendments, one particularly, to be clause 16, which reads as follows:

> There shall be a thorough examination annually or at such other times as the minister may direct by the director general of public health, the result of such examination to be given fully in the annual report of that officer.

Hon. Mr. SULLIVAN—That was the least important of all the amendments.

Hon. Mr. SCOTT—It was not considered that he should go and examine each particular case. That would be attended by a good deal of expense if he had to travel to the Pacific coast or to the Atlantic coast in order to make an examination. The medical officer in charge of the lazaretto will, of course, make an examination of the lepers when they are received there, and that ought to satisfy hon. gentlemen on the point of proper evidence being given that they are parties that ought to be received into an institution of that kind. The proposal as made, I think, would be impracticable to carry out, because there are precautions taken all through the Bill to prevent hasty action in connection with placing a leper in a lazaretto either on the Pacific coast or in New Brunswick. What I understood the medical men who examined this Bill to ask was that the fifth clause should be made to read this way:

> The minister may cause any person as to whom it is suspected that he is affected with leprosy to be examined by a duly qualified medical officer, or officers to be designated by him, &c.

I have no objection to the insertion of those words, which were the words suggested when the Bill was up before—to be examined by a duly qualified medical officer.

Hon. Mr. ROBERTSON—Very well, if the minister will insert that I will withdraw my amendment.

Hon. Mr. LANDRY—I find that the hon. Secretary of State does not answer my argument at all. I claim that this lazaretto is either a local hospital or a marine hospital. If it is not a marine hospital it falls under the exclusive jurisdiction of the province. That is my objection. My hon. friend says it is a federal matter, we have cured people there. That is the argument that he advances; because some people have been cured in that institution it must be federal. That amounts to nothing at all. I call the attention of my hon. friend to the British North America Act. Section 92 provides that:

> In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say:
> 7. The establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions in and for the province, other than marine hospitals.

Hon. Mr. JONES—That is not in and for the province. It is for the Dominion.

Hon. Mr. LANDRY—The Dominion has no right to have it. Control of that is given to the province. It is for the province of British Columbia. It is not for the province of Quebec. Let them have a quaran-

tine if they desire. People who have any contagious disease are stopped at the quarantine, and, from the quarantine, they might afterwards be sent, if necessary, to these lazarettos; but the marine hospital is not under the provincial government. I raise the objection once more, and I want a better answer than the one which the hon. gentleman has given, that people are cured there.

Hon. Mr. SCOTT—The answer is that New Brunswick has declined to take charge of the lazaretto. It is thrown upon the Dominion, and the Dominion has accepted the burden. The hon. gentleman may embarrass the Bill, but he cannot affect the general policy of the government in reference to the supporting of that hospital. That is done year by year.

Hon. Mr LANDRY—What right has a province to say to the Dominion we will give you that duty, or we will impose that burden on you ?' They have no right to say that. There is no arrangement that can be made between the Dominion and the province at the expense of the other provinces.

Hon. Mr. SCOTT—In the abstract the hon. gentleman may be quite right, but practically he is all wrong.

Hon. Mr. LANDRY—I should like to be informed how I am wrong. It does not follow that I must be wrong because the hon. minister says so. I quoted the law and gave my authority. The hon. gentleman's ipse dixit does not settle the question.

Hon. Mr. POWER—The hon. gentleman from Stadacona has made his point clearly and distinctly, as he usually does; but I do not think, in the present instance, the hon. gentleman is as correct as he generally is.

Hon. Mr. LANDRY—I may be so, but let the hon. gentleman convince me to the contrary. I am open to conviction.

Hon Mr. POWER—In the first place, paragraph 7 of section 92 of the British North America Act leaves with the provinces the establishment, maintenance and management of hospitals, asylums, charities eleemosynary institutions in and for the province, other than marine hospitals. Negotiations undoubtedly took place between the Dominion and local government about the time of confederation. The hon. gentleman knows quite well that the Dominion government was never anxious to assume unnecessary expense, and they must have been satisfied that it was their duty to take charge of this institution. This institution was established at Tracadie, on the shore of the Gulf of St. Lawrence. The first inmates, as I understand, were men who had come to the coast of New Brunswick in ships from abroad, and this institution would naturally be considered, I think, a marine hospital. But even if it were not a marine hospital, then if there is to be only one institution for the whole Dominion, this institution would not come under paragraph 7, because the province has control only of such institutions as are in and for the province. Then, under paragraph 11 of section 91, the Dominion government have charge of quarantine and the establishment and maintenance of marine hospitals, the Dominion also has dealt with immigration, and hon. gentlemen know that, during the last two or three years, we have dealt with legislation to prevent disease being brought into this country from abroad; consequently as this disease does not belong to the country, is not indigenous, is brought in from abroad, it would naturally come within the jurisdiction of the Dominion parliament and government, and inasmuch as it has been under Dominion jurisdiction for a great many years without any complaint being raised—although if we were going to work de novo we might raise some question about it—it is hardly worth while raising the question now, and I think probably the hon. gentleman from Stadacona agrees with me.

Hon. Mr. LANDRY—No, I am not convinced.

Hon. Mr. POWER—No, that is another thing. But I think the hon. gentleman agrees with me. I understand the amendment is being withdrawn.

Hon. Mr. ROBERTSON—It is withdrawn.

Hon. Sir MACKENZIE BOWELL—I do not think the hon. gentleman who has just spoken is strictly correct in his statements. I have a distinct recollection when

the question first came before the House of Commons. It was in connection with a hospital for the reception of the unfortunate people who were afflicted with the disease of leprosy in the province of New Brunswick. It was the Hon. Mr. Anglin, if my recollection serves me right, who first brought the subject under the notice of the government in the House of Commons, and he asked for aid in order to assist the province of New Brunswick in the maintenance of that institution, and he based his claim upon the grounds that have been advanced by the hon. gentleman who has just spoken, that many of the lazaretto patients were people who did not belong to the province of New Brunswick, some having arrived from ships and others having been brought from the adjacent provinces. He argued that it partook more of a Dominion hospital than it did of a provincial institution, and upon these grounds the government placed in the estimates a certain sum to assist in the maintenance of that hospital. What has been done since I am not prepared to say, because I have not followed the estimates in that respect, but my impression is that the late government, as well as the government of the present day, have continued from that time until the present to place a sum in the estimates to assist in the maintenance of the institution, until I think they have arrived at the point that the Dominion sustain it now out of the public treasury altogether. I am not sure as to that point. Perhaps the hon. Secretary of State can tell me. Whether it was ever taken over by the Dominion by virtue of an Act of Parliament I am not prepared to say. I have no recollection of anything of that kind, but I have a distinct recollection of the events and the reasons advanced by the late Mr. Anglin in the House of Commons when he asked for assistance for the maintenance of the hospital.

Hon. Mr. SCOTT—The exclusive control has been with the Dominion government for the last twenty or thirty years.

Hon. Sir MACKENZIE BOWELL—I desire also to say in reply to the hon. gentleman from Halifax that this is a question that could not have been considered by the fathers of confederation when they were framing the constitution. If it had been, their decision would have been acted upon, whatever that might have been, at confederation. But it was some years after the Constitutional Act had been passed, and we have been working under it when this question came under consideration of parliament.

Hon. Mr. SCOTT—I find on looking back at the estimates for 1892 the vote is just the same, and it has been continued during the succeeding years, and I fancy 1882 would be the same.

Hon. Sir MACKENZIE BOWELL—I am quite sure it was somewhere after confederation.

Hon. Mr. LANDRY—It strengthens the position I took and all that I have said. What was done in the House of Commons at that time was simply the giving of certain grant of money to that hospital, but what are we doing to-day? We are enacting legislation here. We are creating a lazaretto in the province of British Columbia. I say we have no right to do that. That power belongs to the province. Let the province do that which it is its duty to do. If the provinces require aid they will come and ask for it, and we may give it to them. But no legislation has been passed for that province nor for British Columbia. And now we are passing legislation creating a local hospital for the province of British Columbia. We have no right to do that.

Hon. Mr. MACDONALD (B.C.)—All the lepers that came to British Columbia came by sea, and passed quarantine, and whether they were afflicted when they arrived or not, I do not know, but all these years they have been supported by the municipalities of Vancouver and Victoria and not by this government at all. They have been for years petitioning the government to take the matter over, but the government never moved until this year. I think the government are doing the proper thing in taking these institutions off the hand of the two towns, as has been done in New Brunswick.

Hon. Mr. SCOTT—The vote of 1883 was also in the estimate, whatever time it was taken over.

Hon. Sir MACKENZIE BOWELL—Those votes were all in aid of the maintenance of that hospital.

Hon. Mr. SCOTT—No. They are simply mentioned as the Tracadie Lazaretto. The province gives no aid whatever.

Hon. Mr. LOUGHEED—With all due deference to the hon. gentleman from Stadacona, I am at a loss to know how the point raised can apply to this Bill. It must be conceded that, in certain cases, the federal government is competent to deal with this class of disease. They can deal with quarantine. They have a right to legislate in these cases. There is nothing on the face of this legislation showing it to be of a provincial character. There is nothing in the four corners of the Bill by which the provinces are excluded from exercising whatever jurisdiction they may exercise under the British North America Act, and it seems to me the question raised by my hon. friend from Stadacona can scarcely arise until there is a question between the federal and provincial authorities as to the arrest, say of some leper who possibly may come under the jurisdiction of the provincial authorities. It can only be raised in that case; that is to say, if he objects to the authority of the Dominion being exercised, to the exclusion of the provincial authorities. But, so far as the Bill itself is concerned, I find nothing excluding the powers of the provinces.

Hon. Mr. LANDRY—If that be true, why should we have quarantine in that part of the country? We have a quarantine at Victoria. That proves it is quite different.

Hon. Mr. LOUGHEED—My answer to that is that the federal government would have a right to establish a quarantine at any point whatever.

Hon. Mr. FERGUSON—Yes, but the federal government would have power only to establish a quarantine. They would have no right under the British North America Act to carry on a hospital, either as a lazaretto or any other hospital, except a marine hospital. Turning to section 92 of the British North America Act, we find that the provincial governments have these subjects assigned to them by subsection 7:

7. The establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions in and for the province, other than marine hospitals.

We have a right to deal with the introduction of small-pox or any other infectious disease from outside the Dominion, and we deal with that with regard to the marine hospitals, and we establish a marine hospital for the care of the sick mariners, because we have to deal with the question, but I would go further than the hon. gentleman from Calgary. A serious question might arise, if this Bill were put into operation even without the intervention of the provincial government. Supposing the minister undertakes to have a person arrested under the provisions of this Act, and seeks to have him declared a subject for the lazaretto. Supposing the party proceeded against employs counsel and says 'You are doing what you have no right to do, you have no power to do; this power rests in the provinces; you have established a provincial hospital and are interfering with my liberty, in sending me there.' I think the whole question would come up in that way without the intervention of the province. The moment the hon. gentleman from Stadacona mentioned it, I began to see the difficulty, and I doubt very much whether this is a Bill which this parliament should pass at all. I question very much whether we can enforce it, and if we attempt to enforce it, and any case arises under it, I am of the opinion the Dominion government would fail, as it would be declared to be ultra vires of the British North America Act.

Hon. Mr. GIBSON—I am informed by a gentleman residing in British Columbia, an hon. member of this House, that when the poll-tax was $100 on each Chinaman, the government collected $500,000. The Dominion government had been collecting a poll-tax upon the Chinaman for a number of years and large sums of money have been added to the revenue from that source. It is only that class of people who are troubled with leprosy, and why should the province be required to maintain a lazeretto there when the Dominion government are reaping the benefit of this tax?

Sometimes it may be a year or two after the arival of the immigrant before the leprosy is discovered, and if that argument holds good in New Brunswick, it should hold good in the province of British Columbia. Because there is no poll-tax on

any one coming into the Dominion of Canada on the east side, excepting Chinamen, and we know very well that the west coast of British Columbia is where the Chinamen do come in, and that is where the Dominion government endeavour by putting a poll-tax on Chinamen, to prevent them coming into the country and spreading disease. Even with all the rigour with which the inspection is performed, cases of the disease are discovered after the people have arrived in the country. If there is one thing which goes to show that the Dominion government should do something towards this lazaretto, it is the fact that they have been receiving the revenue from the introduction of the people who have brought in the disease.

Hon. Sir MACKENZIE BOWELL—It is true that the poll-tax was imposed upon every Chinaman that came into British Columbia, but the province represented to the Dominion government that there was a good deal of crime committed by the Chinese who came into the country, and the Dominion voluntarily allotted a portion of the revenue which was derived from that poll-tax to assist British Columbia in maintaining peace and order in that province. My recollection is that it was 25 per cent of the amount collected. Some years passed by and the province represented that it was costing them a good deal more than it did formerly and the percentage was increased, I think, to 50 per cent of the amount collected. I would not be positive as to the exact proportion, but I think, it was one-half of the revenue collected from the poll-tax which was handed over to the province to enable them to meet the expenditures attending any disturbances of the peace. It could not be for the maintenance of this hospital, because that is supported exclusively by Vancouver and Victoria—but this was the manner of distributing that fund to which the hon. gentleman has referred, and I think it has been continued by the present government.

Hon. Mr. GIBSON—I am not disputing what my hon. friend has said. If it were necessary, in the interests of good government in British Columbia, to give a portion of the poll-tax to the province in order to keep the peace among these unruly Chinamen. surely it is more in the interest of good government and the safety of the people at large, that a sum of money should be set apart to take care of those who may be brought to our shores and are found to be afflicted with leprosy.

Hon. Sir MACKENZIE BOWELL—I am not arguing that question at all, I am merely telling the hon. gentleman how the fund was disposed of. The province could dispose of that money in the maintenance of a lazaretto or in any other manner they might prefer.

Hon. Mr. ROBERTSON—I would like to ask those who argue that the Dominion government should not take charge of this institution, what they would do under these circumstances. Most of these patients come from abroad, from the east, from China, India or Egypt. If the vessel were to arrive after a long journey with cases of leprosy which were developed during the trip, at any port either on the Atlantic coast or Pacific coast, what would you do then? Where is the local institution or the local authority to deal with them? The Dominion government would have to quarantine them, and it could not be done in the present hospitals, because the infection would be spread. The Bill is good legislation in my estimation. The government should have some institution, call it a quarantine if you like, instead of having to put patients of this class into a quarantine hospital. It is proper and right that they should have lazarettos of their own on both coasts.

Hon. Mr. LANDRY—I think the government now has an inspector who sends back to the old country all people who should not be permitted into this country. Why should we keep the lepers who immigrate?

Hon. Mr. ROBERTSON—Suppose they are too sick to be sent back, what would you do?

Hon. Mr. SULLIVAN—The stage of incubation in leprosy is so long, that is the reason why a man might enter the country infected with leprosy, and yet it might be six months before it would break out.

Hon. Mr. FERGUSON—There can be no doubt whatever that this government has the right to deal with the cases that come into the country from abroad. We could

deport them, or we could take care of them in marine hospitals or under the quarantine regulations; but it is another thing altogether to establish a local hospital within the province and deal with the residents of the province who do not come under the quarantine regulations at all. In my opinion, we cannot do it, and if we attempted to enforce the law in that way we would find that there would be a failure.

Hon. Mr. WILSON—We would like to know what the expression 'duly qualified' embraces, what it conveys.

Hon. Mr. POWER—An officer like the hon. gentleman himself, who is a duly qualified medical practitioner.

Hon. Mr. WILSON—My hon. friend is ready to give me an answer, but his answer is no explanation. The question is what the words 'duly qualified' mean. Is it a licensed practitioner, or a person who has been trained in some other way, not a licensed practitioner? The object I have in view in asking this question is to see that the rights and liberty of the patient, whoever he may be, shall be thoroughly and carefully guarded so that no injustice can possibly be done to him. I agree with my hon. friend from Stadacona that this Bill really ought to be part and parcel of the legislation of the provinces. It was asked by my hon. friend here, what right has the province to interfere, because parties of immigrants might come in from a foreign country? I might just as well ask, what would become of a person with small-pox or any other infectious or contagious disease? I might just as well say that they should have a special hospital for such patients. The Act of confederation gives us jurisdiction over certain things and not beyond them. The marine hospital is the only one in this class of institutions that we can make provision for; and if we can make provision for small-pox or for any other disease, we can provide for leprosy with the same propriety, and, therefore, I contend we ought to know clearly what is meant by 'duly qualified.'

Hon. Mr. SCOTT—If my hon. friend will only read the paragraph carefully he will see that it explains itself. It must be a medical officer qualified to practice, and he must be qualified also to pronounce upon cases of leprosy. I think it is quite plain.

The clause as amended was agreed to.

On clause 8,

Hon. Mr. ROBERTSON—I would ask the hon. Secretary of State if it would not be well to have the word 'duly' inserted in the second last line of this clause, as well as in the previous one.

Hon. Mr. SCOTT—There is no objection.

The clause as amended was adopted.

On clause 12,

Hon. Mr. ROBERTSON—I would ask the leader of the government if it would not be well to add to clause 12 the words, 'or who desires to enter voluntarily.' A patient might express a desire to enter the lazaretto of his own accord.

Hon. Mr. SCOTT—There is clearly no objection to that.

Hon. Mr. FERGUSON—That would give rise to a serious question in connection with this section, having in mind the sections we have already passed. The preceding sections of this Bill lead up to the admission of the person afflicted with leprosy, 'and the medical superintendent is obliged to receive the persons who have been committed to such lazaretto as aforesaid.' Now we come to this provision, establishing, apparently, some other power of committing a person, apart from all those already passed upon. It gives the minister a power, apparently, apart altogether from what has gone before.

Hon. Mr. SCOTT—Subject of course to compliance with the preceding conditions.

Hon. Mr. FERGUSON—Oh, no.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. FERGUSON—I do not read it in that way. The words 'or whose admission thereto has been authorized by the minister' constitute a separate and distinct provision. The word 'aforesaid' has no bearing on the last paragraph of the sentence at all. It cannot have.

Hon. Mr. SCOTT—It is subject to the provisions of clauses 5, 6 and 7, of course.

Hon. Mr. FERGUSON—Yes, they all have a bearing upon this clause up to the com-

ma—up to the end of the word 'aforesaid,' but they have no bearing on the last clause of the paragraph.

Hon. Mr. SCOTT—I have no objection, if my hon. friend desires, to saying, 'in accordance with the preceding provisions.' It is really predicated on them.

Hon. Mr. FERGUSON—That would remove that objection, but another arises in connection with what my hon. friend from Montague (Hon. Mr. Robertson) said a moment ago. Care should be taken, I think, to provide against people having the right to enter the lazaretto voluntarily. It should be done with great care. For this reason: You might find that a very devoted wife or husband would like to follow the husband or wife into the lazaretto, and you might raise a family of lepers, or a child might be affected and the mother might want to go into the lazaretto also, to care for the child, although she might be free from the disease. That would not be right. I do not think we should open the door to permit people to enter voluntarily into a lazaretto, because healthy people might subject themselves to this disease, and it is not to the interest of the community that they should be allowed to do so. The point I have more particularly in my mind is covered by the suggestion offered by the leader of the House.

Hon. Mr. SCOTT—I have no objection to adding the words.

Hon. Mr. POIRIER—I do not think it is at all desirable to have that amendment. The reasons given by the hon. senator from Marshfield, are of sufficient weight for us to reject that amendment. At all events, if a person may be admitted on his own demand, it should not be until after the medical examiner has passed upon his case and pronounced him a leper. If such a proviso is added to the amendment, I for one shall accept it; otherwise I do not believe that a person not diseased should be at liberty to enter a lazaretto voluntarily.

The clause was adopted.

Hon. Mr. SCOTT—I desire to add as clause 16 the following:

There shall be a thorough examination at least annually, or at such other time as the minister may direct, by the director general of public health, the result of such examination to be given fully in the annual report of that officer.

The clause was adopted.

Hon. Mr. BAKER from the Committee reported Bill with amendments, which were concurred in.

Hon. Mr. LANDRY—I should like the minister to get the opinion of the Minister of Justice on that Bill.

Hon. Mr. SCOTT—It has been discussed over and over again.

Hon. Mr. LANDRY—That does not give the opinion of the Minister of Justice.

Hon. Mr. SCOTT—This matter has engaged the attention of the government for days and days.

Hon. Mr. LANDRY—Not on that point.

Hon. Mr. SCOTT—Yes, on that point.

Hon. Mr. LANDRY—We have a new Minister of Justice and we do not know what his opinion is.

The Bill was ordered for third reading to-morrow.

BILLS INTRODUCED.

Bill (88) An Act respecting La Compagnie d'Assurance Mutuelle contre le feu des Comtés de Rimouski, Temiscouata et Kamouraska.—(Hon. Mr. Landry.)

Bill (122) An Act respecting a certain patent of Franklin Montgomery Gray.—(Hon. Mr. Kerr, Toronto.)

Bill (153) An Act respecting Placer Mining in the Yukon Territory.—(Hon. Sir Richard Cartwright.)

Bill (164) An Act to amend the Rocky Mountains Park Act.—(Hon. Mr. Scott.)

Bill (177) An Act to make further provision respecting grants of land to members of the militia force on active service in the Northwest.—(Hon. Sir Richard Cartwright.)

APPOINTMENT OF SOLICITOR GENERAL.

INQUIRY.

Hon. Mr. LANDRY—I should like to inquire of the Secretary of State if he is willing to give us any information in re-

gard to a paragraph published in the Toronto 'World,' which reads as follows :

Hon. Adelard Turgeon, Minister of Crown Lands for Quebec, has been decided upon for Solicitor General.
'La Presse' will make an official announcement to-morrow.
Mr. Turgeon will be returned to the House from the county of Quebec.

I want to know if there is any truth in that report and if there is any one in the lower House to be selected other than the Hon. Mr. Turgeon ?

Hon. Mr. SCOTT—I have not heard the subject discussed.

Hon. Mr. LANDRY—It might be so without discussion.

The Senate adjourned until three o'clock to-morrow.

SENATE.

OTTAWA, Wednesday, June 13, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PACIFIC AND EASTERN RAILWAY COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ELLIS, from the Committee on Railways, Telegraphs and Harbours, reported Bill (N) An Act to incorporate the Pacific and Eastern Railway Company, with amendments. He said : The amendments made to this Bill are matters of form rather than of substance. They are the clauses usually inserted in Bills of this character, and I move that the amendments be now concurred in.

Hon. Mr. McHUGH—Before the motion is carried, I may say that I think it was the intention to include another amendment giving running rights to other roads. That amendment was not moved, and for that and other reasons I think the Bill might fairly be sent back to the committee for further consideration. I therefore move, seconded by the Hon. Mr. Talbot, that this Bill be referred to the committee for further consideration.

Hon. Mr. KERR (Toronto)—I ask permission to say a few words with reference to the observations which have fallen from the hon. gentleman from Victoria. It is quite true that the clause relating to running rights is not embodied in this report. That omission was only discovered after the committee had adjourned, and it will be within the recollection of those who were present when the matter was fully discussed in committee that this clause was agreed upon, and it was understood that it should be inserted when the Bill was under consideration last week ; therefore, on its being discovered that it was not embodied in the report, I prepared a notice which I intended to give, that at the third reading of the Bill I would move that that clause be added—a standing clause which has been inserted in other Bills giving the same running rights as in the case of other roads. Under those circumstances, it will be quite unnecessary that this report should go back to the committee. The clause may be adopted by the House, and it is common practice to add a clause on the third reading. I propose to give notice that, when the opportunity offers, I will move on the motion for third reading of the Bill entitled 'An Act to incorporate the Pacific and Eastern Railway Company,' the following as clause 4 :—

Clause 4. Whenever, in the opinion of the Board of Railway Commissioners for Canada, owing to the configuration of any portion of the country through which the company's line of railway passes, it is impracticable or unduly expensive to build more than one line of railway through that portion of country, the provisions of section 137 of the Railway Act, 1903, shall apply as regards the company and any other company authorized to construct a line of railway through that portion of country ; but nothing in this section of this Act shall be deemed to limit or restrain in any way the application of the said section 137.

That would of course make it unnecessary that the Bill should be delayed. At this stage of the session, any postponement might have a very serious effect upon the fate of the Bill and I hope, therefore, with this intimation, that the hon. senator will withdraw his motion so that this clause may be added at the third reading.

Hon. Mr. McHUGH—I may say from the multiplicity of amendments to this Bill read by the clerk to-day, I think an opportunity should be given for considering them

before the Bill passes, and I cannot see my way to withdraw the motion.

Hon. Mr. LANDRY—I think the hon. gentleman might withdraw his motion and keep it for to-morrow. I do not think we should concur in the amendments to-day. We do not know what they are.

Hon. Mr. ELLIS—I will make the motion for to-morrow. I am perfectly indifferent. I am merely acting as chairman of the committee.

Hon. Mr. TALBOT—I would suggest that the Bill should go back to the committee, and that the amendments should be printed so that they may be considered carefully.

Hon. Mr. McMULLEN—I understand that there are other objections to the Bill. Matters have transpired since the Bill was before the committee, and I think it would be well that every opportunity should be given for discussion. I think, therefore, that the Bill should go back to the committee.

Hon. Mr. MACDONALD (B.C.)—Does the hon. senator (Hon. Mr. McHugh) withdraw his motion or not ?

Hon. Mr. McHUGH—I do not.

Hon. Mr. MACDONALD (B.C.)—I wish to tell the House that no Bill before parliament this year has received more consideration in the Railway Committee than this measure has. It was delayed three or four different times to give members an opportunity of seeing it, and of getting acquainted with its contents, and to-day it passed the committee with amendments which are not consequential at all. They merely refer to water-powers, electricity, canals, and things of that kind, but they do not interfere with the principle of the Bill. Of course there are people opposed to this Bill who want a monopoly for themselves, but the Senate has declared against a monopoly in favour of any company. In cases where there is plenty of room they are determined to give every railway a chance to go ahead, and I hope this Bill will not be sent back. We have had the Bill before us in the committee on three or four different days, and will have nothing new presented to us if it is sent back again.

Hon. Mr. COX—I opposed the Bill in the committee, but it was carried by a substantial majority. As the hon. gentleman from British Columbia has stated, it has been before the committee on several occasions, three or four different times I believe, and, having been adopted by the committee, after long and repeated discussions, I think it should now go through without being referred back.

Hon. Mr. LANDRY—I do not think the amendment of the hon. gentleman from Victoria (Hon. Mr. McHugh) is in order, because it applies to a motion which is not in order. The main motion is not in order, and I call attention to May, page 555 :

> Concurrence in reports; it is the practice to move concurrence in reports of committees in certain cases. Many motions for concurrence in reports of select committees. (This is a report of a select committee.) Are brought up without notice and allowed to pass by unanimous consent.

That is the practice, but if somebody objects it cannot pass. It must be delayed until the next stage. In view of this authority I do not think my hon. friend's amendment is correct, because it is amending a motion that I find is out of order, and I would ask both parties to withdraw their motions. How could we pronounce on the main motion or the amendment ? We do not know what the report of that standing committee contains. The amendments are very numerous and should be printed so that we may take cognizance of them. That is my only object in asking my hon. friend to be good enough to postpone the motion until to-morrow.

Hon. Mr. POWER—I think the view expressed by the hon. senator from Stadacona is correct ; the amendments could not be concurred in to-day unless there was a general consent of the House. That consent is not granted, so the amendments could only be taken into consideration to-morrow. I would vote against the amendment of the hon. senator from Lindsay (Hon. Mr. McHugh) for the reason given by the hon. gentleman from Toronto (Hon. Mr. Cox). This Bill was considered at great length, and very carefully by the Committee on Railways, Telegraphs and Harbours. It was adopted in its present form by a substantial majority of the committee, and I do not think, if it were referred back, that the effect would be at all different. Any amendments which

are desired can be made when the Bill comes up for third reading and the hon. gentleman from Lindsay can give notice to amend.

Hon. Mr. DAVIS—The promoter of the Bill has acknowledged there is an amendment which should have been made to the Bill in committee, but was overlooked. He says that was a standing amendment. There is a possibility that some of the amendments which were found suitable in other Bills might not be suitable to this, and the committee, in their wisdom, might change the amendment as applied to this Bill. My hon. friend having acknowledged that there is an amendment which should be made to the Bill, the proper way would be to refer the report back to the committee to deal with it. I am glad we are not concurring in those amendments to-day, as we did in other cases.

The SPEAKER—I am not clear that after the motion was made to concur in the amendments any exception was taken, and anything intervened between that motion and the amendment of the hon. gentleman from Lindsay. If there was no such point taken then, I would say that no objection having been taken to the motion for concurrence in the amendments to-day, the amendment was in order ; but, of course, if it is the desire of the House that the report should be taken into consideration to-morrow and the amendment is withdrawn, we will take the motion of the hon. senator from St. John (Hon. Mr. Ellis) who offers to amend the motion by moving that concurrence be taken to-morrow.

Hon. Mr. FERGUSON—It must surely be open to any member to take that point any time before concurrence is agreed to.

The SPEAKER—Yes, but the amendment was in order so long as no point was raised.

The consideration of the amendment was postponed until to-morrow.

BILL INTRODUCED.

Bill (II) An Act for the relief of Muriel Violet Spencer.—(Hon. Mr. Perley.)

COST OF EXPEDITION TO HUDSON BAY.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

How much did the expedition cost which was made in 1897 by the ship 'Diana' to Hudson bay?

For how many days had the ship been provisioned; what was the number of persons who took part in the expedition?

How much was expended—

(a) In wages, (b) in the purchase of provisions, and more particularly of meats, vegetables, beverages, tobacco ; (c) for clothing ; (d) for the hire of the ship; (e) for the installation and the necessary repairs; (f) for the equipmont of the vessel; (g) for oil and fuel, &c?

How long did the expedition last?

When the expedition was over did there remain any provisions not expended, any clothing not used, any fuel not consumed?

For how much of the purchase price?

What was done with them?

If they were sold how much did such sale bring in?

Hon. Mr. SCOTT—The answers to the hon. gentleman's inquiry are as follows :—

How much did the expedition cost which was made in 1897 by the ship 'Diana' to Hudson bay?

The expedition cost $40,141.98.

For how many days had the ship been provisioned; what was the number of persons who took part in the expedition?

Provisioned for seventeen months ; 43 took part in expedition.

How much was expended—

(a) In wages, (b) in the purchase of provisions, and more particularly of meats, vegetables, beverages, tobacco ; (c) for clothing ; (d) for the hire of the ship; (e) for the installation and the necessary repairs; (f) for the equipment of the vessel; (g) for oil and fuel, &c?

Wages	$9,750 92
Provisions	5,968 26
Beverages	386 67
Tobacco	347 26
Clothing	474 91
Hire of ship	9,800 00
Installation and repairs	2,326 25
Equipment	2,676 29
Oil and fuel	6,236 62
Drugs	189 92
Engine supplies	142 94
Sundries	5,089 18

How long did the expedition last?

Five months and eight days.

When the expedition was over did there remain any provisions not expended, any clothing not used, any fuel not consumed?

Yes.

For how much of the purchase price?

(No answer.)

What was done with them?

Sold and returned.

If they were sold how much did such sale bring in?

Goods sold..	$2,559 36
Goods returned..	687 88

PUBLICATION IN FRENCH OF MILITARY REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

The Department of Militia and Defence having already twice, without being asked to do so, made known to the Senate its determination not to translate into French for publication in that language, that which the law makes obligatory to publish in French as well as in English in the 'Canada Gazette,' is it the intention of the government to let the Department of Militia and Defence decide, or will the government itself decide, that the volunteers of French origin, who enroll themselves in the service of their country, have in no wise the right and in all cases shall have in no wise the advantage, of being put upon a footing of equality with their other comrades of English origin?

Is it wished to discourage all participation whatsoever by Canadians of French origin in the effective maintenance of the militia?

Does the government intend to countenance this defiance of justice, of which the Department of Militia and Defence renders itself culpable, by persisting in refusing to one whole class of our population that which by the treaties, by the constitution, and by the law, it has the right to have?

What is the name of the person in the Department of Militia and Defence who takes upon himself the responsibility of answering, in the name of a whole government, the just claims of the French element by an unjust refusal?

Is it the minister? the deputy minister? the Military Council?

Is the Secretary of State incapable henceforth of obtaining for us the answer of the government in place of the decrees of a subordinate employee?

And what is the settled policy of the government upon the question of knowing whether, yes or no, there shall be translated and published in French all those regulations and orders of the militia which in order to come into force must be published in the 'Canada Gazette'?

In virtue of this obligation, is it the intention of the government to force the Department of Militia and Defence to do its duty, and to publish in French without delay, the rules and orders of which the 'Canada Gazette' of the 5th May contains the English text, as well as the little volume which the Militia Department has just published under the title of 'Memorandum for Camps of Instruction, 1906—Issued with Militiary Order No. 112?'

Hon. Mr. SCOTT—The Department of Militia and Defence is pursuing precisely the same course with reference to the translation of regulations and orders, and general orders, &c., into the French language as was pursued by the department under the administration of Sir George Cartier, Sir Adolphe Caron and successive Ministers of Militia up to the present date.

The rules and orders of the 5th May, and the memorandum for camps of instruction, 1906, will be published in French at the earliest possible date.

Hon. Mr. LANDRY—There is a reference at the end to a little memorandum. Is that included in the answer?

Hon. Mr. SCOTT—Yes; that will be published. My hon. friend refers to the memorandum for camps of instruction?

Hon. Mr. LANDRY—Yes.

CORRESPONDENCE BETWEEN HON. MR. LANDRY AND SIR WILFRID LAURIER.

MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to cause to be laid before this House a copy of the correspondence exchanged between the Honourable Mr. Landry and the Right Honourable Sir Wilfrid Laurier, and between the latter and the Department of Militia and Defence, on the subject of the refusal by that department to translate and to cause to be published in French the regulations for the militia which were published, in English only, in the 'Canada Gazette,' of 5th May last.

Hon. Mr. SCOTT—Does the hon. gentleman wish that motion to be carried now? I have already advised him that the regulations will be published in French, so that there is no great object in passing that address.

Hon. Mr. LANDRY—I wanted to have the correspondence between the hon. premier and the Department of Militia on that subject.

Hon. Mr. SCOTT—I do not know that there has been any. I shall make inquiry.

Hon. Mr. LANDRY—I received a letter from the Hon. Sir Wilfrid Laurier, and he told me that he had written to the Militia Department. I would confine the motion to

the single letter written by the premier to the Department of Militia, leaving out the others, if the hon. gentleman is willing.

Hon. Mr. SCOTT—I will see the premier about it.

The SPEAKER—Will the motion stand ?

Hon. Mr. SCOTT—No ; the correspondence will be brought down if it can be done.

The motion was agreed to.

GOVERNOR GENERAL'S MILITARY HOUSEHOLD.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

I. In the military household of His Excellency the Governor General, what is the number of persons employed :
1. As military secretary.
2. As aides de camp.
3. As honorary aides de camp.
II. Out of this number how many persons belong—
1. To the province of Ontario.
2. To the province of Quebec.
3. To the maritime provinces.
4. To the western provinces ?
III. How many persons of French origin does the province of Quebec count among the number of persons which it furnishes, according to the above figures, to the military household of His Excellency ?

Hon. Mr. SCOTT—The reply is :

I. 1. As military secretary, one.

2. As aides-de-camp, two.

3. As honorary aides-de-camp, thirteen.

II. 1. To the province of Ontario, seven.

2. To the province of Quebec, four.

3. To the maritime provinces, one.

4. To the western provinces, one.

III. Two, besides an honorary surgeon. The military secretary and aides-de-camp mentioned at the head of the list are appointed by the Governors General in England.

ROSS RIFLES.

INQUIRY.

Hon. Mr. LANDRY called the attention of the government to the following facts :

On the 11th May last, Honourable Mr. Landry inquired :
(1) " 3. Where are the balance of the (Ross) rifles accepted by the government stored, and how many of Mark No. I remain, and how many of Mark No. II. ? "

To which the following answer was given by Honourable Mr. Scott :
3 (a) Rifle associations, 267.
Ordnance charge : London 9 ; Toronto 35 ; Kingston 43 ; Ottawa 514 ; Montreal 60 ; Quebec 3,900 ; St. John 33 ; Halifax 45 ; Winnipeg 35 ; Charlottetown 30.
(b) 4,705.
(c) At Halifax, Nova Scotia, 1,000 ; Victoria. British Columbia, 200 ; Quebec, 800.
And that he will inquire—
To what part of the question does part (a) of the answer apply ? To what part of the inquiry does part (b) of the answer apply ? And to what part of the inquiry does part (c) of the answer apply ?
(2) Where is the distinction to be found between the number of rifles marked I. and the number of rifles marked No. II., in those three divisions a, b and c ?
(3) What is the meaning of the words ordnance charge in the answer precited ?

Hon. Mr. SCOTT—The answer furnished me reads in this way :

With reference to the above inquiry :

1. In the answer to the inquiry, given on May 11, part (a) refers to distribution of mark I rifles from ordnance charge, i.e, government stores ; part (b) shows the number of rifles mark I in ordnance charge, government stores, at date of inquiry ; part (c) gives the number of rifles mark II in ordnance charge, government stores, and their distribution at date of inquiry.

2. Paragraph (c) refers to Ross rifles mark II, and paragraphs (a) and (b) to rifles mark I.

3. 'Ordnance charge' means 'government stores' in charge of an ordnance officer.

NORTH ATLANTIC TRADING COMPANY.

MOTION.

Hon. Mr. MACDONALD (B.C.) moved :

That an address be presented to His Excellency the Governor General ; praying that he will cause to be laid before the Senate, a statement relating to the North Atlantic Trading Company showing :

1. The names of those composing the company ; and of other persons, or person not formed into a company with whom the Dominion government or any official thereof entered into an agreement, or other arrangement for the promotion of immigration to Canada.

2. The name or names, and the official positions of such person, or persons to whom payments were made under such agreement, or arrangement.

3. The name, and official position of the person who made payments under such agreement or arrangement.

4. The name and official position of the person who certified to the accuracy of accounts previous to payments being made.

5. Is this agreement or arrangement cancelled, if so, on what date ?

6. If such an agreement having for its object bringing to this country immigrants of a desirable class at a reasonable cost, and had been entered into, without giving undue advantage to one party or the other or particularly to such company, person, or persons sharing in the earnings under the said agreement, if cancelled, why cancelled.

He said : I confess to some hesitancy in approaching this mysterious, dark, and secret subject, and if this was not such a public question as immigration, and the expenditure of public money I would not touch it. There could not be a more public question. Why then secrecy ? Who is afraid of the light ? What acts have been committed in connection with a public matter, and the expenditure of public money which will not bear the light of day ? There are questions which may at times require secrecy, but not the one now under discussion. I delayed this motion from day to day in expectation that Mr. Preston's foreign and home associates would give their consent to break the seal of secrecy ; when Mr. Preston would give his consent to the Premier to break his vow of secrecy. This may have been done—in which case the government may not oppose my motion.

We cannot shut our eyes or understanding to what has been going on in another place touching the subject now before the House. We can see what a farce a parliamentary committee investigation is made. When witnesses, under suspicion of wrong-doing, are shielded and aided by ministers of the Crown, and members of parliament, in concealing the truth. I am strongly of opinion that the government has been placed in a false position by the machinations of one minister and his deputies, and cannot see its way clearly out of the hobble.

I am bound to believe that the government as now composed is honest—and that members of parliament are also honest. Such being the case one of the chief duties should be to take care that public officials do their duty faithfully, and honestly. If charges are made, or a suspicion rests on any official, the minister at the head of the department should at once hold an investigation to prove the truth or falsity of the accusation as becomes a cabinet anxious for clean government. This has not been done in the recent investigation, but the contrary, every effort made to conceal the truth. Such conduct might be justifiable in courts of law, but is out of place in an inquiry by parliament into the acts of a public official. I think I will be quite correct in stating that the cabinet as a whole knew nothing of this secret agreement with foreigners, that the whole thing was arranged by Preston and Smart, and approved by Mr. Sifton. Has this government lent itself, to spending public money in an illegitimate, if not an illegal propaganda in foreign countries which would account for the secrecy ? Why do the foreigners and others to this agreement bind Preston not to reveal their names, because they have been poaching, if not kidnapping in foreign countries with the connivance, and monetary aid by the government of this country? Men liable to conscription are induced to leave their country by emissaries of Canada, therefore necessity for secrecy. The government has placed itself and the country in a very humiliating position countenancing men who may be outlaws in their own country for breaking the laws laid down by their government.

If this had been an honest open agreement with reputable men there would be no need for secrecy. Preston and Smart, not satisfied with making a dark agreement with men afraid to be known, get the Premier into the net, letting him into a secret which he is not allowed to divulge. The cancellation of this agreement is ample proof it was not in the interest of the country, but was illadvised, and improper. If economical, legitimate, and honourable why cancel it ? From the evidence of Preston and Jury before committees of the Commons, it is quite evident they were working for themselves and not for Canada, and both should be dismissed from the public service. Preston has certainly lowered and abused his position by carrying out secret dealings with public money to the benefit of unknown, and unworthy foreigners.

The immigration work in Great Britain and Ireland can very well be worked from the office of the High Commissioner, a special official being told off for that purpose and the rent and expenses of separate offices saved to the country. What is required much more than Preston and Jury is re-

liable medical officials at the ports of embarkation to inspect immigrants as to age, health, and whether paupers likely to become a burden in this country. The greatest care should be taken in the class of immigrants allowed to come into the country—quality and not numbers should be the object. In the words of Mr. Hill, in Ottawa, a few days ago: 'don't be in a hurry to throw your public lands away, or to get a poor class of immigrants.' The Minister of the Interior should consider such good advice.

Hon. Mr. SCOTT—I may say at the outset that Mr. Preston's opinion does not weigh one feather weight as to the proper course that this government should pursue. It has no influence whatever upon the conclusions that had been reached by the present administration. Any gentleman who has had any familiarity with immigration from Europe for the last 35 years will have been aware that very great difficulties surround the advocacy of immigration from those countries. Every man in Germany and the countries surrounding Germany, Prussia and Austria, has to serve so many years as a soldier. Prescription prevails there, and those countries are opposed to emigration. Immigration service has to be carried on through indirect methods. So far back as 1882, when the late government proposed to favour immigration from Europe, an agent was appointed who had no possible connection with the immigration Department simply because he was an agent representing a steamship company which did a business with the cities of Hamburg, Brussels and other ports of Europe. I have before me a letter written in 1882, from Mr. John Lowe, who was then secretary of the Department of Agriculture, addressed to J. N. Abbott, general passenger agent of the New York and Erie Railway Company. It seemed an odd thing, in favouring immigration from Europe, to employ a gentleman who was in no way connected with the Immigration Department here, or in no way connected with immigration in the United States in any other way than as the representative of a steamship company. In that letter, he is advised that for the purpose of procuring such immigration he would be the medium of paying to emigrants from Germany or Scandinavia a commission of $5 per adult for able-bodied immigrants of the agricultural class, or mechanics in common pursuits, carpenters, blacksmiths, builders, &c., such commission being confined to adults of 18 years and upwards, and being of the age prescribed by the Dominion Lands Act by which a settler may take up land in Manitoba. In addition to that, he was to receive ten per cent which he distributed. It would amount to ten dollars per capita. It would follow that the agents in Europe would have to take the risk of the immigrant going to Manitoba and the five dollars would be a further inducement to promote emigration. The whole commission would amount to ten dollars. That is the amount paid at that time. I call attention to the mode which, at that date, was thought to be the best method to favour immigration from Europe, to those who have given some thought to this subject. It would seem that a very active agent of ours, who was attached to the Liverpool service, Mr. John Dyke, being a German, thought he was immune from prosecution. He went to Germany, and the consequence was he was arrested. He was detained in prison for some time, and was only removed from custody through the intervention of the foreign office.

Hon. Mr. FERGUSON—How long was that ago ?

Hon. Mr. SCOTT—Somewhere in the seventies.

Hon. Mr. FERGUSON—Thirty-three years ago.

Hon. Mr. SCOTT—I do not recollect exactly, but hon. gentlemen will bear in mind that the methods of procedure favouring immigration from Europe are entirely different from that which an ordinary business man would pursue in connection with any business operation. The agreement with the North Atlantic Trading Company was made under the authority of an order in council. I have a copy of the order now in hand. There is no reference whatever in that memo. contemplating a secret agreement—none whatever. On the contrary, after specifying the duties and the objects and the lines to be pursued by the North Atlantic Trading Company in the contract

with the government, there is this final paragraph :

It is further agreed that the company shall not act in contravention of the laws of the country in which they are operating in carrying out their agreement with the government.

That is a copy of an order in council passed on September 29, 1904. It recites that an existing contract had been made in 1902, and it authorized the Minister of the Interior to make the contract with the North Atlantic Trading Company of Amsterdam.

Hon. gentlemen will see that it was never in contemplation that any secret agreement would be made. The North Atlantic Trading Company had their headquarters in Europe. Until the recent excitement arose I do not think that a single member of the government, except possibly Mr. Sifton, knew anything of that particular paragraph in the contract which seems to have excited so much criticism. All I can say is, that, up to the time the suggestion was made that the names be shown to the hon. leader of the opposition, even Sir Wilfried Laurier did not know the names of the company. I say for myself and my colleagues, that not a single member knows the names of the men who substantially compose the Trading Company. There are stool pigeons in the letters patent that have been issued from the island of Guernsey. Those names were all given, but they do not represent the people to whom the money was paid. It appears, after the authority was given for the carrying out of this agreement in London, that a further arrangement was made, and the North Atlantic Trading Company, fearing that they might be prosecuted, evidently had insisted on a paragraph going into the contract by which it stipulated that their names were not to be given to the public. Of that stipulation I state here positively that no member of the government was aware, except possibly Mr. Sifton, and then only after the contract had been made.

Hon. Mr. MACDONALD (B.C.)—That is the curious part of it.

Hon. Mr. FERGUSON—What date is the order in council ?

Hon. Mr. SCOTT—November, 1899. That was on the former agreement.

Hon. Mr. FERGUSON—It is not this order in council ?

Hon. Mr. SCOTT—No ; this order in council is later. There was an order in council passed on May 31st, 1902. It was renewed from time to time. The last one was passed in 1904, renewing it for a period of ten years.

Hon. Mr. FERGUSON—Was that the first order in council that was passed ?

Hon. Mr. SCOTT—No ; there was an order in council passed before that. This commences : 'On a memorandum dated 19th August, 1904, the Minister of the Interior, &c.' The company entered upon their work, and they seemed to have done pretty good work, if one can judge from returns. I hold in my hand a comparative statement of immigrants from Europe who came to this country during the years from 1888 up to last year. From this it will be seen that the company did substantial work, and sent very large numbers of immigrants to Canada.

Hon. Mr. PERLEY—They did not send out half of them.

Hon. Mr. SCOTT—Well, I presume not. I presume that in all immigration matters, one immigrant who comes out and succeeds is probably the channel through which others come. I have always regarded an immigrant who has been fortunate for a year or two as being the best agent to bring others to the country. When this question was brought to the attention of the government, six or eight weeks ago, the point arose. what are we to do ? Without advising the government of Canada, our office in London, with so distinguished a man at the head of it, had approved of a contract with the parties, in which this clause was set forth, that the names were not to be divulged. We quite recognize that it was contrary to the principles of sound government that the money of the people should be expended without being audited. No one will gainsay that it was a very unfortunate arrangement. The question was, what was to be done ? Those people had entered into a contract with our agents in London, who were certainly authorized to make a contract. I do not feel that they were authorized to make the

contract to the extent that they did ; that is, that they had no right to go beyond the terms of the order in council, more particularly that paragraph in it which called attention to the adverse laws existing in Germany and other countries against the propagation of emigration. With that knowledge, I think it was a very great mistake, but the question was, what was this government to do ? Was it to break faith with these people ? The feeling was that it would be a breach of honour. A government stands in an exceptional position. If they authorized their agents in London to make a contract, and it is quite true the agents in London exceeded the authority given them, the parties with whom they were dealing had nothing to do with that. The order in council was not shown to them ; but there was the fact. When we asked for the names, they said : 'No, we cannot give them ; it was understood at the time this arrangement was entered into that the names would not be given to the public. It would subject them to prosecution in the various countries. They are people of some position, and they would probably be imprisoned if their names were made public.' That is an embarrassing position for any government to be in. What would you say ? Would you say : Although it is quite true that this arrangement has been made in good faith with the representatives of the government of Canada, yet the government of Canada cannot approve of the arrangement ? But this was years after—long after they had entered into the work and sent large numbers of immigrants to Canada. I ask any hon. gentleman, just put yourself in the place of the government under these circumstances. You had never heard there was any such arrangement until public attention was called to it only a few months ago. What are you to do ? Are you to say to these people, we insist upon the names or we will pay no more money ? Would that be a position that the people of Canada would uphold ? Unless we were convinced that some dishonesty had been practised ; unless we were convinced that some fraud had been practised ; that they had obtained money improperly ; that they had not sent forward the number of immigrants which they undertook to send, would we be in a position to give their names contrary to the agreement ? I think not. The next point was : What is the best thing to do under the circumstances ? That contract had ten years to run from 1904. Only a part of two years had passed by, and eight years remained. The next best thing seemed to be to ascertain whether the company had lived up to their contract. On inquiry, we were satisfied that the proportion of immigrants coming from Scandinavian countries was not up to what was stipulated in the contract, and the government notified the company by wire at once that from and after the 1st December next the agreement between the company and the government would cease. Would any hon. gentleman say that this government could have done differently from that, or that they did not take the course that any hon. gentleman, acting in his own private capacity, would have taken ? If I authorize an agent to do a certain thing and he exceeds my authority, entering into a contract covering a considerable period, the party with whom he made that contract, acting in good faith and not aware that the agent had exceeded his authority, would I be in a position to break the agreement because the agent had deceived—perhaps that is too strong a word—because he had, in doing what he thought best, made a contract to withhold certain names ? So long as the accounts were audited, and a substantial return was given in the number of immigrants sent to Canada, this country was getting full value for the expenditure made. No one questions that. The figures I have given maintain what I have said, that the immigration at once jumped up to a higher figure than it had ever attained before. I ask any hon. gentleman if he were in the government, and the conditions were such as I have represented, would he have done differently ? Of course, there will be differences of opinion. I quite admit that. Some men are more sensitive on points of honour than others are ; but there was a matter of great importance, one which affected the personal liberty of a large class of men, some of them holding the important positions of representatives of leading steamship companies in Europe. Their position was liable to be seriously affected, and they were liable to be imprisoned. Only to-day a cable came from the Colonial Office advis-

ing us that a representative had been fined for engaging men to come to Canada.

Hon. Mr. LANDRY—For what crime?

Hon. Mr. SCOTT—Soliciting emigrants to go to Canada. Some enterprising manufacturer in the maritime provinces had communicated with an agent in Norway, I think he was a Norwegian himself, with the object of engaging a certain number of men —about seventy-five, I think—to work in some particular factory.

Hon. Mr. FERGUSON—Before my hon. friend leaves that point, did I understand him to say that a government immigration agent has been arrested in Norway? I thought that Norway was included in the contract with the North Atlantic Trading Company, and that we were to have no immigration agents in any of the countries covered by that contract.

Hon. Mr. SCOTT—I intended to have brought the despatch with me to-day, but I forgot it. I think the man was sent from Canada. At all events the gravamen of the whole offence was the soliciting of a certain number of Norwegians to come to Canada. He had actually engaged some 75, I think. Their passages were taken and they were paid for their time, but the government of Norway got wind of it, and he was at once arrested. I merely mention that as an illustration.

Hon. Mr. PERLEY—Were they mechanics?

Hon. Mr. SCOTT—I really could not say. They were not agriculturists, because they were to work in some establishment in the maritime provinces. That is a departure probably from the subject I was discussing, but it happened to come in opportunely as an illustration of the line of policy adopted by European countries in order to check the exodus of their people. Now we have no apologies to make. This government acted from a high sense of duty. There is not now a single member of the government who knows the name of one member of this North Atlantic Trading Company, that is, the names of the real people—I do not now mean those who formed the corporation that was organized in Guernsey, who were professedly their representatives—except Sir Wilfrid Laurier, and he only learned of them for the purpose of communicating with the leader of the opposition in order that he might be advised of the facts—but no other member of this government, not even the Minister of the Interior—I asked Mr. Oliver to-day, and, therefore, I am not breaking any secrets of the council table—whether he knew at any time the names of the company, who resided on the continent of Europe, and he told me he did not know, and that he never had the names communicated to him. So that it is not a matter at all of Mr. Preston. His view or judgment had nothing whatever to do with it. He, of course, knows the names. Before coming to Canada, knowing that he was to be examined as a witness, before the committee of the House of Commons, he asked the parties if they would consent to their names being divulged, and hon. gentlemen who have followed his testimony, will remember that he said he had a sealed letter containing the names, and if he got a cable in answer to a request he had made, he would be only too glad to give the names. They objected and that was the end of it. So that it is not a matter of which this government can be accused of protecting anybody or concealing anything which they are at liberty to divulge. It is simply a matter where the honour of Canada is involved in the stand which this government has chosen to take. They do not approve of the moneys of the people of this country being expended without their being audited and examined. So far as the payments are concerned, I have no doubt everything has been honestly done, because the parties through whom the money has been paid have examined the vouchers, and we have the living evidence, that the people have come to Canada in accordance with the arrangements that were made. Now I think my hon. friend from Victoria, if he would put himself in the place of a member of this government, would feel that he is scarcely in a position to criticise and use the terms he did in discussing this question, that we were concealing anything or attempting to protect any parties who were drawing money from the public fund, necessarily implying that the money was being misapplied and misappropriated. After the

explanation I have given, my hon. friend should be quite willing to withdraw any charge of that kind. I do not know that there is anything more I need say on the subject. I should be glad to give any further information I can to my hon. friend in answer to his address. I shall not be able to give him the substantial part of it, that is the names of the parties whom he seeks to reach. That cannot be done. I do not know that we will ever be in a position to do that. The best we could do was to ascertain, as I said before, whether we would be justified in breaking the agreement. On examination we found that the proportion of immigrants from Scandinavian countries was not up to the mark, and so the government gave notice that the contract would cease.

Hon. Mr. LOUGHEED—I had not intended to make any observations as to this question, but my hon. friend has entered upon such a lengthy explanation and apology for what the government has done, that one cannot refrain from making some comments as to this extraordinary contract. I know of no hon. gentleman possessing such a happy faculty for clothing a vicious principle in garments of virtue as my hon. friend opposite.

Hon. Mr. SCOTT—I did not apologize.

Hon. Mr. LOUGHEED—And I know of no one who would be so qualified to explain away what I might term a fictitious contract as my hon. friend. Now, from the statement made by the hon. Secretary of State, it would appear that the government deliberately desisted from securing any knowledge whatsoever with reference to a contract which, up to the present time, has involved the expenditure of no less than $296,000. He states deliberately that there is not a member of the present government who knows the names of those who really compose this company, excepting the Prime Minister, who only acquired the information since the matter was brought up in the House. Consequently, no responsible head in the government of Canada has any knowledge whatsoever as to whether the contract is actual or fictitious; and, in spite of that fact, the government has deliberately paid out $296,000 for services which they had no possibility of determining were rendered.

Hon. Mr. SCOTT—I beg the hon. gentleman's pardon, he is quite wrong. They produced vouchers for the immigration.

Hon. Mr. LOUGHEED—My hon. friend takes exception to that statement. I shall deal with that point in a moment. If there are no responsible parties with whom this contract was made; if there was no such corporation as that which was represented to exist at the time the contract was entered into, and if there was no one in the government of Canada having any knowledge as to the parties to the contract, then I ask my hon. friend, in all seriousness, how would it be possible to determine whether the provisions of such a contract had been actually observed or absolutely ignored? In the first place, we find the government entering into a contract with a fictitious company, because it has been proved beyond all peradventure that the company represented to have an existence for the purpose of carrying out this contract did not exist, that is was a fiction. It was not until last year that a company was formed—which was another fiction, which did not represent any responsible persons—made up purely of an inn-keeper, some solicitors' clerks and some satellites that had been revolving around Mr. Preston, who is in charge of the Department of Immigration. We find the Deputy Minister of the Interior, who, at one time, was charged with carrying out this contract, enlisting himself, not on behalf of the government, in checking over the moneys that were paid out and in checking over the immigrants that arrived on Canadian shores, but assisting in every possible way in swelling the revenues of this company, and assisting the financial end of the contract so far as the participants were concerned. When that contract was duly launched, and when it became apparent that it had to be manned upon this side of the water, Mr. Smart deliberately resigned from the responsible position which he occupied, from the position of looking after the interests of Canada with reference to that contract, and took hold, so to speak, of the carrying out of the contract himself, participating undoubtedly in all its advantages.

We find that gentleman, when brought before a parliamentary committee, refusing to give any information whatsoever as to the contract, representing to the committee that he had a knowledge of those with whom the contract was entered into, and afterwards burning and destroying his letters, his books, his vouchers, his documents and everything which might prove of an incriminating character with reference to himself and to those who represented the contract on the other side of the water. We find Mr. Preston, in London, travelling to different parts of Europe, representing the English end of the contract so to speak. How did Mr. Preston come to be introduced into this contract ? Under what terms of the contract was the government warranted in paying over to Mr. Preston, or in accepting his representations as to the parties who became entitled to the $296,000. My hon. friend says that the concealment of this information is not on account of Mr. Preston's wishes or of any representations which he has made; but I ask hon. gentlemen opposite if there is any evidence before parliament of any nature whatsoever to show that any one was interested in that contract other than Mr. Preston himself ? Mr. Preston surely does not expect the members of the Canadian parliament to believe that until he left England he had no idea as to who represented the European end of the contract, yet we find Mr. Preston trifling with the intelligence of the Canadian parliament by bringing out an envelope with five seals thereupon, charged with opening this envelope in the event of his considering it necessary so to do. Now it seems to me that another official of the government in London, Mr. Jury, had probably some knowledge as to who represented the European side of the contract. Mr. Jury makes no hesitation in saying unquestionably—and I contend that he was in a better position than any gentlemen on this side of the Atlantic to determine who represented the beneficiaries under the contract—that Mr. Preston was the chief beneficiary, and yet we have the government protecting Mr. Preston on his arrival here.

Hon. Mr. SCOTT—I think my hon. friend is wrong in saying that Mr. Preston was the chief beneficiary.

Hon. Mr. LOUGHEED—I am stating what Mr. Jury said.

Hon. Sir RICHARD CARTWRIGHT—He did not swear to that.

Hon. Mr. LOUGHEED—Mr. Jury said this was Mr. Preston's gold mine.

Hon. Mr. SCOTT—Mr. Preston swore exactly the opposite, that he had no interest whatever.

Hon. Mr. LOUGHEED—The hon. gentleman surely does not think that seriously ?

Hon. Mr. SCOTT—Mr. Preston's word is as good as Mr. Jury's. Jury said he did not believe in a God, and would not take an oath.

Hon. Mr. LOUGHEED—Jury is a sufficiently responsible official to place in an important position in London, and for the government to repose all the confidence in him they would naturally place in one of their head officials.

Hon. Mr. SCOTT—The High Commissioner appointed him.

Hon. Mr. LOUGHEED—All these facts establish beyond question that in the first place the government assumed a grave responsibility in entering into such a contract, that they were wilfully negligent afterwards in not adopting proper means to see the contract carried out. My hon. friend says to-day that not a member of the government, except, possibly, the then Minister of the Interior, know who the beneficiaries of the contract were, or whether it was entered into with responsible persons. That fact will surely not relieve this government from the responsibility of entering into such a contract and paying out public money without possibly knowing the application of it.

Hon. Mr. SCOTT—Lord Strathcona was aware of it.

Hon. Mr. LOUGHEED—I understood that Lord Strathcona did not know who the beneficiaries of the contract were. As I understand it, the parliamentary committee who examined into this matter cabled to Lord Strathcona to ascertain that fact, and that he replied he would make an investigation to find out who constituted the company. It was afterwards found that the company had been incorpor-

ated in the island of Guernsey, late in 1905, and the parties who were corporators were simply men of straw. What I take exception to is this, that this government should have deliberately entered into a contract extending over a long term of years, which, if carried out in its entirety, would have involved certainly over a million dollars; that they paid, without parliament knowing to whom it was paid—that is without parliament knowing that the money was paid to any responsible party—no less than $296,000.

Hon. Mr. SCOTT—On vouchers.

Hon. Mr. LOUGHEED—Signed by whom?

Hon. Mr. SCOTT—Signed by parties who represented this company.

Hon. Mr. LOUGHEED—My hon. friend is not in the position to say that those parties represented anybody, because, in the first place, if the company did not exist, as was the fact, and if the government does not know who the beneficiaries were, how then can my hon. friend say that those parties were the agents of persons that the government had no possible knowledge about?

Hon. Mr. SCOTT—If the hon. gentleman followed the inquiry in the other House, he would have remembered that cheques to a very large amount were produced there, which came from the Auditor's office, which showed the money was paid to parties in Amsterdam.

Hon. Mr. LOUGHEED—To absolutely irresponsible persons. There were large amounts paid out for printing. Mr. Sommerville, who is not in the printing business, received a very large amount of money, and a certain Hebrew in London another portion of it. The man in Amsterdam may have been a fiction, and I believe was a fiction, because we find upon close investigation being made that no such person lives in Amsterdam as the person to whom that payment was made. But what I object to is that the government deliberately entered into this contract——

Hon. Mr. SCOTT—We did not enter into a contract. There is the order in council, and there is no authority in it to do anything of that kind.

Hon. Mr. LOUGHEED—I take my hon. friend's statement, that they did not enter into a contract, and yet they paid out practically $300,000.

Hon. Mr. SCOTT—The London office enlarged the contract.

Hon. Mr. LOUGHEED—No. I understand Lord Strathcona did not enter into it. It was Preston entered into it, if there was a contract. But the point was this: there being no responsible parties in London or Europe representing that contract, it was impossible for the government to determine whether the services were rendered for which the money was paid. I challenge my hon. friend to show any evidence of service having been rendered that could possibly have been checked or audited by this government with respect to the responsible parties on the other side of the Atlantic. My hon. friend may produce to this House the most elaborate tabulated figures as to the alleged volume of immigration which came to this side of the water. My hon. friend may point out to this House a host of parties who assumed to make returns, but what I contend is—and it comes back to the central point—that there was no centre of responsibility with reference to the entire transaction, and this whole business could be carried out, and the money paid, and the alleged immigrants landed upon our shores to the same extent as if the contract was a fiction and the beneficiaries had not rendered any value for it. Under those circumstances, I am more than surprised at my hon. friend attempting to vindicate what had already been done. If my hon. friend had simply said it was one of those unfortunate occurrences with which any government may possibly be associated without being able to properly investigate, and that upon ascertaining it was a matter that did not commend itself to them, they cancelled the contract, I could very well understand it. The cancellation of the contract, it seems to me, is the very strongest evidence of the improvident act of the government. Under these circumstances, it seems to me that, not only this House, but both branches of parliament, should be in possession of all the information now in the hands of the government with reference to the matter, and this could be done, inasmuch as my hon. friend has stated that the Prime Minister is in

possession of the names of those representing the beneficiaries under the contract.

Hon. Sir RICHARD CARTWRIGHT—I am not entirely surprised at the warmth of my hon. friend. All of us who know anything of the history of Canada for the past twenty-five years are perfectly aware that no one thing has been more distasteful to hon. gentlemen opposite than the magnificent success of the immigration policy of the present government and their success in developing the Northwest, as compared with the miserable failure which attended the efforts of their predecessors. That goes far to explain the persecution—I call it persecution—to which Mr. Preston in particular has been subjected, as being one of the most successful agents in promoting the immigration system and in promoting the settlement of the Northwest, for which the hon. gentleman's constituents—and for that matter, every human being in Canada—has benefited so largely. It is quite true that there are and were notoriously very great difficulties placed in the way of our agents on the continent of Europe obtaining any immigration, and it was necessary to pursue a very peculiar course for the purpose of overcoming those difficulties. All that was fully and distinctly explained in the evidence given before the committee of the House of Commons and in the statements which were made in another Chamber when this matter was brought up there before the parties who investigated those transactions. The plain truth of the matter is this: the hon. gentlemen of the opposition got possession of a mare's nest of the first dimensions. They insinuated—though they dare not make a charge when they were challenged by the party concerned—that they had succeeded in discovering a case against the ex-Minister of the Interior and Mr. Smart and Mr. Preston, but they broke down utterly, with all the witnesses they produced. Mr. Jury did not swear he possessed one particle of evidence to substantiate the assertions against Mr. Preston, If my hon. friend will read that evidence, wholly apart from the question raised as to the credibility of Mr. Preston, he will see that, when cross-examined, Mr. Jury did not swear he had one particle of evidence against Mr. Preston—not a scintilla of evidence except his own suspicion in this matter. Against that we have Mr. Preston's evidence, Mr. Smart's oath and Lord Strathcona's declaration over his own hand and seal, that it was imperatively necessary in his opinion that the names of the parties with whom this agreement was made should be kept secret, and the reason is given. Anybody who knows anything of the policy pursued by the governments in Europe, knows perfectly well that men who promote emigration there, even if they do it in a legal way, are subject to be harrassed by the authorities of that country for endeavouring to promote immigration here. It is not necessary to commit an illegal act to bring them within the purview of the authorities in a foreign country when they are acting in a way that those countries chose to consider, perhaps with reason, inimicable to their policies. With reference to the point raised in the other House, I say that Sir Wilfrid Laurier was perfectly within his right when he refused entirely to disclose the names of men who had entered into this contract on the understanding and pledge of officers of the Canadian government that secrecy should be respected. I would have been ashamed of my hon. friend; I would have been ashamed of my colleagues and of Sir Wilfrid Laurier, if, after it was clearly proved that with the concurrence of Lord Strathcona, with the concurrence of the Minister of the Interior, this bargain had been entered into, he should then, under those circumstances, have violated the pledge given by those officers, and exposed those men to the punishment which they would have undoubtedly have been apt to receive at the hands of the authorities in the countries to which I have alluded.

Hon. Mr. MACDONALD (B.C.)—Serve them right, too.

Hon. Sir RICHARD CARTWRIGHT—For what? For bringing immigrants to Canada?

Hon. Mr. MACDONALD (B.C.)—For breaking the laws of a foreign country.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman knows perfectly well, and if he does not he ought to know, that a great many countries of Europe are very far from enjoying the freedom and privileges we enjoy here, and

are subject to something in those countries which we in Canada would characterize as a monstrous tyranny, and if men, under those circumstances, had insisted on bringing immigrants to a country where they will have an opportunity of bettering themselves. I do not care what the laws of the country are, I say they are justified, and it does not become any man in Canada to throw stones for so doing, and, least of all hon. gentleman like my hon. friend opposite, who, with his colleagues, along with their constituents, are benefiting enormously by the success of the present policy the government have inaugurated. I was one of those who witnessed the monstrous follies committed for a period of 18 years, and I saw the result in the west and elsewhere. We were fooling away an empire and were not getting enough to pay for the stakes. We have made a change. If Canada is prospering to-day, it is more because of the immigration policy of the government in peopling the Northwest Territories. I do not wonder that under those circumstances my hon. friends are very sore and are willing to have recourse to any means. I do not say he is, but others of his colleagues are willing to have recourse to any petty insinuations, for the purpose of throwing discredit on the men who have rendered a great service to Canada. If they had any evidence of the truth of their accusations, why did they not, when they were challenged by Mr. Sifton on the floor of the other Chamber, formulate their charge? They have had the opportunity again, and again. If they have anything against him or any other members of the government, let them come forward and have a committee of inquiry and take the consequence. Mr. Speaker, they know better, they were challenged and shrank from the challenge, and it is very little advantage to them and very indiscreet for our friends opposite who are not in possession of the whole of the evidence to renew these charges after it has been proved by a committee in the other House that there was not one particle of evidence on which to support any of these assertions that have been made.

Hon. Mr. FERGUSON—I did not intend to make any observations on this question, especially at this stage, but I am constrained to direct the attention of the House to the challenge thrown out by the right hon. Minister of Trade and Commerce, which he said had been uttered in the House of Commons, wherein members of the opposition had been challenged to formulate charges in this respect. I presume that the challenge is still intended to be directed at my hon. friend from British Columbia and others in this House who may think there is anything wrong in this matter. But it is within the recollection of hon. gentleman—I dare say my hon. friend has not forgotten it, for he was in the House at the time—when Sir Hibbert Tupper, at that time a member of the House of Commons, formulated charges of the most serious and direct character against the same minister who initiated all these transactions; and when he made the charges in the most specific manner possible; and when he staked his position as a member of parliament on his ability to prove the charges and agreed to accept the full responsibility, and to retire from public life if he failed to prove the charges, what happened? Did parliament grant the inquiry that was then demanded? No! The hon. gentleman called on his followers to vote it down, and they did vote it down; and it is no use for an hon. gentleman to endeavour to prove his assertions when we know that is the record of the government with regard to the same minister who figures in the transaction now under discussion before the people of this country. There is another element of weakness in this bold challenge that my hon. friend has uttered across the floor of the House, and it is this: what is the use of an inquiry, if the government will put their hands on the mouths of the witnesses and say that they shall not answer? The witnesses come into the room and take the gospel in their hands and swear they will tell the truth, the whole truth and nothing but the truth, and yet there are matters they know, but will not tell, and the government stands behind them and says 'Do not answer; the chairman will shield you,' and when the members of the committee ask that parliament shall open the mouth of a witness and compel him to disclose what he knows, the government call in their majority and vote it down. What is the use of these challenges under circumstances of this kind?

Some hon. gentlemen may say that this subject is not one that should engage the attention of this House, especially after it has been so very fully considered in the other branch of parliament, but I submit this is just where the Senate, if it is an independent body, should come in and show its independence. Transactions have occurred, extending over some seven years, transactions which have excited, to use no stronger language, the very gravest suspicions in the minds of parliament and the people of this country. There are a great many circumstances in these transactions which are calculated to excite the very deepest and strongest suspicion. My hon. friend from Calgary has pointed to one of them, and that is in connection with Mr. Smart's conduct. Just a month or two before Mr. Smart left the department, he wrote to Mr. Preston to say that it would be agreeable to him to know that he was prepared to recommend some very important concessions in favour of the company. He made those concessions, and he added that he intended to speak to the minister and get his consent. He intimated to the company that he was going to make these concessions, and they were made, and the last contract of 1904 was made with this company, and before the ink was dry upon the contract in which these concessions were made to the company, Mr. Smart resigned his $4,000 office in the government of Canada, and became an officer, we are told, of the North Atlantic Trading Company. Is that not an extraordinary part when you take it in connection with the statement which Mr. Smart made, when questioned before the committee, that he could not and would not produce the correspondence which took place between himself and the company and which led up to his employment with the company.

When he admitted that he had destroyed this correspondence which he had had with these people, he created a damning suspicion with regard to his own conduct in his official position. It is a strong presumption in law that he who destroys evidence condemns himself, and Mr. Smart tells us that he destroyed all the correspondence which had taken place with regard to his going over from the service of the government to the service of the North Atlantic Trading Company, and Mr. Smart was the Deputy Minister of the Interior during all the time that these negotiations were being made. Let me point out, and my hon. friend has not forgotten it I am sure, that one of the last concessions made to the company was that the contract was to extend for ten years, subject to be cancelled only at four years' notice. In many of the different contracts made with these people, or these phantoms, because they were different people every time you came to deal with them—there was a little longer concession as to time at every extension of the contract. The last one gave them ten years from 1904, and removed some very serious restrictions and conditions, one of which dealt with the means that an immigrant should have on arriving in Canada. This was a concession that Mr. Smart referred to in this letter I have already mentioned, when he wrote to Mr. Preston and said it would be agreeable news to him, that he was prepared to remove some restrictions. One was that the Galicians and Buckowinians should be possessed of $100 on their arrival, before the North Atlantic Trading Company should be allowed $5 per head on them. What was the result of that? It brought altogether about 20,000 of these people into the class in three years, on whom the company would not otherwise have been entitled to collect five dollars a head. It made that provision retroactive for three years, and gave them that additional amount which they would not have earned under the terms of the previous contract. I refer to these things to show the strong suspicion which points against the late Deputy Minister of the Interior, Mr. Smart. I now turn to another officer of the government, Mr. Preston. I might refer to the very strong reasons given by the hon. senator from Calgary, pointing to Mr. Preston as being a beneficiary of this company—that is the evidence of Mr. Jury, another official of this government, I think I may say a trusted official of this government. There is no evidence that he occupies any other position at this very moment; still he refers to Preston as having a gold mine in this North Atlantic Trading Company. But there is stronger evidence than that pointing to Mr. Preston, as a beneficiary.

We have the fact that in contravention of what was announced to be the public policy of the government, that encouragement should not be offered to skilled mechanics and artisans to come to this country, that he entered into an agreement with one Leopold or Lazarous, arranged for offices for him in London, and tried to get a standing for him with the Allan Company. This man Lazarous turned out later, when sifting questions were put to Mr. Preston, to be an agent or officer of the North Atlantic Trading Company. Here we find Mr. Preston violating what was, professedly at all events, the policy of the government, that none of its officers should encourage skilled mechanics or people of that class to come to Canada, which he did in the interest of the North Atlantic Trading Company. We find that he entered into a contract with this man and corresponded with the Allan Steamship Company on his behalf, violating, in the interest of the North Atlantic Trading Company, the policy of the government. I have said it was the professed policy of the government. I think it is now a grave matter of doubt whether the government ever had that policy as an honest policy, because they stand by Preston in every respect. Preston should have been dismissed long ago for giving encouragement to bringing out skilled artisans to Canada if the government was sincere. But there is another point of evidence against Preston, and it is this: When finally the names of those who were organized into this company in the island of Guernsey were published it turned out that a son-in-law of Mr. Preston is the solicitor of the company. The fact that the company was incorporated in the island of Guernsey raises very grave suspicion against somebody, owing to the provision law which excludes companies incorporated in the island of Guernsey from the operations of British law. Putting all these things together, there can be no doubt that they point very strongly with suspicion against Preston. Of course, we have his denial on oath that he had anything to do with the company, or that there were any Canadians connected with it; but we have also a knowledge of this fact that Preston took the Gospel into his hand when he went into that committee and swore to tell the truth, the whole truth, and nothing but the truth, and after acknowledging that he knew the names of those who formed the company he refused, and persisted in refusing, to give the names. These and other considerations point with a great deal of suspicion to these two men. The part which the late Minister of the Interior played in regard to it is also a matter in regard to which there is very great ground for suspicion. In the first place, we have the very nature of the contract itself. What evidence have the government that this North Atlantic Trading Company ever did any work at all in the way of bringing immigrants to Canada? The government very considerately sent their officers to the different shipping ports to ascertain how many had arrived, took their statements as to whether they belonged to the agricultural class or not; made up a list and paid somebody. They did not know, according to the statement of the hon. Minister of Trade and Commerce to whom they were paying it. They had to send their money, to a large extent, in the dark, but they assumed that it was going to somebody behind this contract, and they paid it, not upon any work done by this company or any work that could be traced to the company, because the company do not claim even that they booked these immigrants. They say in their correspondence that they did not book many of them. The fact that these people arrived in the different ports of Canada, or one or two United States ports with destinations to western Canada, was sufficient, and the government paid the money on these arrivals, while they have no evidence whatever that the company put forward any substantial work in the way of inducing this immigration. My hon. friend made the statement that this was only a continuation of the policy of the previous government, I cannot assent to that statement at all, because it was only to actual booking agents the money was paid under former governments. But that was all changed in the dealings this government has had with this company; the money was not paid to booking agents but paid to this company who gathered where they had not strewn and who took up where they had not laid down. There is no evidence that they contributed towards inducing these people to come to Canada. The secrecy which surrounds this contract from beginning to end

is another very serious element in regard to it. My hon. friend cited the case of John Dyke, who, thirty-three years ago, was imprisoned in Germany. I looked over the history of that case, and I do not find that John Dyke broke any law at all. Some misunderstanding of the part of the police caused this arrest, but it turned out there was no substantial case against him and he was discharged. We have no evidence—and if there were any I think we surely would have had it since this investigation began—that the government of these countries, were pushing very actively against their people coming to Canada. In fact the evidence would rather point in another direction. I did not intend to speak at this stage, only this challenge which my hon. friend made with regard to an inquiry, struck me as calling for an immediate reply, and I felt it my duty, having the facts before me, to make that reply. If the ministers had a record for granting investigations when charges are solemnly made in parliament; if they had a record for assisting parliament in getting evidence from witnesses, there might be some degree of reason or force in their uttering bold challenges about investigation, but we recall our experience in the past of their voting down charges solemnly made and refusing committees just as solemnly asked for, and assisting and encouraging their witnesses in refusing to answer questions. But there is another point my hon. friend made, and that is that Lord Strathcona was largely instrumental in making this contract. In fact, he tried in several ways to create an impression on the House that Lord Strathcona has a great deal to do with this contract and was more responsible for it than Mr. Preston or Mr. Smart or any other of the gentlemen that were named. I will read a telegram which appeared in the Montreal 'Star' on the 1st of May last, singed Windemere:

> London, April 30.—Replying to my inquiry regarding a statement made in the Canadian House of Commons that he had been connected with the North Atlantic Trading Company, Lord Strathcona says: 'I absolutely and unreservedly state I have not and never had any interest in or connection with the North Atlantic Trading Company.'

Hon. Mr. SCOTT—Nobody claimed he had.

Hon. Mr. FERGUSON.

Hon. Mr. FERGUSON—He continues:

> It was not I who arranged the contract with the company. I never cordially approved of it.

Nothing could be more plain and emphatic than that, and it will not do to try and throw the responsibility on Lord Strathcona's shoulders.

Hon. Sir RICHARD CARTWRIGHT—Is that telegram signed 'Strathcona' or 'Windemere'?

Hon. Mr. FERGUSON—'Windemere' quotes the reply he received from Lord Strathcona.

Hon. Sir RICHARD CARTWRIGHT—And who is 'Windemere'?

Hon. Mr. FERGUSON—'Windemere' is the correspondent of the Montreal 'Star.'

Hon. Sir RICHARD CARTWRIGHT—What is his testimony worth? It is worthless.

Hon. Mr. FERGUSON—He says 'I have this reply from Lord Strathcona', and the words that follow are quoted. Furthermore they have never been denied.

Hon. Sir RICHARD CARTWRIGHT—Such evidence is simply worthless.

Hon. Mr. FERGUSON— My hon. friend has a very cavalier way of meeting a strong point. His utterances are very valuable, and he can put any value he chooses upon them, but when he meets a statement of this kind he rises in his supercilious way and says it is worthless.

Hon. Sir RICHARD CARTWRIGHT—As all anonymous correspondence is.

Hon. Mr. FERGUSON—This is not anonymous. It is from the regular correspondent of the Montreal 'Star'. Lord Strathcona had an opportunity the next day, to make a public contradiction. It is very unlikely that the responsible correspondent of a leading Canadian newspaper would send such a despatch without the authority of Lord Strathcona. It has been published in Canada and its accuracy has never been challenged by Lord Strathcona or anybody else until my hon. friend says now it is absolutely worthless. This goes to show that the plea set up, in this House with regard to Lord Strathcona's responsibility for this contract is not en-

titled to any weight whatever. I would ask hon. gentlemen on the other side of the House who have spoken, and others who may follow, if this has been such a very favourable and beneficial contract for the people of Canada—and it has been going on now for seven years—how is it that it has been now cancelled? Why is it that they do not stand up and claim that it should be continued? Still they say it is a good contract. If it is a good contract it should not have been cancelled. But after this matter was brought up in the House of Commons, and when it began to reach an acute stage, on the 14th April last, the minister telegraphed to London that the contract would be cancelled and a letter follows, alleging as a reason for cancelling the contract that the immigration had not been satisfactory from the Scandinavian countries and Finland, while it was kept up to the maximum in other European countries, such as Galicia, which was not considered the most desirable country to furnish emigrants to Canada. An examination of the figures shows that this plea is not a sound one. On the contrary, it shows that the immigration from the Scandinavian countries and Finland was quite satisfactory and compared well with that from Galicia and other countries of Europe. The government evidently decided that they were being found out. Public opinion was setting in against them. They found they had to get out of it in some way, and they invented a pretext. Unfortunately the pretext which they used is not a good one, and it shows on the face of it that it was not the genuine reason for cancelling the contract. The real reason for cancellation as all the country knows now, is that the exposure made is so great and public feeling is becoming so strong that something had to be done and they took a way not very creditable to themselves of setting up a pretext for cancelling the contract which is not the genuine reason. The whole principle upon which this transaction has been carried on has been vicious. They told us that they had to maintain secrecy on account of the laws of the European countries. Was there not a clause in the contract prohibiting the violation of the laws of the countries in which they were operating? There certainly was. There is nothing to show that they have been violating the laws in any respect. As far as the matter has been investigated, it would appear that they have done so very little that they could not have violated any laws whatever. They have sent some reading matter through the post office, that is about all. They have been gathering the results of the work of other people. Oppressed Jews come to Canada to seek an asylum. They are met by an officer of the Canadian government who finds out what proportion of them are agriculturists, and of the servant girl class over eighteen years of age. They note down every one and pay a tribute to the North Atlantic Trading Company for these people. Other immigrants come to Canada because encouraging reports have been sent to them by friends already in this country, who probably have also given them assistance in coming out, the North Atlantic Trading Company not having done anything in the world towards bringing them. This good natured and complaisant government of Canada send their officers, at the expense of the people of Canada, to Halifax, St. John and other ports where these immigrants land, and count their heads, find out how many are of the class on which the company are entitled to receive tribute, and a cheque is sent over to Europe to the company. The whole transaction is one which cannot be defended. My hon. friend, the Secretary of State, claimed that it was similar to contracts which were made in previous years. I have already dealt with that statement; it is not accurate. The contracts made in former years were with steamship lines and booking agents, and they had to show what they had done, and were paid according to the service they rendered. This company was paid for work which they never performed, which was performed by other people. The government put up toll gates in Canada to collect money for the North Atlantic Trading Company, and these immigrants may not in any degree whatever have been influenced to come to Canada by any effort of the company. The transaction was a very large one but it was initiated in secrecy. It was made at first without even an order in council. I understood my hon. friend to say that there were orders in council; my recollection is that there was no order in council until 1902. In that year an order in council was passed, and in 1904 there was

another order in council, and a contract was made with parties who profess to be a chartered company, with headquarters in Holland, and the seal of the company was professed to be attached to their contract. It is now disclosed that at that time they were not a company chartered in Holland, that they had no charter ; and their conduct with regard to that was simply fraudulent. As that act was fraudulent, what conclusion are we to arrive at, seeing that the door was left open to them for fraud in other respects but that a great deal of their other transactions have been fraudulent as well. I had not intended to rise but the speeches having been short, which perhaps is desirable, because this subject has been very much threshed out in other places, and my hon. friend having uttered a challenge, I simply meet that challenge and put my views on record in regard to that company.

Hon. Sir MACKENZIE BOWELL—I understood the hon. Secretary of State to say that the government had entered into no contract. Would he inform the House by whom the contract was entered into on behalf of the government, under which this $296,000 was paid ?

Hon. Mr. SCOTT—I cannot answer the hon. gentleman, because the contract was produced before a committee of the other House. I sent over to-day to the Department of the Interior asking if they had the contract there or a copy of it, but they stated that they had not. That the only copy they had is before the committee which is making inquiry into the matter.

Hon. Sir MACKENZIE BOWELL—The question I asked was not as to the contents of the contract, but by whom it was entered into on behalf of the government ?

Hon. Mr. SCOTT—I have not seen the contract, but I assume it was made by the parties representing the government in London. I do not know who actually signed it, but that can be found out.

Hon. Sir MACKENZIE BOWELL—It seems to me to be a most extraordinary position for a government to occupy, that a contract should be entered into by some one on their behalf and the members of the government know nothing at all about it. Under this contract, nearly $300,000 of the country's money has been paid out to the assumed contractors, whoever they may be. The hon. gentleman told us in his explanation that he knew nothing of the contract, that no member of the government knew anything of the arrangement or the bargain into which some one had entered on behalf of the government by which this money was to be paid.

Hon. Mr. SCOTT—My hon. friend misstates me. I said that this limitation in the contract in reference to keeping secret the names of the parties comprising the company did not conform to the order in council. No member of the government knew the names, but, of course, we knew a contract had been entered into, because we formulated the conditions of the contract in the order in council which I brought down.

Hon. Sir MACKENZIE BOWELL—I understand that. The hon. gentleman went further, if my recollection serves me right. What I want to point out is that the government paid a very large amount of public money without knowing the parties to whom it was paid or what services were actually rendered for the money which they did pay. It seems to be a carrying out of the policy which was enunciated shortly after this government was formed, the policy of the government by departments, and not by the cabinet as a whole, so that one minister inaugurates a policy and carries it out, no matter whether it is extravagant or economical, and none of his colleagues know anything at all about it. That appears to be the manner in which the country is governed at the present time. Apart from that, it is not new for me to hear those sweet and melodious tones in which the hon. Minister of Trade and Commerce, utters his philippics of condemnation in regard to everything that was done by the late government. I have heard them before, and if we live long enough we shall probably hear them again. When the hon. gentleman speaks of the immigration policy of the late government, as compared with the policy of the present government, and condemns the one and extols the other, he forgets, I presume, that sometime ago the policy of the late government in regard to immigration, under the late Hon. J. H. Pope, was condemned and the course pursued by the

present government was justified on the ground that they had followed Mr. Pope and had adopted the same policy. Now if the policy of the late government was of the same character as that of the present government, the hon. gentleman says the results were not the same. Is it to be wondered at that the results were not the same ? Every man who has any knowledge of the history of this country during the time that the hon. gentleman was condemning the immigration policy and every act of the late government, particularly in relation to the Northwest Territory—knows that there was this difference between that period of our history and the present period ; at that time there were droughts in the Northwest Territory, the crops scarcely reproduced the seed which was put into the ground, and, furthermore, the hon. gentleman and his colleagues were constantly traducing the climate and capabilities of that country. The droughts were not the result of the late government's policy, but they drove hundreds, yes thousands, of people out of that country, and those who thus left the country on account of securing no return for their labour, were the means of preventing others from coming to the Dominion. So far-reaching were the utterances of the hon. gentleman and those with whom he was associated, that the railway magnates of the United States, particularly those of that portion of the United States through which the Great Northern Railway ran, issued pamphlets and circulars containing extracts copied from the speeches of the hon. gentleman's friends —I do not know that they were his own utterances—in the House of Commons, and with the portrait of the gentlemen who uttered them in order to give weight and force to the statements which had been made, showing that Kansas, Minnesota, and the Dakotas were infinitely superior to any portion of the Northwest. That was the course pursued by the opposition at that time, and which, in addition to the droughts which I have mentioned, led to the failure of a policy which they say now they have adopted. They justify the course they have taken, on the ground that Mr. Pope did precisely the same thing. During the last five years, as every one is pleased to know, the farmers of the Northwest have learned better how to cultivate the soil in order to secure a good crop, and the bountiful rains which have fallen and the great crops which have been the result, have been the cause of the increased immigration—not the policy of the hon. gentleman who is boasting about it. Those who have lived in the Northwest know well that the statements which I have made are correct. An hon. gentleman behind me, who has had long experience in that country, told this House upon a previous occasion that when they first went to the Northwest they did not understand the method of farming best suited to that country. They have since learned how to deal with the conditions which are found there, and their business is conducted upon a more scientific basis. The result has been, coupled with the providential rains which have fallen, that there is great prosperity in that country. We hope that it may be continued. I trust the party with which I have been connected all my life will never be found in the position of the hon. gentleman and his party, condemning in the strongest possible manner a portion of the country which we are endeavouring to build up. But what was the difference between the immigration policy of the late Mr. Pope and that of the present government as regards the expenditure of public moneys ? Under the former policy, the arrangement entered into was with responsible parties ; parties whom every one knew, and no money was paid for an immigrant until evidence had been produced of his having been brought into the country by the steamship company and that he had become a settler in the Northwest. The evidence which has been brought before the committee investigating this matter is, that no proof has been produced that the North Atlantic Trading Company had sent out any large number of those who came to this country, but it has been pointed out by the hon. gentleman from Marshfield that government officials visit the steamer when it arrives, look at the steamer's books, ascertain where the immigrants are from and what their character is, report accordingly, and the company gets the money. There is no evidence to show that they were the parties who induced these immigrants to come to Canada. It is nothing new for an old parliamentarian to hear the condemnations of my hon. friend opposite. They are as familiar to him as his night's rest ; but I hope that he sleeps more comfortably

than we might suppose, from the manner in which he belches forth his denunciations of everything that existed during the seventeen or eighteen years in which he had the honour of being in opposition. Now, in what position is the government in this matter? It has been so clearly pointed out by those who have preceded me, that I do not propose to weary the Senate by repeating it, I will simply refer to the fact that the government purported to enter into a contract—at least somebody on behalf of the government did—with a company that had no existence; and yet we are told that they were dealing with responsible people. I have seen correspondence from London within the last week or two in which the reasons were given for this company going to Guernsey. The laws in England are of such a character that these bogus people—I say it advisedly—could not obtain a charter. The information which they would have been obliged to give was of such a character as would have carried condemnation to every one of them. There was no responsible party in connection with the whole number. When they are traced to Amsterdam, or wherever they pretended to have their office, every one who reads the evidence carefully must conclude that the transaction was bogus in its character from beginning to end. Why did Mr. Preston furnish money to Leopold when he was complaining that he could get none from the steamship companies for whom he was acting? Mr. Preston was there to furnish him with money, and, as Mr. Jury says, he supposed it was the government money or his own personal cheque. I am not surprised that the Minister of Trade and Commerce should defend Mr. Preston; I should be surprised if he did not. Mr. Jury he sneered at, I forget the exact words, but he spoke contemptuously of this Jury. Mr. Jury was his colleague in all political matters in the province of Ontario, as he himself states, for some twenty years. We in Ontario know now who Mr. Jury was, and we know very well what his political antecedents were, and, having been an associate of Mr. Preston, we can readily understand why these two gentlemen were selected and provided for in the way of appointments, as emigrant agents and representatives of this company in England. It is just possible, as it has been insinuated, that Mr. Preston's absence was necessary, and it was to the advantage of the party and to the advantage of the hon. gentlemen that he should not be in this country at certain times when certain investigations were going on, and, under the circumstances, and when the hon. gentleman boldy defended the appointment of that man Jackson whom the judges accused of perjury, I am not surprised that he should go a little further and justify, or speak eulogistically of Mr. Preston. Neither am I surprised at what Mr. Smart did in burning his books and his correspondence. He learned that probably from the action of certain officials in Ontario, when certain ballots were required, they were accidentally burned. Of course that was the statement made. Every one drew his own inference as to how the accident occurred. It occurred I suppose by taking the ballots out of the vault, where they were stored in the Ontario government building, and tossing them into the fire by mistake. Then when I read the evidence of Mr. Smart, I came to the conclusion that he was pursuing for this government the same policy the Ontario officials pursued for their government, and the best possible way to prevent any evidence being produced was to utilize the furnace, and it has been accomplished. Let me put the case in this way: It is known that in certain European countries they object to emigrant agents from any other portion of the world, and particularly America, entering their country in order to induce their people to leave. The government passed an order in council in which they state that in entering into an arrangement with this company these laws must not be broken. Now if these laws were not to be broken, why was secrecy secured in connection with those who were to carry on the operations? If they were to keep within the law as it exists in these countries, and if this government were desirous that their agents should respect the laws of European countries, why was the policy of secrecy invoked in order to protect these men? If they were not to violate the laws, there was no necessity for secrecy to prevent them being punished, because if they acted under the instruction laid down in that order in council, which the hon. gentleman read a few moments ago, they would violate no law, and the man who violates

no law does not require to keep his name secret from his fellowmen. No one should come to any other conclusion than that the government is a party to the violation of the laws of those continental countries, for the reason which I have already pointed out. Otherwise there would be no necessity for secrecy.

Hon. Mr. MACDONALD (B.C.)—The hon. Minister of Trade and Commerce approves of the breaking of the laws of other countries.

Hon. Sir MACKENZIE BOWELL—I did not understand the Minister of Trade and Commerce to openly justify the violation of the laws of these countries.

Hon. Mr. MACDONALD (B.C.)—He did.

Hon. Sir MACKENZIE BOWELL—If he did, so much the worse. But that does not affect the point I desire to impress on the minds of hon. gentlemen. They entered into a bargain of which secrecy was an essential part, and that secrecy could have been for no other purpose than to prevent discoveries of those who would violate the laws of the country in order to send emigrants to Canada. It is a position that is not honourable to Canada nor to the government who would enter into or endorse such a transaction. The question of daring to make the charges has been very successfully answered, I think, by the hon. gentleman who spoke last; but the whole transaction from beginning to end is one that is unprecedented I venture to say in the history of any constitutional government, that a government should permit a contract to be entered into with parties of whom they know nothing. It is said that Lord Strathcona had knowledge of the company, but there is no evidence to show that. On the contrary Lord Strathcona's statement was diametrically opposed to the statement made by Mr. Preston before the Agricultural Committee of the House of Commons. When his attention was called to the statement made by Mr. Preston, he gave it a most emphatic denial.

Hon. Sir RICHARD CARTWRIGHT—What evidence have you of any such denial?

Hon. Sir MACKENZIE BOWELL—The telegram from his office.

Hon. Sir RICHARD CARTWRIGHT—An anonymous correspondent?

Hon. Sir MACKENZIE BOWELL—And from those who interviewed him. I am not surprised at the position taken by the hon. gentleman in reference to this matter, because his habit, if he will permit me to say so, is one of positive denials and sneering at any one who dares to differ from him. Does my hon. friend suppose for one moment that the 'Star' correspondent in London would dare to cable to this country a statement which he declares was given to him by Lord Strathcona without having had that interview with him?

Hon. Sir RICHARD CARTWRIGHT—Certainly I do. I would not place the slightest reliance on it.

Hon. Sir MACKENZIE BOWELL—Then does the right hon. gentleman suppose, if that is the case, that Lord Strathcona would not deny it at once?

Hon. Sir RICHARD CARTWRIGHT—Lord Strathcona would take no notice of any anonymous statement of that kind.

Hon. Sir MACKENZIE BOWELL—It is not an anonymous statement.

Hon. Sir RICHARD CARTWRIGHT—It is an anonymous statement.

Hon. Sir MACKENZIE BOWELL—That is a statement traducing the character of another. When the hon. gentleman from Marshfield was giving a calculation which he stated he had received from an actuary in reference to the members of this House, the hon. gentleman very courteously said: 'Neither you nor your actuary know what you are talking about.'

Hon. Sir RICHARD CARTWRIGHT—Quite true.

Hon. Sir MACKENZIE BOWELL—It is not true.

Hon. Sir RICHARD CARTWRIGHT—I say it is perfectly true, that neither of them knew what they were talking about.

Hon. Mr. MACDONALD (B.C.)—Very polite, is it not?

Hon. Sir MACKENZIE BOWELL—Never mind the politeness; we do not mind

it. But no hon. senator in this House knows better than the hon. gentleman that the actuaries of the different life companies make their calculations based upon tables which are the result of centuries of investigation in both England and Scotland, and it was from actuaries making the calculations upon the same basis and upon the same principle that the senator for Marchfield made the statement he did. It may be possible that all these actuaries connected with the life companies of England, Scotland and Europe do not know what they are talking about. If such be the case, it would be a benefit to humanity, and particularly to companies that are engaged in the insurance business, and whose desire and whose whole business is based upon these calculations, if the hon. Minister of Trade and Commerce would cross the ocean and give these gentlemen a little of the information which he possesses, and tell them that they are ignorant of what they are talking about. I venture to say that the cable sent to the 'Star' as a result of an interview with Lord Strathcona is literally correct, and that the cable that was also sent from England, in which he denied the statement of Mr. Preston, was also correct. We know there has been difficulty in that branch of the government service in England, and we know Lord Strathcona was over here—at least it was so stated—in connection with that matter, and we know there has been quarrelling going on between Lord Strathcona's secretary, or one of his officials, and Mr. Preston. Under those circumstances, I do not think the country will justify the statement made by the hon. gentleman, that he believes that the statement of Lord Strathcona, as cabled to the 'Star,' was bogus. This country knows what Mr. Preston and those with whom he has been associated in political matters are; and we know further that his whole career in connection with the affairs of this country has been of such a character as not to be justifiable or commendable. We know Mr. Jury. The hon. gentleman has known him for a great many years as one of his ardent supporters in this country, and we know that Mr. Jury stated before that committee that he would not believe Mr. Preston under oath. We know also that in a case of slander at Cobourg what the result was, and that Mr. Preston's own relations went into the box and swore, and brought other witnesses to swear, that they would not take his word under oath. This is the public character of their agents in England, whom the ministers are now defending in the manner we have been listening to. Any one who reads that evidence can come to but one conclusion, and that is that the North Atlantic Trading Company has been a graft and swindle from the beginning to the end, and that the government having entered into these arrangements in the manner in which they have done, and are now justifying, will surprise every one who has any regard for honesty and good judgment.

Hon. Mr. McMULLEN—I had no intention to take part in the discussion, but the hon. gentleman from Marshfield made a statement which I think it is well we should not allow to go unchallenged. He referred to charges made by Sir Charles Hibbert Tupper in his place in parliament regarding the administration of the Yukon. I was in the House, and I had the privilege of following Sir Charles Hibbert Tupper upon that occasion. My hon. friend will know if he will carefully read the speech of Sir Charles Hibbert Tupper on that occasion; that it was a general fusilade. There was nothing specific. He made no pointed specific charges for the investigation of which he asked a committee. He made a great many charges indirectly. He endeavoured to point out the manner in which he thought the Yukon was handled and so on, but to come down and make a specific charge, mentioning what it was, the terms and the nature of it,—he did not do that, nor did he move for a committee for the purpose of investigating a particular charge at all. He merely made a general charge of wrong-doing. Throughout the entire alphabet he made a general outburst of indignation, and so on, in connection with the matter but there was no specific charge.

Hon. Mr. ROBERTSON—Did he not leave the House and not come back at all?

Hon. Mr. McMULLEN—Yes, he left the House at the moment, and would not wait for any reply or any vote. With regard to the question that is now before the House, I must confess that I myself at first thought

when the charge was made with regard to the formation of this company and the manner in which Mr. Preston was associated with it, that the opposition had struck something that would be worth their consideration and investigation. I followed the evidence throughout. I read it over carefully, and I must admit that I did so with a feeling of suspicion and after all, I frankly confess, that the mountain dwindled into a mole hill. In place of building up a charge and showing a clear case of wrong-doing, it appeared to be explained from time to time, and when it came to about the closing up, the whole thing had fallen into virtually nothing. The question is with regard to the prudence of the government if they did encourage anything of that kind—there is no direct evidence that they did. It appears Mr. Preston entered upon the propaganda of his own motion, with a desire, of course, to secure an influx of immigrants. No doubt he did that. The corporation was formed. It is said his son-in-law had something to do with it. I have no doubt he may have had something to do with it. Possibly he could not get anybody else to assist him in forming that organization. It was formed and there was considerable work done. There were a great many immigrants brought to Canada We know the difficulty very well in connection with carrying on an agitation in Germany or any of these European countries to bring emigrants here. We know it is resented by those people. We know Germany says she has an empire of her own. We have places to go to without going to Canada. We know that agents who have gone there have been put in jail, and there was great dimculty in getting them out. My hon. friend to my left, met with one who had been incarcerated, and had great trouble in getting relief. If that is the case, people have to be very cautious what they do with regard to emigrants, or carrying on an emigration propaganda in a country of that kind. You cannot do it with safety. I suppose it was thought that by the formation of this company something might be accomplished. I am not going to say how far Mr. Preston was justified, or how far the government was justified if they were parties to it. I had my suspicion, and I admit that in entering upon the investigation I thought something was wrong, and was amazed after reading all the evidence to find that there was nothing proven.

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. FERGUSON—When the House adjourned I was about to make an explanation with regard to some observations made by my hon. friend from Wellington. I had stated, as hon. gentlemen will remember, that Sir Charles Hibbert Tupper had in a former session of parliament made a very formal set of charges against the administration of the Yukon by the Hon. Clifford Sifton, and that the inquiry which was then demanded was refused by the government, of which my hon. friend the Minister of Trade and Commerce was a member ; that that government called in their friends and voted the inquiry down. I stated further that Sir Charles Hibbert Tupper on that occasion had made these charges on his responsibility as a member of parliament. The hon. gentleman replied that Sir Hibbert Tupper's charges were not sufficiently specific and formal, in fact that he made no charge at all. I will now read the very words Sir Hibbert used on that occasion, but before doing so will refer to one or two of the charges themselves. They cover, I think, twenty-two or twenty-three columns of the 'Hansard,' they were voluminous, but I will just refer to one or two of them :

That a system of bribery among government officials was rendered necessary by the inability otherwise to procure them to perform their duties.

That blackmailing by officials of persons applying to record claims has prevailed.

He goes on to make what are known as the Walsh charges, but as Major Walsh has been long since dead, I will not go into them.

He goes on in another place to say :

That the said Philp, heretofore a partner of the said minister represented in writing that he was engaged in a dredging venture in the Yukon, and in endeavouring to induce another to join him, represented in writing that Mr. Sifton, the said minister, and Major Walsh, were also interested with him, their names could not appear as he wrote 'for obvious reasons.'

That the Hon. Clifford Sifton gave to the said Philp, a permit or authority signed by

him contrary to law, which was offered for sale by the said Philp for a large amount of money.

This is a sample of the charges. Then Sir Charles Hibbert Tupper said :

Mr. Speaker, I want to say, as this is part of my speech, that I propose to move at a later stage, that resolution, and I want to add to the language, that it contains the following statement:—

I am prepared moreover to place my services gratuitously at the disposal of the Attorney General of Canada, to assist the commission of inquiry in probing this matter to the bottom, whether those services be required at Ottawa, Dawson city, or both.

In addition to whatever responsibility attaches to the action I have taken in this matter, I am prepared, if the commission is granted on the terms suggested, to abide by the result and to consider that by failure to substantiate the charges made I will have forfeited my right to sit in parliament or to hold any office in the gift of the Crown.

I make that statement after the most careful consideration I can give to it in order to convince parliament and convince the country of my sincerity. While I am taking advantage, undoubtedly, of my privilege as a member of the House of Commons to bring straight to the front and in the light of the information I believe to be based on fact, and while I could not, nor could any man in Canada, unless he were a millionaire, undertake that responsibility outside of the privilege of this House, and summon from the north, the south, the east and the west all the witnesses and prepare the case as it should be prepared in order to show a court of law his right and his authority for making statements, I must, to satisfy public opinion of my sincerity go a great length. I consider I have the right to exercise the privilege a member of the House of Commons possesses to make these statements without incurring any greater responsibility than the laws of parliament contemplate or impose. But I waive all that and in this parliament, in the face of the country—my native country—I am prepared practically for all the pains and penalties in the discretion of parliament, I am prepared for more than that. I am prepared, that great good might come out of this investigation, as great good will come out of it, and great benefit to Canada, to incur the risk I have mentioned—no small risk to a man even of ordinary ambition, that is to be considered that he has, by failure, after taking an important step of this character, disentitled himself to the confidence of his fellow countrymen in any public matter, and disentitled also to the confidence of the representative of the sovereign in connection with any matter of political preferment or within the gift of the Crown.

The closing words of the charges are as follows :—

That an humble address be presented to His Excellency to desire that His Excellency will be graciously pleased to give immediate orders to his attorney general that the most effectual means be taken for discovering the facts in any way relating to the above charges, and that His Excellency will also be graciously pleased to order the issue of a royal commission to two or more judges of the Supreme Court of Canada, or to any two judges of the superior courts of any province of Canada, granting and conferring the fullest possible powers for a complete effectual and exhaustive inquiry with a view to the discovery of the truth of the statements and charges aforesaid, and to this end that His Excellency be advised that in the opinion of this House such a commission should be clothed by a special Act containing similar provisions, powers, jurisdiction, discretion and authority as are conferred by the Revised Statutes of Canada, chapter 10, being 'An Act respecting inquiries as to corrupt practices at Elections of members of the House of Commons.'

And then I find, when the division was taken, that my hon. friend from Wellington was one of those who were called in and solemnly voted no, thus refusing an investigation into the charges. This happened in 1899. I want to say a word to my hon. friend from Montague, Prince Edward Island. I understood him to say that after Sir Charles Hibbert Tupper made these charges he ran away from the House and has not been there since.

Hon. Mr. POWER—I understood the hon. gentleman from Montague to say that Sir Charles Tupper was not there again that session.

Hon. Mr. FERGUSON—I give my impression of what he said, and if I am not right my hon. friend from Montague will correct me. My impression is that he said Sir Hibbert Tupper disappeared from the House after making the charges, and the hon. gentleman from Wellington added that he did not want to vote. He remained in the House until the division was taken, and his name will be found in many places during the remainder of that session's 'Hansard.' He returned to his place in parliament the next session, and I find, by actual count that he was the author of over 150 speeches or motions or questions the following session of parliament. Not only that, but he then reaffirmed the charges which he had made in 1899, in a speech not so long as the first one, but a speech of considerable duration and asked again for the same investigation, which was again refused ; and my hon. friend from Wellington was one of those that was again called in and who voted 'nay', and my right hon. friend the

Minister of Trade and Commerce, was duly paired amongst the ministerialists who voted 'nay,' to both these motions. So that so far as Sir Charles H. Tupper not making any formal charge, but rather a fusilade ; as stated by the hon. gentleman he made charges and very direct charges. I have read one or two; it would take me a long time to read the whole of the formal charges against the minister and his officials when he demanded an investigation and pledged himself to the House and to the country that if he failed to sustain the charges he would retire from public life. Instead of slipping away from parliament and being ashamed to face the House again, he remained, taking an active part during that session, and appeared during the whole of the next session as one of the most active members of the House of Commons. Indeed it would be ridiculous to say that Sir Hibbert had anything to be ashamed of. The shame attached to those who refused the investigation.

Hon. Mr. McMULLEN—I might be permitted to say that Sir Charles H. Tupper made charges against the Minister of the Interior, charging him with every thing in the decalogue from murder down to chicken stealing. I think the charges covered no less than 23 pages of typewriting. It took the clerk of the House about two hours to read them over. He had no grounds on which to proceed. He was making charges in the dark, with the hope by multiplying them, that he would find something at the bottom of them. That was the method that he adopted. Had he picked out one or two specific charges and said 'I am prepared on my personal honour as a member of this House to establish those charges,' that is something you could investigate, but to charge a man with everything in the catalogue of offences and expect to get a committee to investigate them was absurd. The time to which I refer was a previous year. There were two or three occasions upon which Sir Charles Tupper made very extended speeches and extended charges. He was one of the best hands at formulating charges without number I have ever seen in parliament. Had he confined himself to one or two, or half a dozen, there might have been some ground for an investigation, but in that matter to which my hon. friend refers, there were between three and four hundred charges of all kinds. The House looked upon it as a farce and a burlesque, and I think rightly so.

Hon. Mr. ROBERTSON—I may have been a little astray in the time to which I refer. Sir Charles Tupper made several charges, and I remember seeing the statement in the press that he left the House after making one speech and did not appear afterwards. He did come back here a few years ago and sat for about two hours, and went away, as I am told by reliable authority completely disgusted with the Conservative party, and never came back since.

Hon. Mr. LOUGHEED—The hon. gentleman means he was disgusted with the reform party.

Hon. Mr. ROBERTSON—I am quite in accord with the hon. gentleman from Marshfield. I read that long speech. It took nine hours to deliver it, and the hon. gentleman from Marshfield spoke of it as a very formal charge. Well, they were very formal charges from beginning to end.

Hon. Mr. PERLEY—I should like to ask the hon. Secretary of State, if Preston and Jury are still in the service of the government?

Hon. Mr. SCOTT—I am not aware that there has been any change. Up to the present time they are in the London office.

Hon. Mr. FERGUSON—I presume that brotherly love continues?

Hon. Mr. PERLEY—The reason I ask that question is, because the other morning I happened by accident to meet an hon. member of the other House, and I asked him in course of conversation—which is quite usual at this stage of the session—about when he thought parliament would prorogue, and he said that was entirely dependent upon the opposition; that if they had no more questions to raise, or inquiries to make, it might prorogue at a reasonably early date. He said they had already disposed of the North Atlantic Trading Company, and had a vote on that, and they had a vote on the Saskatchewan Valley Land Association business, and he did not know

what else might come up. I said then 'I suppose Mr. Preston and Mr. Jury are back at the old stand doing business?' 'Well, he said, he did not know about that; but if he had his way they would not go back. He would dismiss them forthwith. In fact, he said he would dismiss every man in that branch from Lord Strathcona down. He retracted that, however, and said: 'I would not dismiss Lord Strathcona but would ask him to resign; not that he is guilty of any crime or wrong doing, but that he is simply not a strong enough man to handle the gang of scoundrels he has to deal with.' Those are the identical words the hon. gentleman used to me. I thought that was a very strange remark for an hon. gentleman who was taking a very active part in the inquiry, supporting the government in defending these men in the wrongs they have been doing.

Hon. Mr. McSWEENEY—Name, name.

Hon. Mr. PERLEY—Oh, I won't give the name, I can do it. My word is good enough when I say it is a very creditable member of the House. He is a supporter of the government, and he has taken a very active part in the inquiries going on and trying to obstruct every particle of evidence that would tend to convict these men of wrong-doing, which is to my mind entirely contrary to the duties and requirements of members of parliament. I hold that members of parliament and senators are here to serve the interests of the country, and to defend them against wrong-doing, no matter who is the guilty party or where it is done, and I concluded when that hon. gentleman would make that statement, that if a man of the calibre, the status and standing of Lord Strathcona was not able to manage a half-dozen officials, they must have been a pretty tough gang, because Lord Strathcona has been in the Hudson Bay Company for a long time, where he has had to deal with the savage and untutored mind—men who are hard to keep in abeyance, and he has done it successfully. He has managed that company with credit to himself, against a hard class of people, the savage and the wild man in every sense of the word. My idea of things is that we are here to represent the country, and to see that the people get fair play and justice, and why is it that even in this Senate which is supposed to be an independent branch of parliament, where we are supposed to know nobody, but to stand for the rights of the people, why is it there is such an active part taken in defending wrong-doing, because no man can read the evidence given to the country during the last three or four weeks on the management of the North Atlantic Trading Company, the land business and the Arctic business, without coming to the conclusion that there is considerable wrong being done.

If the Prime Minister had, at the start, undertaken, the moment the semblance of wrong had appeared, to declare that he would suspend the guilty parties and have a thorough investigation, he would have raised himself in the estimation of the people very much; but instead of that he himself and his supporters have strained every nerve to defend these men against the consequences of their acts. I think it is a great mistake on the part of members of the House of Commons, and I am sorry to see that the same feeling prevails here to a certain extent. My hon. friend who spoke this afternoon said that he was strongly opposed to the action of the government in the scandals that were coming out in the early part of the session in regard to the North Atlantic Trading Company, and the land deal in the Northwest Territories, and it was well known also that that hon. gentleman was opposed to the Grand Trunk Pacific at the start, but he was soon converted. Now he finds out that there is nothing wrong—practically that—in the way in which these men have been doing business. I say it is not within the memory of any man now in parliament that there was any time in the history of our country in which there were so many charges of wrong-doing made against the government as during the past session or two, and I think it is our duty to investigate those charges instead of raising obstruction. The country knows very well what is going on. They read the papers, and the more we undertake to defend these transactions the worse the country will condemn us for doing so. The hon. Minister of Trade and Commerce this afternoon made a strongly partisan speech which, to my mind, was altogether

uncalled for. He undertook to compare the policy of this government with the policy of the Conservative party when they were in power. There is no comparison as between the condition of things then and now. I am one of the pioneers of the Northwest, and it is a well known fact that prosperity did not come to that country with the advent of the Liberal party. We had no prosperity in the shape of good crops until 1901, while this government came into power in 1896. It was in 1901 that we raised the first good crop. I was farming quite extensively in 1900, and in that year we raised 600 bushels of oats and 400 bushels of wheat on the same piece of ground on which next year we raised 7,000 bushels of oats and 4,000 bushels of wheat. The government had nothing to do with that; it was because we had learned in all those years of adversity how to prepare the seed bed and when it should be prepared, how to sow the seed and when to sow it. The bountiful showers which we have had of late years contributed to the good crops and the good crops produced the prosperity of the country—not the policy of the Liberal party. If that party had carried out the policy which they announced while they were in opposition, Canada would have been bankrupt ten years ago. The salvation of the country lay in the fact that the government adopted the policy of the very men they had been condemning during all those years. When the merchants and manufacturers learned that there was only to be one fiscal policy in the country, then the Dominion went ahead by leaps and bounds. It is misleading to say that the policy of this government had anything to do with it. They cannot point to any single act of theirs since they came into power that has brought about the present prosperity. On the contrary, it has been one continual round of charges of mismanagement of the public affairs of the country. They know it and the whole country knows it.

Hon. Mr. MACDONALD (B.C.)—I wish to say that the hon. Secretary of State met my motion in a very fair and open way, and I have no complaint to make. I am sure the hon. gentleman feels pained over the whole thing. The government were deceived by their own officers. I do not blame him in the least for that; but it is a lesson to the cabinet to be more careful and not to trust to any single member in anything, but let everything be discussed before the whole cabinet. My hon. friend asked me to withdraw the charges against the government. I do so willingly, and rest my whole case on the statement made by the hon. gentleman himself, which is just as strong as anything I could say, that the wrong was done through carelessness on the part of the government and its officials. The officials who led the government into such transactions should be dismissed without any consideration whatever. There is no doubt Mr. Smart and Mr. Preston deceived Mr. Sifton, and Mr. Sifton deceived the government, and a secret contract was made entirely contrary to the minute of council passed by the cabinet.

Now, according to the wish of the hon. Secretary of State, I withdraw the first paragraph of my motion. He says he will give the names of those who received the money, the names of those who paid the money, and the names of those who vouched for the accounts. I regret that the hon. Minister of Trade and Commerce is not here because that hon. gentleman approved of this contract. He approved of a wrong thing—the breaking of the laws of a foreign country. Any man who would do that, if a stolen diamond ring were presented to him that he knew was stolen, he would take it; it is the same thing; those immigrants were stolen from a foreign country and the hon. gentleman approves of that. The hon. gentleman further said that on this side of the House we were grieved and vexed at the prosperity of the country. That statement is unjust and untrue. Every one rejoices at the prosperity and rapid development of this country. I know every member on this side of the House rejoices at the rapid increase of population and prosperity abounding everywhere throughout the Dominion. Why should we not? It is a continuation of the prosperity caused by what was done in the past. The hon. Minister of Trade and Commerce ought to know that if he had had his way there would be no settlement in the Northwest to-day. The Canadian Pacific Railway made that country. People could not get there without a railway, did not know what it was, and land then was not worth a cent an acre, which to-day is worth $10 or $12 an acre. With

his experience and ability he must know that had the policy of the Liberal party been carried out there would have been no Northwest to-day.

Hon. Mr. SCOTT—Since I addressed the House I have been over to the House of Commons to see if I could get the original contract with the North Atlantic Trading Company. It was filed in the committee room of the committee of inquiry. I find the contract bore date the 28th November, 1904; that it was made by the North Atlantic Trading Company and the signers on behalf of that company were G. Gluck, manager and M. N. Cohen, secretary, and Mr. Sifton, signed as Minister of Interior. The contract follows exactly the order in council, so there has been no error on this side of the Atlantic. Any subsidiary contract was made after the contract was sent across the ocean.

Hon. Mr. MACDONALD (B.C.)—How did it come into existence then?

Hon. Mr. SCOTT—It must have been a side contract that we never heard of until recently. The hon. gentleman's questions are practically all answered. I cannot give him any more information than I have furnished this evening, because we have no information whatever in reference to the important part of it. I think the names I have given were the names of the company that was formed in the island of Guernsey. I find that the Hon. Mr. Foster in the other House gave the names of the promoters, and those two names Mr. Gluck, managing director and Mr. Cohen, secretary, whose business was in Amsterdam, seem also to have been attacked.

Hon. Mr. MACDONALD—I shall not press my motion.

Hon. Mr. LOUGHEED—Why was the order in council of 1902 not brought down? I find one order in council which I understand was the last passed, is dated 20th September, 1904.

Hon. Mr. SCOTT—That superseded the former one. I do not recollect anything about it.

Hon. Mr. LOUGHEED—The terms of it would be in that. It is not indicated in this last order in council that it supersedes the first order in council of the 31st of May, 1902.

Hon. Mr. SCOTT—Oh yes, that was the idea. That is the last.

Hon. Sir MACKENZIE BOWELL—That is the second order in council.

Hon. Mr. SCOTT—That is the one under which the present contract for ten years was signed.

Hon. Sir MACKENZIE BOWELL—That is the last contract?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Then the first contract was entered into with a company that had no existence. The date of the incorporation of the company has been given in evidence, and the contract had been entered into a year previous to the incorporation of the company.

Hon. Mr. SCOTT—They had taken that name. I do not know whether they had any corporate existence as far back as 1901.

Hon. Mr. LOUGHEED—They had no corporate existence until the summer of 1905.

Hon. Mr. SCOTT—They were calling themselves by that name, although evidently not incorporated, because I find references to them in the books as far back as 1902.

Hon. Sir MACKENZIE BOWELL—Then when they represented themselves to the government as a corporation, they told what was not true, and they committed perjury or forgery in signing their names as a corporate body that did not exist.

Hon. Mr. SCOTT—They may have had an existence in Europe. It is not a matter of consequence anyway.

The motion was dropped.

THE RULES OF THE HOUSE.

MOTION.

Hon. Mr. POWER moved:

That the new Rules and Orders of the Senate, contained in the report of the Committee of the Whole as adopted on the second day of May last, and set forth in the volume recently distributed to senators entitled: 'Standing Rules and Orders of the Senate of Canada, adopted during the session of 1906,' be made Standing Orders of the Senate, the senators in attendance on the session being summoned to consider the same under rule 16.

Hon. Mr. LANDRY—I would like to suggest the propriety of naming a subcommittee to revise the French edition of the

rules. The motion of the hon. senator from Halifax will bring our rules into force at the end of the session, and I want to make the French version conform in every way to the English version.

Hon. Mr. POWER—I can see no objection whatever to the course suggested by the hon. gentleman. It is desirable that it be perfectly clear that there is no difference between the French version and the English version of the rules.

The motion was agreed to.

Hon. Mr. LANDRY moved that a sub-committee be formed, composed of his hon. the Speaker, Hon. Mr. David and the mover to revise the translation of the rules of the House and report to the Senate.

The motion was agreed to.

BILLS INTRODUCED.

Bill (61) An Act to incorporate the Grand Trunk Pacific Telegraph Company.—(Hon. Mr. Gibson.)

Bill (147) An Act respecting the Standard Trusts Company.—(Hon. Mr. Watson.)

CUSTOMS TARIFF ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (175) An Act to amend the Customs Tariff, 1897.

The Bill was read the first time.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman explain the nature of the Bill?

Hon. Mr. SCOTT—It is continuing the exemptions from duty on mining machinery and the machinery for the sugar factory in the west—beet root sugar.

Hon. Mr. LOUGHEED—For how long?

Hon. Mr. SCOTT—Until the next session of parliament, and there is also a clause in it authorizing the Department of Customs, when steel rails are sent out of Canada to be re-rolled to calculate the duty to be payable on their return to Canada on the cost of the re-rolling. The Department of Customs thought at one time that they would have to charge the full duty on rails, $7 per ton, and this amendment to the Customs Act was introduced for the purpose of defining what would be fair and reasonable.

Hon. Mr. MACDONALD (B.C.)—Is that referring to rails from the United States?

Hon. Mr. SCOTT—No, those are rails of the Grand Trunk Company, that had to be sent out of the country in consequence of our not being able to re-roll them. They were reducing them in length and weight, to use them on their branch lines, and the question arose whether they would not be liable to the $7 duty and the object of this amendment was to make the duty 20 per cent or 25 per cent whatever it might be, calculated on the invoice paid in the United States for the re-rolling.

Hon. Sir MACKENZIE BOWELL—Then the difficulty must have arisen under the new tariff regulations, because for years that principle was adopted and carried out. In the case of any article manufactured in Canada, or an article which had been imported and upon which duty had been paid, if it were sent out of the country to be repaired, the duty was only imposed upon the cost of repairs.

Hon. Mr. SCOTT—It follows that principle.

Hon. Sir MACKENZIE BOWELL—I understand the hon. gentleman to say they want to make that the law of the land. All I have to say is that there can be no possible objection to that; it is the principle upon which the customs laws have been administered for the last 30 years.

Hon. Mr. SCOTT—I presume, although I have not looked at it, that there will be a condition that when rolling mills are established in Canada that principle would not apply. They would be required to have the work done in Canada.

THIRD READINGS.

Bill (89) An Act to incorporate the Ashcroft, Barkerville and Fort George Railway Company.—(Hon. Mr. Riley.)

Bill (108) An Act respecting the Kettle River Valley Railway Company.—(Hon. Mr. Bostock.)

Bill (80) An Act respecting the Pacific Northern and Omineca Railway Company.—(Hon. Mr. Gibson.)

Bill (27) An Act to incorporate the Kamloops and Yellow Head Pass Railway Company.—(Hon. Mr. Bostock.)

LEPROSY BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (115) An Act respecting Leprosy, as amended.

Hon. Mr. LANDRY—I do not want to provoke a vote on this question, but I do protest against this Bill as being an infringement upon provincial rights, and if I am ever arrested as a leper, I will contest the validity of the Act.

Hon. Mr. SCOTT—I appeal to the hon. gentleman's judgment on the score of humanity. The province of British Columbia has simply repudiated any responsibility whatever for the unfortunate lepers there, and but for public charity these people would be driven into the woods to die of hunger. Because the province would not do its duty, will the hon. gentleman say that the Dominion of Canada should have its honour smirched by refusing to look after these unfortunate people? I think, on reflection, his better judgment will prevail. I may say that the province of New Brunswick also declines to have anything to do with the matter. We have no law by which we can say to a province, you must do so and so. It is a matter of humanity and high principle on the part of the Dominion to do what would otherwise be left undone. We cannot allow people to die of absolute neglect, or to spread abroad this contagious disease over the whole country. If we allowed this to happen the government would be censured for it.

Hon. Mr. FERGUSON—While sympathizing and fully agreeing with the view put forward by the hon. member from Stadacona, I believe there are many provisions in this Bill which are beyond the jurisdiction of this parliament. I have not the slightest objection to the government of Canada voting money for the purpose of alleviating distress or preventing infection on account of this loathsome disease in any part of Canada. But I do find fault that we should be making laws with our eyes open satisfied, as we must be, that if any question were to arise under that Act, it would be declared to be ultra vires. We could not enforce some of the provisions of that Act if they were opposed, and while I have not the slightest objection on the ground of humanity to parliament voting money to alleviate the distress which may arise in connection with this disease, my objection is to our passing provisions in that law which are not within the powers of this parliament.

Hon. Mr. SCOTT—I would ask the hon. gentleman a business question. One of the cases which has forced the government to take up this question is the fact that a leper has escaped from one of the lazarettos and declines to return through persuasion. That leper is a source of danger to the whole community. That leper is now employed in a family. We have no way of forcing him back, unless we take authority to do so under this Bill. I am quite sure there is not a judge in all the land who will for a moment question the sovereignty of this parliament when exercised in the direction I have indicated.

Hon. Mr. FERGUSON—If we have no power to build hospitals, we have no power to search houses and to hunt up lepers and imprison them.

Hon. Mr. SCOTT—I venture to say that courts have common sense, and, recognizing the condition of things, will sustain that Act.

Hon. Mr. SULLIVAN—This essentially belongs to quarantine. There would be no difficulty except for the long period of incubation which pertains to leprosy. A person may become affected with the disease and not manifest it for a year and one-half, or two years afterwards, although he brought it with him when he came into the country and in that way the Dominion government are the proper parties to take cognizance of it. In British Columbia, at least, no cases have been known to occur except those where the disease was brought in by Chinamen.

The motion was agreed to on a division and the Bill was read the third time and passed.

BRANDON TRANSFER RAILWAY COMPANY.

Hon. Mr. ELLIS (in absence of hon. Mr. Casgrain, de Lanaudière), moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (43) An Act to

incorporate the Brandon Transfer Railway Company.

Hon. Sir MACKENZIE BOWELL— I do not know whether the members of the House generally have considered these amendments or the Bill itself. We have heard a good many discussions both in the House and in committees upon what are termed provincial rights, and the infraction by the Dominion parliament of the provisions of the constitution in this respect. This is a Bill for the incorporation of a short line of railway, whether to be operated by steam or electricity I am not sure, but the charter is simply to build a railway or a tramway within the municipality of Brandon, in the province of Manitoba. It is true the Bill is ostensibly to give power to connect with different railways which pass through or near Brandon, but that it is essentially a provincial work of the narrow character which I have described, there can be no doubt. We have discussed the question in the past as to whether a railway extending over hundreds of miles in a province should be incorporated by the Dominion or by the province. The contention has been that all these roads which are exclusively provincial in their character should be chartered and managed by the provinces. The province of Ontario, acting upon this principle, has created a railway commission to look after and manage exclusively these local roads. Now why should we as a parliament go the length which we are asked to go in connection with this road, that is, to grant a charter for the construction of a road exclusively within a town which I do not think contains over 8,000 or 10,000 people ? They tell us it is to connect with the Canadian Pacific Railway and other roads. Supposing it is, it is exclusively a provincial matter, and, in fact, you might almost say it is a municipal matter. Taking that view of it, let us look at the provisions. The Bill as introduced in the Commons provided for a capital of $50,000. The committee of the House of Commons increased the capital to $200,000. The amendment which was made to the Bill as it came from the Railway Committee of the Commons by the Senate Committee reduced that $200,000 to $50,000, the sum originally fixed as the capital of the company. Here is a road which they themselves say is to extend through the city of Brandon to connect with other railways—extending, if the different branches are built, for a length of some eight or ten miles, with a capital of $50,000, which would make it, passing through the streets of Brandon a little over $8,000 per mile. But that is not all. This magnificent capital of $50,000 is to construct this road, and the following clause has been added to it :

> The company may construct and operate elevators and warehouses along or adjacent to this said railway.

Elevators and warehouses and a road of six or eight miles, with a capital of $50,000. When the question was asked, why the capital should be reduced from $200,000 providing the Bill passes, to $50,000 what does the Senate suppose the answer was ? The answer was 'Oh the incorporators do not wish to be held responsible for any larger amount than that.' A road such as they propose to build in a city would cost, well, I cannot say what, but take it for granted it would cost ten or fifteen thousand per mile, if the warehouses are to be of any use at all—I could not say what they would cost because I am not able to say of what character they would be, but it gives them power to build the warehouses at any cost, and then they would have elevators, the cost of which would depend in a great measure upon the size, but to expect that elevators, warehouses, and railway through a city, of six or eight miles in length, can be built for $50,000 is ridiculously absurd. It is quite true they are brought within the provisions of the Railway Act and have power to issue bonds to the extent of $50,000 per mile, which simply means that the promoters of this magnificent enterprise intend to issue bonds for a sufficient amount to cover the extra expenditure, and they themselves pay nothing, so that if their enterprise fails in paying the running or any other expenses, it will fall upon the unfortunate bondholders and the shareholders would relieve themselves of any and all responsibilities. These are the provisions of the Bill but, apart from that, I hold the Senate should not consent to grant a charter for a road exclusively within a municipality. It is about time that those who have been talking so much in

the past about provincial rights should set their faces against legislation of this kind—either that, or come to the conclusion to grant charters for all railways however insignificant or local in character. The sooner we take a decided stand against such gross and palpable infringements of provincial rights the better it will be for the country, and the more creditable to ourselves. In the past, I confess, I have not taken as strong grounds on this question as I have of late, but if the constitution is to be respected at all, it ought to be in a matter of this kind. It is true the constitution provided that the Dominion parliament may declare any work to be in the interest of the Dominion, but to say that this line is in the interest of the whole Dominion, is asking parliament to come to a ridiculous conclusion. I deem it my duty to call the attention of the House to this matter, because I think it is the most flagrant infringement of provincial rights we have ever had since we have been working under the present constitution. I move that these amendments be not concurred in.

Hon. Mr. McMULLEN—I frankly admit that this session we have gone further in the direction of what might be called infringing upon provincial rights than in any previous session.

Hon. Mr. POWER—I do not think so.

Hon. Mr. McMULLEN—We have been asked to charter more provincial roads—roads entirely within a province and roads to be operated by electricity—than in any previous session I know of. It has been suggested that the government of the Dominion and the provincial governments should come together during the recess and discuss questions relating to subsidies granted to the provinces, and other important matters. They should take up this subject also and come to a decision, so that the central authority may be able, by next session, to announce a policy on the whole question. Let them discuss where the line of demarcation should be drawn between federal and provincial legislation. I admit the point made by the hon. senator from Belleville is a very strong one. This short line is unquestionably entirely within the province of Manitoba. This Bill is undoubtedly a violation of provincial rights, but the same arguments have been used in connection with other Bills. They say their object is to connect with the Canadian Pacific Railway. The Canadian Northern, the Brandon, Saskatchewan and Hudson Bay, the Grand Trunk Pacific Railway and the Hill lines, and that this small road is intended to form a desirable connection for the conveyance of freight from one line to another instead of having to team it from one station to another. With this short loop line you can switch off cars to any of those roads, and, in addition, the object of the company is to erect elevators for conveniently and cheaply handling grain. Lawyers say that if you are going to construct a line which connects with Dominion lines, you must, in order to successfully operate it, have a Dominion charter. That argument has been used with the whole of them. I hope that by next session an understanding will have been reached between the federal and provincial authorities so as to end this conflict between Dominion and provincial rights.

Hon. Mr. DAVID—I have said many times, that when a Bill of this nature comes from Ontario or any other province but Quebec, I do not like to show more zeal than the people of the province affected, and that when a motion is made by a senator from Ontario in connection with one of those Bills I am always disposed to vote for that motion. So, that the question being raised now by the Hon. Sir Mackenzie Bowell, I am bound, by the principles which I have enunciated so many times, to vote for his motion, although I think that this Bill is not worse than ten or twelve other Bills of the same kind which have been adopted last year and this year. However, that is not a sufficient reason in my mind to make me vote against the motion of the hon. gentleman. But I am a little anxious about this; I do not know if it is the proper time to make such a motion with regard to the amendment. Should the motion of the hon. gentleman not come more properly on the third reading? I do not know what the amendments are. The hon. gentleman moves that the amendments be rejected. I do not know if the question of provincial rights arises on the amendment.

Hon. Sir MACKENZIE BOWELL—My motion is not to concur in the amendments, but if the amendments be concurred in by the House, then I shall move and take a division of the Senate, upon the third reading, for the six months' hoist.

Hon. Mr. ELLIS—Would the hon. gentleman allow the amendments to go? They have been standing on the paper so long, and it advances it a stage so that the third reading can be reached?

Hon. Sir MACKENZIE BOWELL—No. Were I to do that, it would be concurring in amendments which should not be in the Bill if the Bill becomes law. The idea of passing a Bill to perform the work that this provides for, with a $50,000 capital is a farce.

Hon. Mr. YOUNG—Does the hon. gentleman complain the capital is too low?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. YOUNG—I am very sorry that the hon. senator from Brandon who had charge of this Bill is not in his place, because he would be in a far better position than I am to give an explanation. This is a Bill to empower a company to build a transfer railway between the Canadian Pacific, the Canadian Northern, the Great Northern, or any other railway which may come into the city of Brandon. Unfortunately for the city of Brandon, they have not a union station, which is a very desirable thing to have in any city, and it would be extremely desirable in the city of Brandon. As it stands at present, the Canadian Northern is on one side and the Canadian Pacific on the other, and I have not the slightest doubt the Grand Trunk Pacific will occupy a position on another side, and the proposition is to build between those roads, roads chartered by the parliament of Canada, a connecting link so that freight may be cheaply transferred from one road to the other. It is also contemplated to build spur lines to factories or saw-mills or flour mills and other enterprises which are outside—I do not say outside of the limits of the city but on the outskirts of the city, to put these enterprises in direct connection with the various railways, and I admit, with my hon. friend from Belleville, that the road will possibly be a very expensive one, unless they happen to so arrange with the city of Brandon for a street, or something like that. That is the proposition, as I was advised by the mayor of the city of Brandon, who was here a short time ago. Now so far as provincial rights are concerned, there is no opposition that I know of from the council nor from the citizens. If my hon. friend will scan the list of those who are asking for incorporation he will find the list of names contains, besides the mayor of the city of Brandon, many citizens prominent in business and prominent in the management of the city's affairs, so that as far as the city is concerned there is no opposition there. So far as the province of Manitoba is concerned, I have heard of no objections at all to this legislation being put through in this House, and if it is a sin to pass a Bill of this kind, I must call attention to the fact that it is not the first sin we have committed, for this very day we have passed a terminal Bill for the city of Toronto in the Railway Committee. Not long ago my hon. friend to my left (Hon. Mr. David), and I admire his principles on provincial rights, was instrumental in passing a Bill incorporating the Montreal, Park and Island Company.

Hon. Mr. DAVID—It was incorporated by the federal parliament.

Hon. Mr. FORGET—A great many years ago.

Hon. Mr. YOUNG—And I think my hon. friend from Wellington cannot hold up his hands to this House as an hon. gentleman who has not sinned in the same direction, and sinned very recently. So that so far as provincial rights are concerned, we cannot throw stones at one another in that respect. But I would call attention to the fact that if this road is chartered by the parliament of Canada, it will come under the control of the Railway Commission of Canada, which will be very important in the control of that railway in distributing the freight in a reasonable and proper manner to the various roads without discrimination and favour. I am making a very imperfect explanation. If the hon. senator from Brandon were here, he would make it in a much clearer way than I am doing, and I would ask the consideration of the House, under the circumstances, for this

order. It has stood so long before this House, that the House should permit this Bill to go through, and when that is done, shut the door at the beginning of some future session, so that the Senate will not be charged with discrimination this session as against the city of Brandon or the province of Manitoba.

Hon. Mr. JONES—From time to time, as railway Bills have come before the House and the committee, I think I have been one among others to suggest that where the Bills were purely provincial they ought not to get their legislation here unless the House assumes that all railway legislation should go through this House. The hon. gentleman who has made this motion, and the hon. gentleman from Montreal, have spoken in the same direction. But, notwithstanding that, within the last two or three days one or two Bills at least have gone through that committee, and so far as I recollect within a week have come up before and have gone through the House, which are just as clearly provincial Bills as this is, and these are in the province of Ontario. The province of Ontario has taken a step forward in the direction of railway legislation, that no other province has taken so far as I know. They have inaugurated conditions and furnished the machinery to take care of conditions through a railway commission, where the roads are built under provincial legislation. I do not think that has been done in the province of Manitoba. I do not think that they have any provincial machinery to enable them to deal with questions that might arise between this road and the roads that are to be connected with it. The House can hardly, as it appeals to me, reject a Bill of this nature because the railway will be only seven or eight miles in length, and pass another as clearly as provincial in every sense as this is, and even more so, because it is twenty or thirty miles in length. We have no special limit of mileage that would bring it within the consideration of the House. This Bill is important to the city of Brandon. It is important to the province of Manitoba. It is a necessity for this railway centre, having as has been indicated, the Canadian Pacific Railway with three branches centering in the city of Brandon as well as its main line running through it, the Canadian Northern, with a branch line running into the city of Brandon, two branch lines in fact, one from the south, formerly the Northern Pacific, as well as a branch from the east and north; the Hill system, which is now building into Brandon, and will be running this year, it is practically graded now; and the Grand Trunk Pacific have obtained or are asking for a branch to go into Brandon also. Brandon is situated on the side of the hill where to connect a railway without a system of this nature would be impossible and impracticable, and so no interchange of freights can take place in Brandon, until some radical road, a belt line road, practically, goes round or through the outskirts of the city connecting different lines. If it were not for that difficulty one mile of railway or two miles at most would connect all these lines. As it is, the delay is considerable. There are several industries growing up in Brandon and the necessity for these connections is very pressing indeed. I know of my own knowledge the great difficulties of shipping to Brandon and the very considerable expense incurred because of the difficulty of transferring goods. I know that there is now a large warehouse being built there; in fact considerable has been built since this legislation has been asked for. It has been built, it is true, on the line of the Canadian Pacific Railway, because they would, doubtless, carry the most of the freight, but this large warehousing capacity would not have been built there at all were it not for the expectation of the people that a connection with the different roads would be made by such a system as has been suggested by this Bill, and therefore the situation is such, from a provincial and local standpoint, that it appeals to me that this House ought not to draw the line between Dominion and provincial legislation upon this particular Bill; if we do so, and we are consistent, we ought to go back if possible and cancel a number of the Bills that have gone through this session, and some that are coming up, which I believe the majority of the members of this House would favour passing. As to the amount of the bonding powers it is small.

Hon. Mr. POWER—No, excuse me it is large.

Hon. Mr. JONES—But the capital is small. They are hoping to be able to arrange with the city which is very anxious to be helpful indeed in this matter, because of the pressing necessity in the city's interests. The citizens of Brandon, not the men of wealth, but citizens generally, intend to subscribe practically as a contribution to establish this line connecting the roads. In conversation with some of those who have been interested in this Bill, I have learned what their anticipation is. In asking for powers for the building and operating of elevators, they would not in the meantime build elevators, but if they were built along their line they would operate the elevators. That would not require much additional capital. They do not expect to do anything more than the grading and laying down, enabling the different railways to use the line, and to keep it in repair, possibly even to go beyond that and furnish the steel or some part of the expense of the steel for the sake of the connection taken into consideration with the lease that would be carried out. The condition is such as, I hope, will command the sympathy of this House, unless it is decided that they will reject all measures of a provincial character. If the House is not going to take the broader or general view of the question, I hope the line will not be drawn at this particular Bill which is a pressing necessity.

Hon. Mr. DAVID—The hon. member from Killarney (Hon. Mr. Young) insinuates that I am guilty of inconsistency on this question. I deny it. I have been so consistent that I do not want to rest silently under the accusation. I have always taken the same stand. In the case of the Park and Island Company the position was very different. The company was originally incorporated by the federal parliament. After it had been in operation a certain time, it came to parliament for an amendment for its charter, and in a case like that we have no right to refuse an amendment. The Bill, under such circumstances, is necessarily a federal Bill and within the jurisdiction of the federal parliament, so that there is no parallel between the two cases. In this case what can be alleged to convince me, and all those who insist upon provincial rights is that the Bill deals with a federal railway and comes within the jurisdiction of parliament. It is said that it will connect two or three other railways. It will always be very easy at any time a Bill of that kind comes before parliament, to put in a clause declaring that the object of the Bill is to enable the railway to connect with some other one. That is not sufficient to make me vote against the motion of the hon. member.

Hon. Mr. YOUNG—Will the hon. gentleman permit me to explain what I said. I said that I admired his principles with reference to provincial rights, but that they seemed to be dormant at times. This road would be entirely useless unless it were to connect with three or four roads which are already declared to be for the general advantage of Canada, and which are chartered by the parliament of Canada.

Hon. Mr. FORGET—If they are railways chartered by the Dominion government, the Railway Commission provides for this line making connection with them.

Hon. Mr. YOUNG—The other roads, I am advised, are in hearty accord with this legislation.

Hon. Mr. FORGET—Supposing this railway was chartered by the provincial legislature, it would not take away any of its privileges, because it would come under the Railway Act and the Railway Commission the moment it would connect with or cross another road.

Hon. Mr. KERR (Toronto)—It appears to me that the discussion is beside the point before the House. It is not a question of determining the principle of the Bill or the jurisdiction of this parliament. The motion which is made is to concur in the amendments which are recommended by the committee. That is, assuming that the Bill is a proper Bill, and that it is one which should be passed in some form, the question is whether these amendments are proper amendments and not whether the Bill is a proper Bill. The question of principle ought to have been discussed on the second reading, or it may be done at the third reading on notice being given. It is only obscuring the question to discuss the amendments concurrently with the matter of jurisdiction, and I think we should have the

distinct issue taken upon the question of concurrence in the amendments.

Hon. Mr. LANDRY—I think the question of jurisdiction can always be raised at any stage of the Bill. Concurrence in the amendments to-day would be a consecration of the principle of the Bill itself.

Hon. Mr. ELLIS—No more than the second reading of the Bill.

Hon. Mr. LANDRY—A question of jurisdiction may arise at any stage. You might in studying the amendments, after the second reading, perceive that the Bill is not under its proper jurisdiction. Whenever such a thing is discovered, we have always a right to raise an objection and to act upon it. I claim if we to-day concur in the amendments to a Bill which we know is not within our jurisdiction, we by that concurrence affirm the principle of the Bill a second time.

Hon. Sir MACKENZIE BOWELL—It is difficult to understand the position taken by the hon. gentleman from Toronto. The motion is to concur in the amendments. My argument is that they be not concurred in. No formal motion is necessary on my part, because we can vote in the negative, which accomplishes the same object; but if we allow the amendments to be adopted, then we concur to that extent in the principle of the Bill.

Hon. Mr. WATSON—The hon. gentleman concurred in the principle of the Bill on the second reading.

Hon. Sir MACKENZIE BOWELL—No, I did not. The principle laid down in parliament of late years is that where a Bill is introduced and referred to a committee, you do not affirm the principle of the Bill on the second reading. If that is to be the understanding now, I have no objection in the least, but in that case we will insist upon an explanation of the provisions of every Bill which is introduced, and have the discussion upon the principle of the Bill on the second reading. That has not been the policy in the past; it has been contended that a Bill should go to the committee without concurring in the principle of the Bill at the time of the second reading. I admit that the practice twenty or thirty years ago, both in the late parliament of Canada and after confederation, was different. The argument advanced or the statements made by the hon. gentleman from Toronto (Hon. Mr. Jones) would apply to every station upon the whole line of the Intercolonial and the Grand Trunk Railway. He tells us that he himself has experienced difficulty in dealing with Brandon. There are warehouses at the stations in Brandon. If not, they can be built there just the same as in the city of Toronto. If the hon. gentleman's argument be worth anything, he should insist upon warehouses and sidings being built in the centre of the city of Toronto, or near his works, in order that he could load his cars at the works. Perhaps he does so, I am not sure. I should like to know what greater difficulty arises in the transportation of goods from Toronto to Brandon to have them unloaded at the station, and have them placed in the warehouse at the station, than if they were taken by another company into the centre of the town in order to be distributed. The farmer who buys the article which my hon. friend sells, would come to the warehouse at the station just the same as he would to a warehouse in the centre of the town of Brandon. What is the difference I would like to know? And yet he argues that this road should be built by a private company in order that they may make money out of the transportation of an article from the station to other warehouses in the centre of the town.

Hon. Mr. JONES—I never advanced any such argument as that.

Hon. Sir MACKENZIE BOWELL.—Let me finish.

Hon. Mr. JONES.—The hon. gentleman is going wrong, and I want to put him right.

Hon. Sir MACKENZIE BOWELL—No, I am not going wrong. If there is not to be an extra charge for freight carried over this second road, why is a second company to be incorporated to build a warehouse in the centre of the town of Brandon? I may be so stupid as not to comprehend the difference between unloading your car by machinery at the station or transferring it to another company to do so. What is this other company asking a charter for? It is with the intention of building warehouses

in some part of the town, and then connecting them by railway with the different stations in or about the town. They certainly expect to make some money by it, or they would not ask for this Bill, unless they are philanthropic like the hon. gentleman who advanced the argument, and are investing their money purely for the benefit of others than themselves. I have not yet found corporations or individuals who take that position. There is no reason or argument in favour of building this road into the centre of a town for the purpose of connecting with the different railways at their stations, in order that you can take freight that arrives at any station into the centre of the town instead of unloading it at the station itself. We know that there is not a station along the whole of the Grand Trunk Railway or any other railway where there are not warehouses for the reception and delivery of goods, and it is just the same in this case. The hon. member from Killarney is rather facetious in his remarks in saying we have sinned, and therefore should sin again. We have all sinned in this respect. The hon. member from Wellington says we have been sinning all along, let us sin a little longer, and become righteous a little later. I say where we find that we have been sinning, let us stop now. The fewer sins we commit the less we will have to atone for. Now I come back to the position taken by the hon. senator from Toronto with regard to the principle of the Bill. I indicated in my first remarks, that if the amendments were concurred in, I should propose the three months hoist on the principle that it is a gross and palpable interference with provincial rights. That is the only course open to me. There is no necessity for the motion I have made, because we can vote in the negative on the motion to adopt the amendments and accomplish the same object. Looking into the Bill since I spoke last, I find they have reduced the capital for this road, which is to be a belt line. Every one who has been in Brandon knows that it would have to be a belt line in order to reach the level of the Canadian Pacific Railway, because Brandon is built on rising ground. It is quite a high hill before you reach the main street, and I do not suppose this road is to run directly up hill. The Bill provides for a capital of $50,000 to accomplish all that work, but there is an ingenuous provision for the issue of bonds to the amount of $50,000 a mile. That is, the bonds for one mile of the road will provide the whole capital. It is just a speculation, and outsiders are to be asked to put their money in it. If bonds are issued to the full limit, the promoters of this enterprise will build the road, pay perhaps 10 per cent on the stock they subscribe, and pocket the balance.

Hon. Mr. WATSON—This Bill was very fully explained in committee, and the reasons for it were furnished there.

Hon. Sir MACKENZIE BOWELL—We have had the same reasons given here.

Hon. Mr. WATSON—With two explanations, I am more surprised at the hon. gentleman's attitude. This is practically a charter for the city of Brandon. If the hon. gentleman looks at the names of the corporators, he will find that they comprise nearly all the wholesale merchants of Brandon. While they are not philanthropists, at the same time they want this railway built for the purpose of transferring freight. It is not to build a railway from the station to the middle of the city. It is practically a belt line round the city of Brandon, because there they have the Canadian Pacific Railway, the Canadian Northern and the Northern Pacific. It is not for the purpose of distributing freight, but for the purpose of transferring cars from one railway to another. The transfer line of Winnipeg is used by all the railways there. Brandon is becoming important as a distributing centre. There are four main lines going into Brandon, and several local roads running out of Brandon, and without this short line freight cannot be transferred from one line to another. Another important necessity for this transfer line is the very fact that the hon. gentleman has stated, that the Canadian Pacific Railway is at the bottom of the hill in Brandon and the Canadian Northern at the top of the hill, and the two lines are probably three-quarters of a mile apart. Without this short line freight has to be hauled by horses from one road to the other; with this transfer road the cars can be transferred without unloading. If there is any case which should commend itself to the

House for approval of a local road, there is no question this one should.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman knows that the Railway Act gives power to any of these lines to build a road six miles long.

Hon. Mr. WATSON—It might take a long time, and the merchants of Brandon want this accommodation at once. This short line will connect with all the railways, and I do not think the provincial government would have power to grant them a charter to build this connecting link. It appears to me, for the reasons which have been given, and the full explanation furnished for the committee, this House should not stultify itself by refusing to pass this particular Bill.

Hon. Mr. WILSON—I think the hon. senator from Belleville has raised an important question. We have been chartering local railroads by the score. It is generally admitted that we have been sinning. If so, it is time to call a halt. What is this road which is now advocated ? It is a city road which a number of citizens of Brandon want to construct; a tramway around the city of Brandon to connect with the three railroads mentioned. Why did not the promoters of this Bill go to the local legislature for a charter ? Does any one pretend to tell me that a road, which is nothing more than a local trolley line, is a work that can be regarded as a work for the benefit of the Dominion ? It is a road for the benefit of the citizens of Brandon—a local work in every sense of the word. Are we continually to be chartering companies of this kind ? This Bill should have been opposed at the second reading. If it had been properly explained at the second reading, I doubt if it would have gone in its present shape to the Railway Committee. The Bill as introduced called for capital stock of $200,000. In the Railway Committee the amount was reduced to $50,000. Why ? Does it or does it not require more than $50,000 to construct this road ?

Hon. Mr. KERR (Toronto)—The explanation given to the committee, and which the committee accepted was this; that the people of Brandon were building this road and could not sell the stock except at a discount, and they could borrow money cheaper on debentures for the whole thing and in a more satisfactory way than they could get the capital by selling stock, and therefore they preferred reducing the stock and increasing the bonds.

Hon. Sir MACKENZIE BOWELL—The stockholders wished to relieve themselves of the responsibility that might fall upon them if the capital was larger.

Hon. Mr. WILSON—It convinces me that the citizens of Brandon who are taking the $50,000 stock are doing so on the understanding that they are to issue $50,000 a mile in bonds, and sell the bonds to pay for the construction of the road, and whatever else may be required, and pocket the balance for their own individual profit. If that is what my hon. friend thinks is a proper transaction, I do not, and I wish to express my dissent. No doubt, in the interest of the city of Brandon, a belt line is required. But is that a matter of interest to the Dominion of Canada ? It is in the interest of the shippers, and for the benefit of the city of Brandon. Then why do they come here for a charter like this ? I do not blame the hon. senator from Toronto (Hon. (Mr. Jones) for advocating a Bill which enables him to handle his freight cheaper ; but I maintain that we should endeavour to protect provincial rights as far as we can. We have been going on recklessly assuming to ourselves control of local railways all over the Dominion. Our local legislatures are appointing railway commissions—for what purpose ? If all the roads are to be assumed by the Dominion, the commissions will be useless. I shall have the pleasure of voting for the motion of the hon. member from Belleville, feeling that it is in the public interest. The Dominion has no right, simply because it happens to be the stronger power, to infringe on the rights of the provinces. I have every confidence in the local legislatures being more competent to look after the interests of local railways than the Dominion. I therefore shall have pleasure in voting against concurrence in this report, because if I were to vote for it I would be giving my sanction to the principle involved just as I would if I voted for the Bill on the second reading.

The House divided on the amendment which was lost on the following division:—

CONTENTS :

The Honourable Messieurs

Baird,	DeVeber,
Bostock,	McMullen,
Coffey,	Power,
Davis,	Robertson,
Ross (Halifax),	Lovitt,
Ellis,	Roy,
Fiset,	Scott,
Gibson,	Talbot,
Godbout,	Watson,
Jaffray,	Wilson,
Jones,	Wood,
Kerr (Cobourg),	Yeo.
Kerr (Toronto),	Young.—26.

NON-CONTENTS :

The Honourable Messieurs

Bernier,	Landry,
Boucherville, de	Lougheed,
Bowell (Sir Mackenzie),	McDonald (Cape Breton),
David,	McSweeney,
Drummond (Sir George),	Sullivan,
Forget,	Tessier,
Hingston (Sir Willam),	Wilson.—14.

FRANKLIN MONTGOMERY GRAY PATENT BILL.

SECOND READING POSTPONED.

Hon. Mr. KERR (Toronto) moved the second reading of Bill (No. 122) an Act respecting certain patents of Franklin Montgomery Gray.

Hon. Mr. POWER—It will be remembered we had a discussion on a Bill in respect to certain patents a couple of days ago, when the hon. gentleman from Toronto called attention to the somewhat easy way in which we let those Bills through. It was suggested then that it would be desirable in future when such a Bill was being read the second time, that attention should be directed to any objectionable provision in the Bill. I wish to direct the attention of the House, and more particularly of the members of the Committee on Miscellaneous Private Bills, to the fact that this Bill contains some decidedly objectionable provisions. This Bill does not provide for the case of those who have commenced to manufacture at any time before the passing of the Act, but it says : 'If any person has in the period between the 28th October, 1904, and the 22nd March, 1906, &c.'

I think that that is an exceedingly unreasonable provision, that any one who has been manufacturing before this Bill becomes law should be hampered or interfered with. There are two patents dealt with, and there are different periods for the two patents, one of the 12th January, 1906, and the other of 22nd March, 1906. When this Bill goes to the committee, the committee should amend the Bill by inserting the date of the passing of this Act instead of the 22nd March last.

Hon. Sir MACKENZIE BOWELL—Is it understood that we affirm the principle of the Bill on the second reading? Because if so we had better not adopt it, or we had better have that particular clause struck out. The objectionable portion of the Bill is that to which attention was called on a former occasion. That is it prevents the manufacturing of an article, no matter how much money had been spent after the expiration, providing they have commenced manufacturing at the date of last November. That I presume was the time the notice was given asking for the protection.

Hon. Mr. KERR (Toronto)—I assume the committee to whom this matter will be referred can deal with that question, and that what has occurred here will of course be brought to their attention for the purpose of having it corrected, and they will hear evidence upon which this clause in either form may be made and can be reported to the House. I understand that this clause of the Bill, which was in a different form, was the subject of debate in the committee and also in the other House. From that fact I assume that there will be some evidence and material before the committee which may be the subject of report here, and I apprehend attention having been called to it, it is not for us to affirm or reject the principles one way or the other. It will be more convenient to take the evidence.

Hon. Sir MACKENZIE BOWELL—Of course the House is well aware that the committee can deal with it, but my object was to let it be distinctly understood that in agreeing to the second reading we do not affirm the principle involved in that clause. I do that from the fact that attention was called to their having passed the second reading of another Bill, and it was then alleged that in doing that we affirm the principle of the Bill.

Hon. Mr. WATSON—All right.

Hon. Mr. KERR (Toronto)—I do not think there is any principle about it. The question is whether there should be a clause there at all, and if so then on hearing the evidence in the case, the committee can settle the matter. I do not think either the House or the committee should be precluded in regard to that when attention is called to it on second reading.

Hon. Mr. LANDRY—Will the hon. gentleman be kind enough to postpone it until to-morrow, because when we have it printed in French we will be able to go faster.

Hon. Mr. KERR—Very well.

The order of the day was discharged and placed on the orders of the day for to-morrow.

QUEBEC HARBOUR COMMISSIONERS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (174) An Act respecting the Quebec Harbour Commissioners, He said : This is a Bill of one paragraph, authorizing the Quebec Harbour Commissioners to expend $150,000 on the embankment of the tidal harbour, for which they give bonds to pay the interest on them.

Hon. Mr. LANDRY—That is a money Bill.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Should we not be advised that the Governor in Council has given his sanction to it ?

Hon. Mr. SCOTT—That was done before it passed the other Chamber.

Hon. Mr. LANDRY—But there should be something done here. We do not know what passes in the other Chamber, and if we make allusions to what takes place there, we are called to order.

Hon. Mr. SCOTT—If it is any satisfaction, I will say to my hon. friend that it has the approval of His Excellency.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will look at the rule of parliament he will find it is necessary to make announcement here as well as in the Commons. I may frankly admit that it has not been the practice, but it is a parliamentary rule. I suppose the hon. Secretary of State being a member of the government, would have the authority of the Governor to announce that it is submitted with His Excellency's consent.

Hon. Mr. SCOTT—Yes. Where the Governor gives his assent, any member of the government is in a position to make that statement. I have made that statement here and I think it is quite sufficient.

The motion was agreed to.

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

SENATE.

OTTAWA, Thursday, June 14, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WATER RIGHTS IN YUKON TERRITORY.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) inquired of the government :

Have all the Treadgold concessions in the Yukon or Klondike been cancelled ?

What concessions, if any, and what special rights have been given the Klondike Water Supply Company, incorporated under the Companies Act, 1902, over rivers, streams and creeks in the Yukon or Klondike district ?

Do such rights carry a monopoly of the water supply in certain rivers and streams ?

Has the company the right to pass over, or under, or expropriate private property and mines in operation in the prosecution of its works ?

Do the rights of the company exclude miners and other persons taking water for mining and domestic purposes ?

Can miners construct dams and sluices on, or from the rivers and streams to which the rights of the company extend ?

Has the administrator of the Yukon been consulted during his recent visit to Ottawa before giving the Klondike Water Supply Company any special rights in any rivers and streams in the district under his administration ?

Hon. Mr. SCOTT—I have a partial answer here from the department, but I find that it is incomplete, and I think it had better be sent back again.

Hon. Mr. MACDONALD (B.C.)—Does it answer the portion of my question about a monoply of the water supply?

Hon. Mr. SCOTT—I will send the answer over to the hon. gentleman and he can see it for himself.

Hon. Mr. MACDONALD (B.C.)—The important part of this question is really the part about the administrator. I have great confidence in that young man. He is not made in Germany, but made in British Columbia, and on first going out to that country he did very good work. He formed a large contract for supplying several thousand cords of firewood and discovered that the man who took count of the cordwood had given a certificate for several hundred cords which had not been delivered at all. Mr. McInnes spotted that and brought the man to book, and gave the alternative of having the contract broken or else furnishing the wood, which was a very good move.

The SPEAKER—Does the question of the hon. gentleman from Victoria stand ?

Hon. Mr. SCOTT—He will decide whether the answer that I have given him is sufficient or not.

SHIPMASTERS' CERTIFICATES.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

On the list of service certificates as shipmasters, what are the names of the holders of the certificates bearing respectively Nos. 1440, 1441, 1442, 1444 and 1445 ?

At what date was each of these certificates issued ? And by whom are they signed ?

Hon Mr. SCOTT—The following is the answer which has been sent me :

List of service certificates, Nos, 1440, 1441, 1442, 1444 and 1445.

Note.—Certificates are issued under different series of numbers, according to the trade for which they are issued, which accounts for different certificates being of the same number.

No. 1440—Master's service certificate, seagoing, issued to John B. Podester, 24th April, 1889, signed by Hon. C. H. Tupper (minister), and William Smith (deputy minister).

No. 1440—Master's service certificates, for inland waters, issued to Jeremiah Slifford, 25th April, 1884, signed by Hon. A. W. McLelan (minister), and William Smith (deputy minister).

No. 1441—Mate's service certificate, seagoing, issued to Richard H. Dooley, 6th May, 1889, signed by Hon. H. C. Tupper (minister), and William Smith (deputy minister).

No. 1441—Mate's service certificate, for inland waters, issued to Louis G. Labatt, 25th April, 1884, signed by Hon. A. W. McLelan (minister), and Wiliam Smith (deputy minister.)

No. 1442—Master's service certificate, sea-going, issued to Clement Royds, 29th March, 1892, signed by Hon. C. H. Tupper (minister), and William Smith (deputy minister.)

Nr. 1442—Master's service certificate, for inland waters, issued to Robert McMaugh, 25th April, 1884, signed by Hon. A. W. McLelan (minister), and William Smith (deputy minister.)

No. 1444—Master's service certificate, for inland waters, issued to Archibald McMaugh, 25th April, 1884, signed by Hon. A. W. McLelan (minister), and William Smith (deputy minister.)

No. 1445—Master's service certificate, for inland waters, issued to David Allan Kiah. 25th April, 1884, signed by Hon. A. W. McLelan (minister), and William Smith (deputy minister.)

APPOINTMENT OF SOLICITOR GENERAL.

INQUIRY.

Hon. Mr. LANDRY—Before the orders of the day are called, I would call the attention of the hon. leader of this House to the following paragraph which is published in the 'Journal' this morning. It is a despatch from Quebec, June 13, and reads as follows :—

Hon. Adelaide Tourgeon has declined the offer of Solicitor Generalship made him by Sir Wilfrid Laurier. Some of his friends here think he may reconsider the matter on condition of being later appointed commissioner to France.

I would ask the leader if there is any truth in this despatch, and if it is really the case that the Hon. Mr. Turgeon has declined the offer made to him by the Premier of this Dominion of the position of Solicitor General in this cabinet ?

Hon. Mr. SCOTT—I can frankly tell my hon. friend that I have no information whatever on the subject.

Hon. Mr. LANDRY—Could the hon. gentleman get a little more information as a minister ?

Hon. Mr. SCOTT—I do not know that I could. It never came up in council. What may have passed in the mind of the Prime Minister I cannot tell. He is the one who is responsible in matters of that kind and, necessarily, it rests with the Premier.

AN ERROR IN THE MINUTES.

Hon. Mr. WILSON—Before the orders of the day are proceeded with, I desire to call the attention of the House to the fact that I am represented as a sort of double ; that I am supposed to have spoken against Bill (43) An Act to incorporate the Brandon Transfer Railway Company—not only having spoken against it, but I am recorded as voting for the Bill after I had spoken in opposition to it. But that is not all. They are not satisfied with that ; I am also charged with voting against the Bill. I am prepared and willing to assume whatever responsibility may attach to any statement I made if I cannot be comprehended, but certainly I was not responsible in any way, from what I said, for being put down as voting for the Bill, after I had spoken against it, therefore I call the attention to the House to the fact that I am misrepresented. I am exalted to that position that I am capable of moving everyway.

THIRD READINGS.

Bill (42) An Act to incorporate the Buffalo, Niagara and Toronto Railway Company, as amended.—(Hon. Mr. Gibson.)

Bill (100) An Act respecting the Alberta Railway and Irrigation Company, (referred back for further consideration, June 7, 1906).—(Hon. Mr. Lougheed.)

Bill (117) An Act to incorporate the Erie, London and Tilsonburg Railway Company, as amended.—(Hon. Mr. Watson.)

Bill (134) An Act respecting the Toronto and Hamilton Railway Company, and to change its name to 'The Toronto, Niagara and Western Railway Company,' as amended.—(Hon. Mr. Kerr, Toronto.)

Bill (138) An Act to incorporate the Toronto Terminals Railway Company.—(Hon. Mr. Gibson.)

BRANDON TRANSFER RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. KIRCHHOFFER moved the third reading of Bill (43) An Act to incorporate the Brandon Transfer Railway Company as amended. He said : I understood yesterday that my hon. friend from Belleville stated he was going to move an amendment to this Bill, but since then he has told me that the Senate having by a substantial majority confirmed what he considered to be the iniquitous clause he objected to, that he was not going to move his amendment. I therefore move the third reading now.

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

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

The House resolved itself into Committee of the Whole on Bill (S) An Act to amend the Criminal Code, 1892, as respects lotteries.

(In the Committee.)

Hon. Mr. ELLIS—We discussed this measure pretty well on its second reading. I may say in further explanation of it that these art unions do not draw any lotteries in this country. They have only one annual exhibition, which is held in London and Ireland. The Glasgow Art Union, of which I spoke, is not now in existence. I move to amend the Bill by striking out the whole of clause (c) and inserting simply the words : 'to the Art Union of London and the Art Union of Ireland.'

The motion was agreed to.

Hon. Mr. OWENS, from the committee, reported the Bill with amendments, which were concurred in.

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

ROCKY MOUNTANS PARK ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (164) An Act to amend the Rocky Mountains Park Act. He said : The Rocky

Mountains Park was originally laid off in the year 1887, and, by section 4, it was declared that the park should be under the control and management of the Minister of the Interior and the Governor in Council, who had power to make regulations for various purposes, among them to lease for any terms of years parcels of land in the park for the construction of buildings for purposes of trade and industry and the accommodation of persons resorting to the park. It has been found that where parties have only the right to lease the land they put up inferior shacks, which are in no way creditable or ornamental. The purpose of this Bill is to allow certain lands shown on particular plans to be sold, that is :

(i.) Plan of the town plot, Rocky Mountains Park of Canada, in the province of Alberta, signed by George A. Stewart, D.L.S., and dated July 2nd, 1888.
(ii.) Plan of the town plot of Canmore, signed by A. J. Brabazon, D.L.S., without date.

The object of this is to induce parties to put up more presentable buildings than have been erected in the past under the limited period of ownership by lease. The Bill requires that the regulations made from time to time shall be published in the 'Canada Gazette' and laid before parliament.

Hon. Mr. LOUGHEED—I should like to ask my hon. friend what may have led up to the introduction of this legislation. I understand that when the National Park was laid out in the first place the policy of the government, after mature consideration, was fixed with reference to leases. That question, I remember, was threshed out in parliament some years ago. Has it turned out to be unsatisfactory? Some assurance should be given, in view of the sale of these lands, that those who now have leases should be protected in their rights and sales shall not be made without due notice being given to the present lease-holders. There is nothing in the Bill of a protective nature as to that particular question. Very frequently sales are made in a reckless way, not taking into consideration those who have prior claims. I would ask my hon. friend what consideration has been given to that subject?

Hon. Mr. SCOTT—In answer to the first question, the motive which the Minister of the Interior gave for the Bill was the one I stated, to induce parties to put up more respectable and more presentable buildings than the shacks which now rather discredit the park. In regard to the second point, the invariable practice of the Interior Department, as my hon. friend is aware, is to give priority to occupants. The rights of leases would not be disturbed. It would be open to them to buy, but, of course, you cannot compel them to purchase if they choose to hold under lease. This simply gives the minister, under certain regulations, the right to sell absolutely, limited to the two town plots that have been laid off.

Hon. Mr. LOUGHEED—Will these sales be subject to building conditions ?

Hon. Mr. SCOTT—I presume so. The object is to encourage the erection of finer buildings in the park.

The motion was agreed to.

MILITARY BOUNTY ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (177) An Act to make further provision respecting grants of land to members of the militia force on active service in the Northwest. He said : The object of this Bill is simply to extend the privilege which was originally granted as far back as 1885 to men who have taken part in suppressing the rising, or rebellion, or whatever you may choose to call it, which took place in the early history of the Northwest. The greater number of parties entitled to these bounty warrants have availed themselves of the privilege, but it appears there is a small number—I believe it is not more than 30 or 40—who have not availed themselves of it ; and the object of this Bill is to extend the time, which has now expired, to December 31, 1908. There is just one clause, and that is the sole object of it.

Hon. Mr. LOUGHEED—Does my right hon. friend recall whether in the former Acts the applicants were entitled to two-quarter sections ?

Hon. Sir RICHARD CARTWRIGHT—To two-quarter sections, as I understand.

Hon. Mr. LOUGHEED—Except there be special provision in the Dominion Lands Act, there is no such homestead as that of two-quarter sections. There were pre-emptions.

Hon. Sir RICHARD CARTWRIGHT—As I understand in the bounty warrants which were granted in 1885, special provision was made for two-quarter sections being granted. If my hon. friend will send for the statutes of 1885, chapter 73, he will see the whole thing detailed, but possibly we can look into that when it comes up in Committee of the Whole.

Hon. Mr. LOUGHEED—May I ask my right hon. friend before he sits down if he knows whether clause 1 of the Bill is similar to the clauses in the other renewals Acts? There have been some seven or eight renewals or extensions of the Act.

Hon. Sir RICHARD CARTWRIGHT—I understand it is a fac simile. It was stated to me by authority that it was simply an extension. The present law giving the bounty, expired on December 31, 1900, and, as I am informed, this Bill simply contemplates an extension of the time to 1908. In no other respect is it intended to deviate from the former Acts.

Hon. Mr. LOUGHEED—While my hon. friend is on his feet, will he tell us what causes the renewal of the grant now after such a hiatus as seems to have occurred between 1900 and the present time. It will be observed from the marginal notes that between 1885 and 1900 there have been several renewals. Six years have gone by since 1900.

Hon. Sir RICHARD CARTWRGHT—Yes, that is quite true. I am told that the number of applicants is small, but my hon. friend will remember that a very large number of persons from distant parts of the country took part in the military movement of that year. I think we sent as many as five or six thousand troops there, taken from all parts of the country, as far east, I think, as Prince Edward Island, and owing, I suppose, to the great distance that many of these people were from the Northwest, sundry of them did not avail themselves of the opportunity and from time to time extension was made. That is the only reason that I am aware of for granting this extension.

Hon. Mr. LOUGHEED—I suppose the enhanced value of the lands has given an impetus to reviving the right?

Hon. Sir RICHARD CARTWRIGHT—I have no doubt that is so. In 1885 those of us who had invested in the Northwest were not taking such a roseate view of the possibilities of the country.

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

PACIFIC AND EASTERN RAILWAY COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. ELLIS moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (N) An Act to incorporate the Pacific and Eastern Railway Company.

Hon. Mr. DAVIS—What are the amendments. There was one amendment moved by the Hon. Mr. Kerr. Is there any other?

Hon. Mr. ELLIS—Page 591 of the 'Journals' will show it. These amendments are merely improvements of a particular section. As I understand, when the Bill was drafted the solicitor who had charge of it adopted some older form, but since the Railway Commission came into existence the modified form was adopted, and these amendments are rendered necessary.

The motion was agreed to.

SECOND READINGS.

Bill (II) An Act for the relief of Muriel Violet Spencer.—(Hon. Mr. Perley.)

Bill (61) An Act to incorporate the Grand Trunk Pacific Telegraph Company.—(Hon. Mr. Young.)

Bill (147) An Act respecting the Standard Trusts Company.—(Hon. Mr. Watson.)

FRANKLIN MONTGOMERY GRAY PATENT BILL.

SECOND READING.

Hon. Mr. KERR moved the second reading of Bill (122) An Act respecting certain patents of Franklin Montgomery Gray.

Hon. Mr. McMULLEN—I think we should certainly have some explanation of this measure.

Hon. Mr. KERR (Toronto)—This is a Bill to revive a patent. As I understand it, in 1903 a patent was issued which was the reissue of a patent issued in 1902. The patent for 1903 was passed shortly before the Act came into force amending the patent law. It was issued a month or two before that Act came into force. The effect of that Bill was to amend the Act to the prejudice, as to time of renewal, which the patent would have, but the whole trouble was it being a patent in reissue of a former patent, the patent office held that they were not able to grant a renewal although applied for within the time. As I understand it, the new patent was to be the one in operation. I do not know why it was there was a reissue of the patent in the way I have spoken of, but all that will be ascertained in committee. The effect of it was the joint action of the patent being a reissue of the patent of the previous year some months before, I suppose it was some mistake—I do not know what the reason of it was—and under the construction which was put upon the statute by means of the amending law which came into force two months afterwards, the party was deprived of the opportunity of renewing his patent. I understand that was the trouble. All that will appear before the committee. That is the way I understand the matter.

Hon. Mr. McMULLEN—On all applications for the renewal of patents, we should insist upon an explanation at the second reading. I find that it is becoming very common for parties to allow their patents to run out and then come to parliament and ask for a renewal by special Acts. We have had more of that within the last two years then I can remember during my whole parliamentary life. There are cases, of course, in which it is absolutely necessary that parliament should grant the legislation sought, and this seems to be one of them. However, in all cases where we are asked to renew a patent, we should have clear, distinct and explicit statements on the second reading of each Bill, of the grounds on which the renewal is asked.

Hon. Mr. LOUGHEED—A more important question arises in connection with this patent, and I must say on perusal of the Bill my curiosity has been excited. It purports to make sugar and alcohol out of sawdust. To what extent have the patentees become successful in thus converting a product which was the subject of a very considerable discussion in this House some years ago? If we are able to convert the sawdust which has been filling up the Ottawa, into alcohol and sugar, those two commodities should be within the reach of everybody hereafter.

Hon. Mr. KERR (Toronto)—I do not profess to be an authority on either of the articles covered by this patent. I assume that the patent is a valuable one or the patentees would not want to preserve their rights. I shall see that an investigation takes place before the committee, and possibly we may have samples of the products there to satisfy the curiosity of hon. gentlemen.

Hon. Mr. POWER—The second reading of this Bill came up yesterday and was postponed. I rise again to call attention to the provisions of the second clause of the Bill, which protects the rights of persons who began to manufacture prior to the 22nd day of March last. The usual, and I think, the proper language, protects the rights of a person who began to manufacture before the passing of this Act, and I trust that the committee to whom this Bill will be referred will see that it is amended so as to give the legitimate protection.

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

FRUIT MARKS ACT AMENDMENT BILL.

IN COMMITTEE OF THE WHOLE.

Pursuant to the order of the day, the House resolved itself into Committee of the Whole on Bill (101) An Act to amend the Fruit Marks Act, 1901.

(In the Committee.)

On clause 1,

Hon. Mr. McMULLEN—What is the proposed change in the Fruit Inspection Act?

Hon. Sir RICHARD CARTWRIGHT—One of the principal changes, I believe, is to alter the former markings which consisted of X, XX and XXX. Hon. gentlemen will notice that when packages are marked in this way it is very easy to put in an extra X and some trouble, confusion and, they say, fraud, arose therefrom. I might mention that the Minister of Agriculture in introducing this Bill in another place stated that it was the result of a long conference between himself and the representatives of the Fruit Growers' Association from the several provinces of the Dominion. The matter was pretty fully discussed there and apparently, as far as I can judge, there was no division of opinion about it. It passed unanimously after a good deal of discussion.

Hon. Mr. FERGUSON—The explanation which the right hon. minister has made with regard to the change in the law is not altogether complete; in fact, the most important change was not mentioned by him at all. Of course the Bill makes obligatory the marking of packages by the numbers 1 and 2, with a higher quality as 'fancy,' and it removes the right to mark by Xs, altogether, I think that is a decided improvement. It is very much better that all the fruit of the country should go out under one system of marking, and that can be done just as effectively by these numbers as by the use of Xs, while the latter system was liable to abuse, because it was the easiest thing in the world for a trader who got hold of a consignment of apples to put on another X and thus, perhaps, obtain a better price, which would be fraud. But the most important change in the Bill is the one by which the fancy grade is established and also a No. 2 grade. Up to the present time we have had just No. 1 defined. Under the old Act, it was only with regard to No. 1 that penal conditions were attached if any of this quality were not up to the standard that was described. All that seems to be right enough, but the point of objection that I have to the whole principle of this legislation—not only what is here, but the former Acts as well—is that it allows for a No. 1 apple that ten per cent of an inferior quality should be put into each barrel. I do not think that should be the case with a No. 1 Canadian apple at all. No. 1 should really be our very best fruit, and there should be no permission to put 10 per cent of culls, worm-eaten or scabby apples in any package of No. 1 quality. I think it would have been quite sufficient to have had No. 1 and No. 2 qualities. No. 1 should have been just what 'fancy' is described to be by this Bill, and No. 2 might be fixed somewhat lower in size or class. I think we would then have done all that we ought to do in the matter of grading. The permission to put 10 per cent of inferior apples into each barrel of No. 1 quality is doing the country a great deal of harm. It is quite true, as my hon. friend has stated, that the Minister of Agriculture is moved in this regard by the action of the Fruit Growers' Associations, but I do not think that the fruit growers are very wise in this matter. By keeping at home about 10 per cent of all the apples in the various grades described here great benefit would accrue. 'Fancy' quality must have no imperfect apples; No. 1 may have 10 per cent and No. 2 may have 20 per cent of bad or inferior fruit. Of course we know that, as in all other things, the packer might now and then find that a bad apple escapes him, even where he is honestly aiming at perfection, but nobody would think of prosecuting for that if the general quality was well up to the standard. The weakness of the legislation is in regard to No. 1, where we allow 10 per cent of fruit to be put in these packages which may be worm-eaten or scab, or otherwise defective. In No. 2 we are allowing 20 per cent of bad or defective fruit to be put in every barrel. Now, if these defective apples were kept at home, they would only amount altogether to 10 per cent of the total export and they would not represent a great deal of money. I am satisfied a larger amount would be realized for the 90 per cent of perfect fruit which would go abroad than will be got for the 100 per cent which will be sent out under this legislation, besides which it would prevent the great damage that is being done to our trade. I am told on the very best authority that the Australians and also the Californians—and I am glad to see that our own people in British Columbia also—aim at perfection as nearly as possible, and their apples are obtaining a better name than eastern Canada apples have in all the

different markets to which they are exported. I did not attend the meeting referred to by the hon. minister; I was not able to be present, but I learned that the representatives from British Columbia were strongly against allowing these imperfect apples to find a price in any of the grades.

Their view was that we should aim at perfection and size and colour might come in as determining what was a fancy No. 1 and No. 2, but that there should be no scabby or wormy apples allowed in any of the grades. I believe the majority of the packers overruled the objection and, ultimately, a unanimous decision was arrived at, and the result is that the suggestions were made, which I believe are fairly and faithfully incorporated in the Bill now before us. It will not become us in this House to oppose these suggestions strenuously or try to raise the standard, in view of the effort that has been made to get the views of the fruit growers; but I am quite satisfied that if the views of the market to which we are sending our apples could have been properly represented and heard in that conference, as well as the views of those who were interested in selling—I am not saying the views of both should have clashed; I think the interests of both sides would have been found to be identical—but if the views of the market to which we are sending the apples were represented in that meeting, and that side given, there would not have been granted permission to continue the provision allowing inferior fruit to find its way into any of the grades. One thing which is satisfactory is, that we are now establishing a grade that should be as near perfection as possible, and that is a grade that should be made up of the best apples grown in our country, and I hope that after a few years more, our fruit-growers will rise to the importance of the situation, and realize it fully, and come to the conclusion that it would be better for them if even 20 per cent more, not 10 per cent, which I think would be all that would be necessary to be left at home, in order to raise the standard of our fruit in the markets of the world; but, even if it was necessary, that 25 per cent should be kept at home, and if no better use could be found for that 25 per cent than feeding it to the swine, it would be better for the country than that we should be sending fruit to foreign countries, while in these packages a very considerable portion of the fruit, 10 per cent in No. 1 and 20 per cent in No. 2, are allowed to be defective and bad. I am not opposing the Bill. The minister has consulted those who are most interested. Representative men I know were present. Ultimately, I am aware, as he has said, they came to a unanimous conclusion with regard to it; but I have it on excellent authority that they were not a few—I think all the representatives from British Columbia and I think many from some of the other provinces—favoured raising the standard and insisting that all the fruit that goes from Canada should be as nearly as possible free from any defective fruit.

Hon. Sir RICHARD CARTWRIGHT—I am bound to say that I think there is a very great deal in what the hon. member from Marshfield has stated. There is no doubt that the apple trade might be enormously increased, and might become of very great value indeed to Canada. We, at present, in the best years, export from three to four million dollars worth of apples. I have no doubt if proper precaution could be taken both in the way of packing and in sending forward apples in better condition, and also by a much more extended use of cold storage for the purpose of preserving the aples in proper condition until they are shipped, that the trade could be doubled or trebled—perhaps we might export ten to twelve millions dollars worth of apples annually, to the great advantage of the farmers of Canada. I will take pains, if the hon. gentleman has not already done so, to communicate his views to the Minister of Agriculture. In the meantime, for the reasons he has already stated, it would not be advisable for us to amend the Bill which has received the sanction of the fruit growers. I may state that the commercial agents of my department advised me that, in all probability, if a grade of apples equal to the grade of 'Fancy' is introduced, the others will be eliminated by the process of natural selection. The buyers will give so much more for apples of uniform quality such as are described in 'Fancy' than for No. 1 and No. 2 grades, our growers will find it

better to substitute the grade of 'Fancy' for the grading of No. 1. The hon. gentleman is perfectly right in saying that the trade is one of great importance and hardly too much attention can be directed to expanding it.

Hon. Mr. FERGUSON—I would call attention to clause 'd.' It is the same wording as the existing section of the old Act, but I have always considered it was a weakness to use the words 'with the name of the variety or varieties'. That would imply that there might be two varieties put in the same barrel. Other clauses of the Act are entirely inconsistent with that, and I cannot understand why it should not be 'the name of the variety,' because there is no question about it, that the mixing of varieties is a very objectionable thing.

Hon. Sir RICHARD CARTWRIGHT—I think the hon. gentleman is right there.

Hon. Mr. FERGUSON—You might for instance put a few northern spies, and another variety of apples without the same keeping qualities, in a barrel, and mark it 'varieties.' I have heard the argument raised that the packers have a right to put two varieties in the same barrel because of this language in section 4.

Hon. Mr. BOSTOCK—So far as the apple trade of British Columbia is concerned, apple packers put two varieties in a box marking the names of the varieties on the outside of the box; at the same time they recognize that the grade cannot be as good. They are usually marked a lower grade than if the box contained only one variety of apples. I think it will be a hardship on the packers to alter this in the way suggested, because the packers themselves in their own interest will stick to the one variety in a box, and only pack two varieties in a box when they have not enough of one variety to fill the box.

Hon. Mr. FERGUSON—If my hon. friend will look over the Act, he will find that they cannot do that under another provision.

Hon. Sir RICHARD CARTWRIGHT—I should imagine, though, of course, the question is open to some little doubt, that if the apples are marked 'variety' or 'varieties' they would have to come under grade No. 2. If my hon. friend will examine the Bill carefully he will find that apples marked 'fancy' or No. 1 must be all of the same quality, and variety.

Hon. Mr. FERGUSON—I turn to the Act of 1901, section 7, of which is still the law, though other parts have been amended, and I find that it contains the following provision:

> No person shall sell or offer, expose or have in his possession for sale any fruit marked in any package in which the face or shown surface gives a false representation of the contents of such package, and it shall be considered a false representation when more than 15 per cent of such fruit is substantially smaller in size than, or inferior in grade to, or different in variety from, the face or shown surface of such package.

Hon. Sir RICHARD CARTWRIGHT—Will the hon. senator look at clause 6? He will see there that fancy quality and No. 1 quality are apparently expressly confined to one variety, and that it is only apparently under No. 2 quality that two varieties may be packed in the same package.

Hon. Mr. ROSS (C.B.)—I do not know that it has been brought to the knowledge of the apple shippers of Canada that they have a practice in Tasmania of putting up apples in 60-pound boxes and strapping the corners of the boxes with iron, so that one box would not press upon another. If a large quantity of our apples were put up in that way, they would find a ready maket in Great Britain.

Hon. Mr. SCOTT—You can make the Bill very clear if you make subsection 'b' read as follows:

> With the name of the variety, or in the case of No. 2 quality with the names of the varieties.

Hon. Mr. BOSTOCK—You may have lots of apples marked No. 2 which would be only one variety.

Hon. Sir RICHARD CARTWRIGHT—I think it would be better to leave it as it is.

Hon. Mr. FERGUSON—On further examination, I do not think there is the same objection to this Bill as there has been to its predecessors, because clearly we are making the law against any more than one

variety being in either 'fancy' or 'No. 1'; but we are not making the same provision with regard to No. 2, and, that being so, subsection 'b' of paragraph 4 might be allowed to remain in this Bill without causing the friction that arose under the old one.

Hon. Mr. THIBAUDEAU (De la Vallière), from the committee, reported the Bill without amendment.

The Bill was then read a third time and passed.

QUEBEC HARBOUR COMMISSIONERS BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (174) An Act respecting the Quebec Harbour Commissioners.

(In the Committee.)

Hon. Mr. SCOTT—The object of this Bill is the advance of $150,000 to the Quebec board of harbour commissioners to complete work that is now under way, the deepening of the water at St. Louis basin at Quebec frontage.

Hon. Mr. LOUGHEED—How does the government check this expenditure made by those harbour commissioners, particularly this commission? Does it exercise any supervision whatever over the works that are being carried on?

Hon. Mr. SCOTT—I do not think it does while the work is being carried on. The harbour commissioners give their own bonds to the government in exchange for government bonds, so that the harbour commissioners control the expenditure. They have to satisfy the department with plans of the general character of the work. The plans must be approved of by the department.

Hon. Mr. LOUGHEED—Does the department do anything more than formally approve of the plans?

Hon. Mr. SCOTT—I do not think so.

Hon. Mr. LOUGHEED—Does it make any examination of the plans or is there any supervision of the expenditures that are being made or the works that are being carried on?

Hon. Mr. CHOQUETTE—The operations are being carried on by the harbour commissioners. The work is done by them. The money is loaned to the corporation. The chairman of the commission is one of the greatest business men in Quebec, and there are many of the best business men of that city on the Quebec harbour commission. There are some appointed by the government, one by the chamber of commerce of Quebec and Lévis, one by the board of trade, etc. They have to account to the government for the money they handle; they make a report every year.

Hon. Mr. SCOTT—Who appoints the engineer?

Hon. Mr. CHOQUETTE—The engineer is appointed by the harbour commissioners. The engineer in charge is Mr. Boswell.

Hon. Mr. MACDONALD (B.C.)—Who pays for the work lower down the river where ships sometimes go aground? There is very shoal water below Quebec, and I think the money had far better be spent there than up where it is proposed to expend it. Ships cannot get aground at this place, but lower down two or three ships went aground last year.

Hon. Mr. SCOTT—The deepening of the channel below Quebec is entirely under the control of the federal government. The deepening was required here in order that ships with a greater draught might appoach the St. Louis embankment. The work has been going on for some time.

Hon. Mr. LOUGHEED—May I ask my hon. friend why it is the government has not carried out the same policy as to the Quebec harbour commission which was recently introduced in regard to the Montreal harbour commission? It was found that the system did not work satisfactorily, especially in so important a port as Montreal, and it seems to me that the same argument which would apply to the port of Montreal would be equally applicable to the port of Quebec, more especially so since that port is now coming into very great prominence and will likely occupy a very much more important position in regard to our shipping interests than heretofore. If it became necessary to wipe out the harbour commissioners of Montreal on

account of the system being antiquated, there seems to be no reason why the same policy should not apply to Quebec.

Hon. Mr. CHOQUETTE—I think the Montreal people themselves asked for that change. In Quebec they did not ask for it. The commissioners agree among themselves and they do good work.

Hon. Mr. SCOTT—How many form the board in Quebec?

Hon. Mr. CHOQUETTE—There are nine members and the president of the corporation of pilots is an ex-officio member, which makes ten in all.

Hon. Mr. SCOTT—The objection in Montreal was that the commission was too large; that it was cumbersome and it got into discredit. For years complaints have been coming to the government and it was notorious that the commissioners were not acting in harmony. The works were really suffering and considerable loss had ensued because there had been a departure from the plans. At Quebec objections of this kind have never been brought forward; there has been no pretense that the harbour commissioners at Quebec were not carrying out their duties.

Hon. Mr. LOUGHEED—I do not cast any reflection upon the personnel of that commission or their intention to administer their duties faithfully, but the system is not one that commends itself, it seems to me, to modern business methods. Gentlemen are appointed by the government to these harbour commissioners, not so much on business grounds, but in many cases on the ground of political claims and the social status which they occupy in the community, and these bodies become very largely ornamental, a kind of semi-social and business body which entertains members of parliament occasionally and the friends who visit the harbour more frequently. I think I am justified in saying that the present system of administering most of our harbours by commission is not one which appeals to modern business methods.

Hon. Mr. CHOQUETTE—In Quebec the best men have always been appointed, at least since 1896. This government did not look either for a Grit or for a Tory. As an instance of that I may mention that one of the first to be appointed after 1896 was Mr. Macpherson, who was the treasurer of the Tory party during the election of 1896. I do not say that he ought to have been appointed, but he was all the same, and he is a very good man.

Mr. MACDONALD (B.C.)—Tell us about those who were appointed before that ?

Hon. Mr. CHOQUETTE—Before that they were all Tories.

An hon. GENTLEMAN—Were they honest ?

Hon. Mr. CHOQUETTE—The reports of the committee of the other House after an enquête held some fifteen years ago show what some of them were.

Hon. Mr. ELLIS—With regard to what the hon. leader of the opposition has said, one can very readily imagine that there is a transition time in regard to the affairs of these harbours. When people settled first on the harbours they had to take charge of them themselves. Gradually the government has been appealed to and by degrees have come into control. I can readily imagine there would be harbours where, if the government undertook absolute control, such as the hon. gentleman suggests, they might run contrary to public opinion at that particular place, and that public opinion would be gradually brought into harmony with the policy of the government. Now, I imagine if at Quebec there were government commissioners they would entertain my hon. friend down there just as readily as the local harbour commissioners would do. The only difference is that there is apparently hope that at some time or another the country will get its money back. I rose to ask the hon. Secretary of State, because we are interested in this harbour question in St. John, what amount of debentures have been issued under section 34 and does the harbour of Quebec pay any interest on the amount of money which has already been raised in that way.

Hon. Mr. SCOTT—Section 34 reads as follows :

> For the relief of the corporation and for the improvement of the harbour of Quebec, the Governor in Council may raise the sum of $382,197.50.

The usual practice has been that they deposit their bonds and get the benefit of the government credit.

The clause was adopted.

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

The Bill was then read the third time and passed.

CONSTITUTION OF THE SENATE.

DEBATE RESUMED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David : That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.—(Hon. Mr. McMullen.)

Hon. Mr. McMULLEN—I have agreed to give way in favour of the hon. gentleman from Russell (Hon. Mr. Edwards), with the consent of the House. He is desirous of speaking and I consent.

Hon. Mr. EDWARDS—I desire to say but a few words this afternoon upon the motion which was moved a few days ago by my hon. friend from Mille Isle. It is, perhaps, a very strange procedure for a legislative body to be discussing itself. This, however distasteful to the hon. senators, is forced upon the House. There seems to be an agitation in the land that the Senate has lost its usefulness, and perhaps that there never should have been a Senate at all. This agitation, however, comes very largely from the irresponsible portion of the press of Canada, but, unfortunately, and perhaps a little unfairly, the Commons has devoted itself also to the discussion of the Senate. Perhaps it would be as applicable for the Senate to devote itself to a discussion of the Commons, and if, in the few words which I address to the House this afternoon, I direct some remarks to the Commons, it will not be from any disrespect at all for that honourable body, but it will be because of the fact that I, like many honourable gentlemen in this House, have had very considerable experience in that House. and I have now had a few years experience in the Senate. In discussing the constitution of one of the legislative bodies of the Dominion, my own humble opinion is that that cannot properly be done unless you take the whole legislative body and include the two Houses. There are those who believe that the Dominion never had any necessity for a second Chamber. There are, perhaps, many in Canada who believe that such is the case. There are others who believe also that there is no necessity for an upper House in our provincial legislatures. I, perhaps, may have been one of those who, not having experience years ago, believed such to be the case, but I will say that after having, as I have had, 20 years experience in the Commons and Senate of Canada, I have no doubt at all as to the desirability and necessity of a second Chamber ; and, further, I will make the statement now in case I should foget to do so later on, that I am one of those who believe that the province of Ontario made a great mistake in not having a second Chamber. My reason for so believing is this : the trend of legislation is changing as the years advance, and while it may not have been apparent years ago, it certainly has become apparent in recent years that legislation is becoming too lax. I do not make this statement because of the present political complexion of the House at Toronto. I came to that conclusion long before the change took place. The whole trend of legislation in Canada is towards laxity in chambers where members are elected by the popular voice. It is not necessary for me to explain why such is the case, but I am one of those who thoroughly believe from observation it is the fact, and I think the time has come, when, in the best interests of Ontario, there should be a second chamber. If this is true as applied to the provinces, it is more largely so as applied to the higher legislative body, the parliament of Canada, and in what I have to say this afternoon, I desire to be practical, and to give the result of my own experience in the two bodies. When I first entered the Commons, having been a business man all my life, controlling my own business very largely as I choose to do myself, and observing the procedure of that body, my opinion was, and a very firm opinion, that a committee of three would run the business of Canada very much better than the Commons of Canada. I further believed that legislation

was much too slow, that a very great deal of time was wasted in the discussion of measures. On that question I have entirely changed my mind, and my opinion now is that legislation is far too rapid in the Commons, and, in many instances, altogether too rapid in the Senate.

My opinion is that very much greater consideration should be given to Bills both private and public in the Commons. I do not think that it applies to the same extent in the Senate. After having an experience in both Chambers, my opinion is that so far as dealing with Bills is concerned this is the superior Chamber, and I say so without any reflection whatever upon the Commons. A great many of our friends outside who are criticising the Senate believe that because this House does not sit so long or on as many days as the Commons, it is not as useful, but if they would think for a moment they would remember that in the Senate there are no debates on the budget or on want of confidence motions or dealing with the estimates, and that a great many party questions which are discussed in the Commons are never brought up in the Senate. It would be perfectly impossible, even if the Senate so desired, for this House to sit as many hours and on as many days as does the Commons. I have heard hon. gentlemen in this House oppose adjournments of the Senate because of the effect such might have upon the country. I am not one of those who entertain that view. While it is the duty of the the Senate to deal fully with all the questions which properly come before it, it at some time should adjourn and allow its members to be useful some where else while there is nothing to do here. Again, there is a misconception in the minds of a great many as to the value of the Senate in dealing with Bills. There are those who believe that the principal function of the Senate is to keep the government in check. I am not one of those who entertain that view. While it is the duty of the Senate to carefully scrutinize all government measures, we should always be slow indeed in touching measures introduced in the branch of parliament directly responsible to the people of Canada. The history of the past has shown that the policy of the Senate has been such, and it is only in a comparatively few instances that this body has acted as a check upon the legislation of the administration of the day. But there is an important function for the Senate apart from that. This is a rapidly growing and developing country, and as it grows and develops, private legislation will increase in a far greater degree. As a consequence, more legislation is coming before parliament now than in former years, and I will give my testimony, as one who has had experience in both Chambers, that the whole trend in the Commons is to great laxity in dealing with private Bill legislation. I say it with regret, but I have been surprised to see the Bills that have come to this House from the Commons since I have had the honour of being a senator. This arises from two or three reasons; one because of the elected body not having the independence at all times that it should have, and also because of the too frequent changes of the members of the Lower House. It is not in the public interest that there should be great changes in the membership of that body. It is a fact that only seven or eight members of the present House of Commons had seats there when I had the honour of first being elected to the Commons. That great change has taken place in 20 years, and it is not in the public interest, as far as legislation is concerned. A member requires a great deal of experience to become a good legislator, and that is one reason why it is desirable to have a Chamber like the Senate where the tenure of office is long. That is one reason why, in my humble opinion, the Senate is better fitted to deal with private Bills than the House of Commons not only because this body has not the same fear of the popular will outside, but because of life tenure of position in the Upper House. My own opinion is that there is no great change desirable in the constitution of the Senate. If I here refer to the speech of the hon. Minister of Trade and Commerce I am sure he will not object, because he knows, as every one knows, that I am one of his admirers and have been many years one of his followers, and still am in so far as it is proper for a senator to follow any body. He made what I consider a very admirable speech upon this subject. It is clear from the views that he expressed that he thinks some change in the constitution of the Sen-

ate is desirable. I shall refer to some of the suggestions he made and criticise them in compliance with his invitation. He desired a full discussion on the subject, and I am sure hon. gentlemen will respond to his wish. He spoke of the election of 48 senators by the provinces and the appointment of the balance by the government. Senators elected by the provinces would be in exactly the same position as United States senators elected by the different states. I suppose they would be subjects for re-election on the termination of the time for which they should be elected, but even supposing they were not, there would be a tremendous pull for election, tremendous intrigue for obtaining the position, and, for many reasons, I think a Chamber so elected would not occupy the same independent position that this Chamber does. While the same proposition is offered by other very eminent men in the country, I for one do not approve of the proposed change. He also mentioned that a very good class of men from whom to select our senators would be ex-judges, ex-premiers and ex-lieutenant governors.

Hon. Mr. POIRIER—All the have beens.

Hon. Mr. EDWARDS—While it is possible that a few of them would not be a disadvantage in this Chamber, I think it would be very undesirable indeed if the Senate were largely composed of such gentlemen, because men do not usually seek the position of lieutenant governor until their usefulness is pretty well gone owing to advancing years. No active man in Canada who is worthy of any such position would take it as a young man. The same remark applies to judges. It generally happens after an eminent lawyer has practised for many years at the bar he retires to the bench, and certainly after he has occupied that position for some years, particularly if he had never had any education so far as legislation is concerned, it would be a great mistake to appoint him to the Senate. Exministers are in a different position, because in the nature of things they must necessarily have had a good deal of legislative education. However, it would depend a good deal upon the age of the exminister whether he should be appointed here. I certainly would not think of appointing such of very advanced years to the Senate. My hon. friend also referred to a considerable draft upon the legal element. I myself am a farmer, but I say without hesitation that I highly approve of that suggestion. I do not care how clever our business men and agriculturists may be, I believe that a reasonable number of well qualified lawyers are a necessity to either Chamber. I most thoroughly approve of that.

Hon. Mr. MACDONALD (B.C.)—Not too many.

Hon. Mr. EDWARDS—My right hon. friend dealt also with the question of the age limit in perhaps somewhat a cursory way, and said that it might be changed at both ends. An hon. gentleman behind me says that it is true. I certainly do not endorse this statement. I think the age limit at thirty is not too young. I would rather have appointments at the age of thirty, with improving years before them, than coming in at a later period in life. As to the cutting off at the other end, I contend that if the Senate is well constituted, as it generally has been well constituted, the age limit at the other end is not a difficulty at all. It is the case in the Commons, and always will be the case in the Commons, that a comparatively few men do the most important work in that chamber. Proportionately it always will be so in this Chamber, and if an hon. gentleman retains his faculties and has a very considerable number of years experience, I am not one of those who think there are many who become disqualified, because they are somewhat up in years, from giving a well considered and proper vote on every question which arises. In the country there are a great many who think that unless an hon. gentleman makes long speeches in the Commons or long speeches in the Senate, he is not a qualified member of either chamber. I will say from my experience, with the exception of comparatively few men, the long speakers in either body are a detriment to the chamber and to the country, because they prolong the sessions of parliament for no use whatever excepting to gratify their own vanity in so far as their speaking qualities are concerned. I am sure that a great many in the country in coming to conclusions upon the usefulness of the Commons and in

coming to a conclusion on the usefulness of this honourable body, believe that the great value of a member of the Commons or of the Senate is that of making speeches. They forget or do not know the fact—and we must forgive them for it, that the important work of the Commons and the important work of the Senate is done in the committee rooms, the proceedings of which never become known to the country, which in fact become known to no one except a few solicitors who attend those committees. The most valuable work is done there and not on the floor of the House at all, and if I were giving advice to a beginner in the House of Commons it would be to devote his closest attention to the practice and study of the principles of legislation and to the work of the committees, and not to think of making long or eloquent speeches. When I say this, I do not depreciate for one moment the force of the capable, well delivered or eloquent speech. I think it is highly pleasing to listen to those who are able to do it, and it is very necessary in many instances that it should be done—but we all know right well that fully one half and more of the time of the House of Commons is devoted to speech making which is of no practical use to the House of Commons or to any one else. That statement certainly cannot be made in regard to the Senate, and it is one of the respects in which our good people outside of the two Houses very greatly misjudge the legislative bodies of this country. My right hon. friend, the Minister of Trade and Commerce, also referred to the election of members of the Senate by the grouping of counties, and also the question of representation of the minority. As to the representation of the minority, I most certainly approve of such a policy. If any scheme can be evolved whereby the minority shall be fairly represented in the legislative bodies of Canada, I think it would be highly desirable. He also threw out a suggestion of which I approved : It is the case to-day that any Bills can be introduced in this House —excepting of course money Bills—and I consider that it would be very desirable that almost all private legislation should be inaugurated in this House. My hon. friend who sits on my right (Mr. Ferguson) in the very good speech which he delivered to the Senate the other day, did not speak so very approvingly of that portion of my right hon. friend's utterances. My reason for taking this ground is that the first legislative body having to do with a Bill has the greatest opportunity for criticism and a great deal of shaping may be done, before the Bill reaches the other Chamber. As a consequence, it would take very much less time to deal with it there. I think if most of the private legislation were introduced here, it would assign to this body a very good function indeed, and again I say that so far as private legislation is concerned my own experience is that this House is the superior Chamber. I said in beginning that I would detain the Senate but for a short time. I have endeavoured to give, in the short time I have spoken, my views upon this question, and have also endeavoured to criticise as fairly as I can the suggestions made by my right hon. friend. I also listened with very considerable pleasure to the speech of my hon. friend from Marshfield, and I will say this : that I am thoroughly in accord with the conclusion at which he finally arrived. I do not think, in so far as the Senate is concerned, that any great remedy of material value can be made excepting that I do think it desirable, when it can be done, to appoint to the Senate those who have had a previous legislative education. When I say that, I do not reflect for the moment upon the ability of hon. gentlemen who have come here, highly qualified gentlemen—who have not had that advantage ; but I do think it is a decided advantage, and I thoroughly agree with the sentiment expressed by my right hon. friend, and also by the Senator from Marshfield, that it is not in the best interests of the country that the Senate should become lobsided politically as it was some years ago, during the long term of office of Sir John Macdonald, and as it is now becoming under the present government. While it was not a written law at the time of confederation, it was tacitly understood, I believe, that the Senate should be maintained as evenly as possible representing both the political parties in Canada. But there is another opinion which I hold, and perhaps it may appear a little strange that it should come from a strong radical like myself—because I admit I am a very strong radical. I believe that this body is a judicial body,

and should be a judicial body. If there is any body in Canada that should be judicial in its nature it is the Senate, and I believe that just as the judges who go on the bench in Canada should lose their political identity, in the same way the hon. gentleman who becomes a senator should, in a very great measure, in so far as his acts here are concerned, lose his political identity. My hon. friend says, hear, hear, and I know that he is a little amused, because he thinks that I am too much of a radical to do anything of the kind myself. My hon. friend beside me says he is mistaken. My humble opinion is that we should have in this parliament two bodies, one elected by the people and directly responsible to the people, and an upper chamber, perfectly independent in its character, which will deal with private Bills and public Bills when brought before it, in a perfectly independent way. If each hon. member could assume that position, it would make no difference whether a gentleman of one political complexion or the other were appointed to the Senate; but I suppose, in the nature of things, it is impossible for hon. gentlemen to such an extent as that to divest themselves of their political identity. That being the case, it is my opinion that some system should be evolved whereby the equilibrium should be maintained in the Senate as nearly as possible, and this is the only important change which I would suggest. I do not know exactly how it could be done, but I firmly believe it should be done. In the nature of things, in a few years, if the present administration continues in office, the Conservative party will practically have disappeared from this Chamber. I think that is an undesirable state of affairs, and I think it is regarded even by the administration as undesirable. I cannot myself make any suggestion by which it might be obviated. My hon. friend from Marshfield suggested the other day that it should be left in some way to the leader of the opposition to make a certain number of nominations. No matter how it may be done, I think it should be done, and, that being accomplished, I do not think you could improve upon this honourable body in so far as its constitutional complexion is concerned. As regards election of senators by the provinces, while I have all respect for the great republic to the south of us; while there is much perhaps which Canada might borrow from it in so far as energy and enterprise in matters of manufacture and commerce, in my humble judgment there is no single element of legislation that Canada should ever borrow from the United States; and I would be no more in favour of having senators elected or appointed by the different provinces, than I would be in favour of electing our judges as is done in the United States. If we have a smaller country, certainly we have a superior country, so far as our legislative and judicial systems are concerned, and so far as the order prevailing in the country generally is concerned; and for that reason let us be very careful how we borrow, unless we can borrow that which is superior to our own.

Hon. Mr. WOOD—I do not intend to interpose in this debate for the purpose of suggesting any radical reforms in the Senate. My object is rather to follow in the line of the hon. gentleman who has just resumed his seat, and direct the attention of the House to some of the advantages which we enjoy under our present system. I have listened with a great deal of interest to the speeches which have been delivered upon the subject since the debate commenced and I have read the speeches which were delivered when I was not able to be present, and, although there have been many opinions expressed which have evidently been the result of a great deal of thought, of historic knowledge and research as well as of political experience, and which are worthy of very great consideration, I must admit that, as far as I am concerned, I am not prepared yet at all events, to commit myself to any of the propositions for reform which have so far been submitted to the House. There are some features of this discussion which have impressed me. There has not been throughout the discussion any charge against the Senate, of incompetence or inability to discharge the duties which devolve upon it. On the contrary, the tenor of the speeches which have been delivered, and the facts which have been brought to the attention of the House have been in line of defence of the Senate and a vindication of its character and action in the past. There have been some evils and imperfections pointed out, and some conditions which exist under our present system which it is desirable to change,

but I think it is worthy of note in this connection that there has been a rather wide difference of opinion as to the character of the reforms which are needed and also as to the method to be adopted in order to bring them about, and we have further this remarkable fact, that the reforms which have been suggested, I think with very few exceptions, were admitted to be open to some objection. So far, therefore, as my own opinion has been influenced by this discussion, that opinion has been strengthened, that the history of the Senate of Canada in the past has not only justified its existence, but that it has furnished a very strong prima facie case in favour of its continued existence in its present form, and I trust that this discussion will have a similar effect upon public opinion throughout the country. I wish now to say a few words with regard to some of the points which have been raised in this discussion. It has been stated that some change in the Senate is desirable in order to bring it more in touch with the people and more in harmony with public opinion. This is a statement that very often appears in the press throughout the country when the press indulges in criticisms of the Senate, but I think it may be safely stated that, when this statement is made, it is merely an assertion unsustained by proof. I do not think it could be very easily proved that the Senate is not in harmony with public opinion, or that there has ever been a lack of harmony between the judgment of this Senate and the public opinion of the country. The facts which have been brought to light, or which have been referred to by the different speakers in the course of this discussion, seem to me to furnish a very conclusive argument that the judgment of the Senate, as a general rule at all events, has been directly in harmony with the general opinion of the people of this country. We heard in the course of this discussion, from the right hon. Minister of Trade and Commerce, that he had known cases in his own experience in which the Senate had seen fit to defeat measures which had been passed by the House of Commons, and that in doing so they had not only voiced the sound public opinion of the country, but also voiced the honest convictions of the House of Commons itself. The hon. gentleman from Marshfield dealt very fully with this phase of the subject. He reviewed the history of the Senate; he referred to the several measures in detail which had been passed by the House of Commons and afterwards defeated in the Senate, and I think the facts, as he stated them, furnished very clear and convincing evidence that no charge could be brought against the Senate of having differed from the public opinion through the country or that their action could ever have been said to be detrimental to the public interest. Whether that general assertion can be supported or not I feel perfectly safe in asserting that no instance can be found in which the Senate influenced by personal, political or other unworthy motive, has wilfully or arbitrarily obstructed legislation which has been demanded by the people at the polls. And I might add in addition to that, that in all its history it has never in any of the measures with which it has had to deal shown a hostility to or disregard of public opinion of so marked a character as to merit or receive any general public condemnation and these statements are the strongest proofs which we can furnish of the ability of the Senate to correctly gauge the public opinion of the country and the desire of the Senate to act in harmony with it, and form the strongest claim we could establish upon the confidence of the public.

I wish to say a word with regard to the proposition which has been referred to by the hon. gentleman who has just resumed his seat, which was referred to by the Minister of Trade and Commerce, the hon. member from Marshfield and others in this debate. That is, the objection to our present system that under its operation occasions may and do arise when the great political parties in the country have a very unequal representation in this body. A notable instance is the condition of things which occurred after the elections of 1896, when the present government were returned to the House of Commons with a very considerable majority, and in this Chamber of 81 members the government of the day then found itself opposed by 70 members who had been appointed by the government which preceded them.

These conditions are, in my opinion, exceptional and are not likely to occur again, but while it is, perhaps, desirable that a

greater equality of representation between the two political parties should be preserved in the Senate, I do not regard it as of such serious import as some other gentlemen who have expressed their opinions on this subject. No serious consequences followed from the condition of things which existed during the years after the elections of 1896. It is hard to anticipate what may occur in the future. We know that actors on the political stage are usually short lived. New issues will arise, and it is quite possible that present party lines may in the near future be almost obliterated. But, however that may be, I see no reason even if the same conditions recur, that we might not expect the same moderation which was exhibited by the majority in this House during the years after the election of 1896 to be exhibited again by hon. gentlemen opposite when in the course of time the Conservative party may be returned to power. However this may be, I am not prepared at the present time to commit myself to any of the propositions which have been submitted to the House to improve this condition of things. The suggestion of the hon. member from Marshfield, which has been endorsed to a certain extent by the hon. gentleman who has last spoken, that a proportion of the senators should be appointed by each of the political parties, is a very plausible suggestion and appears to be a fair one, and as such should commend itself to our consideration. I fear there will be serious difficulties in putting such a plan into operation. Whether these difficulties can be surmounted or not, I am not in a position to say. This proposition, so far as I am concerned, is an entirely new one. I am not aware that it has ever been suggested before. If it has been, it has escaped my notice and for the present I prefer to express no opinion in regard to it. The suggestions which were offered by the right hon. Minister of Trade and Commerce and by some others who have spoken, including the hon. gentleman who introduced this resolution, all involve the adoption of the elective system. To that I am opposed in any form. I do not believe it is in the interest of good legislation in this country to adopt any elective system in connection with filling vacancies in this Chamber. There are various objections to it. One is the fact that it increases very materially the number of our elections. The hon. Minister of Trade and Commerce saw this objection, and admitted that it was undesirable that the number of elections in this country should be increased. If the elective system was applied to the Senate as well as to the House of Commons, we would have a general election at least once in every five years for the House of Commons; we should have periodical elections to the Senate, occurring probably every two or three years; we should have the by-elections which would be rendered necessary by vacancies as they occurred in both Houses, and these with the provincial and municipal elections, would, necessarily keep the country in a state of constant turmoil and political excitement. Business would be interfered with, and, to a very large extent, injuriously affected and I do not think that any proposition should be favourably considered looking to a change in the constitution of the Senate which would in any way involve an increase in the number and frequency of our elections.

The hon. Minister of Trade and Commerce suggested a change in the method of election with a view of bringing about an equilization of the two great political parties in this parliament. That proposition is one to which he has evidently given a great deal of thought, and if it will accomplish the object which he has in view, it has a great deal to commend it to our consideration. Whether it will do this or not I am not prepared to say. I am not convinced that it would have the effect which he anticipates. I have rather grave doubts upon the subject, but, in any case, I think it should be confined, if it were adopted, in its application to the House of Commons. Indeed, I understood this to be the desire and the ultimate aim of the hon. gentleman himself. I certainly cannot assent to one proposition he made, that this system should be adopted in the case of the Senate in the way of experiment in the hope that, if it proved successful, it might afterwards be applied to the House of Commons and it did not appear to me that this proposition was entirely consistent with his statement, in the earlier part of his remarks, that it was very undesirable under any circumstances to

increase the number of elections in this country. But there are other objections to the elective system besides the increase in the number of elections. The introduction of the elective system in connection with the Senate would certainly have the affect of intensifying party feeling throughout the country, and embittering our election contests. With a body constituted as the Senate is, with a fixed term of office, it would have the further affect of fostering the spoils system with all its demoralizing and corrupting influences. The tendency of adopting the elective system for both Houses of parliament, would, in my opinion, be to divide this whole country into two hostile camps; party lines would be much more sharply drawn than they are at the present time. Men of independent thought and action would be deterred from entering public life; party loyalty would be the first qualification demanded of candidates for either Chamber. Questions of personal character, and personal ability would be given a secondary place, and questions of great national importance would be made subservient to party interests. Our present system may not be perfect, but we can claim for it this advantage; that its tendency is towards independent thought and action. The hon. Minister of Trade and Commerce informed us that during the period following the election of 1896, the party in power found it inconvenient to have so large a majority of persons opposed to the government sitting in this Chamber. He did not tell us to what extent that inconvenience was felt. Whether it had the effect of preventing any useful legislation from being presented to this House or not we do not know; but I feel I can safely make this statement, that so far as any legislation was presented to the House by the government during those years, it was dealt with in a fair and independent spirit by this Chamber; that the conduct of the majority of this House in dealing with those measures was marked with an independence of political control and a freedom from party influence which has never been attained and which could not be hoped for under any elective system. There is another consideration in this connection; it cannot be assumed that the elective system would furnish any guarantee that the two parties would have a majority at the same time in both Chambers of parliament. On the contrary, to any one who reflects, it must be evident that under any circumstances and under any elective system, occasions will arise when one of the great political parties in the country will have a majority in this House and the other a majority in the House of Commons, and I think this further statement may be made, that it would be possible under any elective system and not improbable, that one of the great political parties in the country, under favourable circumstances, and by a proper combination of powerful interests, might maintain a majority in this House opposed to the majority in the House of Commons for a greater length of time than it possibly can under present conditions; and it must be remembered that for party purposes a small majority is equally effective for the purpose of embarrassing the government, or obstructing legislation as a large one. Our present system has this advantage; it works, so to speak, automatically. The changes in this House after a change of government come with the same certainty that vacancies occur. There is none of the uncertainty which always attends election contests, and they come not only with certainty but with a regularity and rapidity which one would scarcely think credible. The experience of the past has proved this. After 1896, when the Conservative party had a majority in this House of upwards of 60, the changes began, and in six years the parties were reduced to an equality, and in the session of 1903, the government had a majority of seven. These conditions, as I said before, were exceptional, and I doubt if the same conditions will ever occur again. Under ordinary circumstances, with the parties fairly equally divided, the change of political parties in this House would come in a comparatively short time, probably in two or three years; but, in any event, the history of the past proves that even under the exceptional conditions which existed in 1896, no party in this House can retain a majority for any great length of time, scarcely more than the legal life of a single parliament opposed to the majority in the House of Commons.

Suggestions have been offered by some who have addressed the House, that an im-

provement would be effected in the personnel of the Senate if a portion of the appointments were made by the provincial legislatures. I should be entirely opposed to an innovation of this kind. I do not think the gentlemen who have proposed this change have furnished any very strong arguments in its support. I fail to see any advantages which have been presented to the House as resulting from a change of that nature. I do see very many serious objections to the adoption of such a principle. It would, in the first place,—and it is the most serious objection—have the tendency of introducing Dominion issues in local contests, and of dividing local legislatures on Dominion party lines.

This, in my opinion, would be a very undesirable result. I have always opposed the mixing up of Dominion and local politics. I regret that this evil exists to such an extent under our present system. The practical working out of this interference has often been that the influence of the Dominion representative in any particular constituency is the means of electing the representative for that constituency to the local House ; and, in return the representative in the local house feels bound to use the patronage, and exercise the influence which his position in the legislature gives him, to strengthen the party and to ensure the election of the Dominion representative when the time for the Dominion election comes round. It is very clear to every one that conditions of this kind do not conduce to purity of public life, to honest administration, or to good government in any form. This would be, to some extent, adopting a system very analogous to that adopted in the United States, and would be open to the evils which are attached to that system. I intended to refer to that, but shall not do so further, if the House permit me to read a few sentences from a work which I have in my hand by an American author, Professor Woodburn, of Indiana University, which very clearly voices my own opinions on this point, in fact does so much more concisely and much better than I could myself. Speaking of the American system of appointments to the Senate, this writer says :

> The present method has aroused great opposition and severe criticism. It has been called one of the most corrupting elements in our national political system. Every vote in the Senate is a bone of contention between the national political parties, and these parties, therefore, through their national organizations strive to control various state legislators by whom the senators are elected. This means that parties in the States are made to coincide with parties in the nation ; that legislatures are to be chosen, not with reference to the needs and interests of the state, but with reference to the election of a United States senator ; that the people of the state cannot divide naturally on questions of local interests and importance, but are divided artificially by the greater or more dominant interests of national parties ; that in voting for state legislators we are led, not to vote for the best and most competent men, who would take the best care for the interests of the state, but to vote for the man of certain party allegiance, that he may vote for a senator who will promote the party policy which we wish to see successful in the nation.
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> The problems of state government are by no means the same as the problems of the national government, and there is no reason why the two should be mixed as they now are in the election of senators. The legislative candidate who represents the best man for the Senate may be altogether unfit for the office of legislator. The voter cannot vote intelligently when he is compelled to vote on two wholly different sets of questions at the same time, yet that is what every voter is compelled to do when he votes for state legislators to elect United States senators.

That, as I said, expresses very concisely my own opinion on that subject. I have referred to the extent to which these evils exist under our present system. I should very much regret if any system was adopted which would have the tendency of increasing this evil.

There is just one other point to which I wish to refer before resuming my seat, and that is to the effective remedy which we have under our constitution as it is at present, for any of the evils which have been complained of. The character of the complaints which have been made with regard to the Senate as the right hon. Minister of Trade and Commerce says, are rather vague. We are charged with too long adjournments, with not taking sufficient interest in public matters, and with not introducing new legislation, and a variety of charges of that character. I am not admitting that any of these charges or complaints are justified. But, if they are justified, it does not prove any defect in our constitution ; they are rather chargeable to the respective governments who are responsible for the appointments to this Chamber. If there is

anything in the character or ability of the Senate as it is constituted to-day which does not come up to the standard which it should do, it does not argue any defect in the constitution, but rather an error of judgment, or want of discretion on the part of those who are responsible for the appointments. And, as one hon. gentleman in the course of this debate has pointed out, the remedy lies in the hands of the government itself; it lies in the hands of the House of Commons, which is elected by the people, and ultimately, therefore, in the hands of the people themselves. It may be said in reply to this that while this may sound theoretically very well, it does not work out practically the results which we should expect. Even if that were so—and I do not admit it—it is no reason why we should abandon a theory which is sound because those who are charged with putting it in practical operation have not done so in as efficient a manner as they should. If there is to be any reform, the reform should begin with those who are charged with putting into practice this theory of government. And, I repeat, this ultimately places the whole matter in the hands of the people themselves. If the people of the country generally are dissatisfied with the work of the Senate as it is performed to-day, or if they are dissatisfied with the character of the gentlemen who compose this body, they have the remedy in their own hands. They can instruct their representatives to insist that the government of the day in future, shall appoint only men who possess the qualifications which will bring them up to the high standard of what they think a Senate should be. Our present system in my opinion accomplishes, or very nearly accomplishes the results which we theoretically expect it should. The results under our present system are not far different from what hon. gentlemen desire to accomplish by the changes which they propose. I do not intend to enlarge upon this point. It was very fully referred to by the hon. gentleman from Smith's Falls, and I heartily endorse all that he said upon that subject.

There is just this point to which I should like to draw the attention of the House, as one of the advantages of our present system over any that has been proposed; that is, that in the choice of hon. gentlemen to fill vacancies in this Senate, the government have the utmost freedom; there is no limit to their power of selection, except the boundaries of the provinces where the vacancies occur. They are free to select from any of the classes which have been referred to as desirable persons to fill seats in this Chamber, they are free to select from the members of the learned professions, they are free to select those who have distinguished themselves for their literary or scientific attainments, as well as those who have achieved success in business life, or in agricultural or commercial pursuits, and it is the duty of any government in making appointments to the Senate to select only those who, by their attainments and experience have proved themselves well qualified to discharge the duties of the position. In my opinion, the fathers of confederation were wiser in their day and generation than are their critics of more modern times. In the provisions which they placed in our constitution for the appointment of the Senate of Canada they avoided the objectionable feature of the hereditary system, which prevails in England, and they avoided the still more objectionable feature of the elective system which prevails in the United States. In placing the appointment in the hands of the government of the day, they gave them the utmost freedom in making their selections. They are free to select from every class and the representatives of every desirable interest in the country, and the experience of and the history of the Senate in the past, have shown that no party, however large the majority it has in the Senate at any one time, can very long retain that majority, if opposed to the majority in the House of Commons, and, by attaching the life tenure to the position, they have attached to it the strongest possible inducement to preserve independence of thought and action. They have placed the Senate of Canada in a position where they are practically free from the influence of sudden changes in public opinion, which may be very transient in their character. But the Senate responds with absolute certainty to any permanent change in public policy or public sentiment in the country. I do not see that any change in the constitution of the Senate or in the method of appointment can be made with any advantage to this body, and I hope that

no changes will be attempted until their necessity, and the advantages which are to result from them are more clearly demonstrated than they have been up to the present time.

Hon. Mr. McSWEENEY moved the adjournment of the debate until to-morrow.

The motion was agreed to.

The Senate adjourned until three p.m. to-morrow.

SENATE.

OTTAWA, Friday, June 15, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TEMAGAMI, COBALT AND TEMISCAMING RAILWAY COMPANY BILL.

REPORT OF COMMITTEE CONCURRED IN.

Hon. Mr. YOUNG, from the Committee on Standing Orders, presented the twenty-third report of that committee with reference to the petition of B. G. Connolly and others praying to be incorporated as the Temigami, Cobalt and Temiscaming Railway Company. He said: Rule 50 requires the presentation of a map before the Standing Orders Committee in cases of this kind. These parties had no map, but having in view the district in which the railway is proposed to be constructed, we did not consider that the Bill should be held back on that account, therefore, we ask the House for the suspension of the rules in this respect. I move concurrence in the report.

The motion was agreed to.

Hon. Mr. YOUNG—A question arose the other day as to whether or not the proper procedure was to move in a case of this kind that the rule be suspended. In case there be any question, I would make a special motion with reference to this petition, without such action being taken as creating a precedent until such time as the matter can be looked into.

The SPEAKER—So far as I remember, the rule was formerly that there should be such a motion, but its observance had lapsed because of a different practice growing up.

The motion was agreed to.

THIRD READINGS.

Bill (21) An Act respecting the Huron and Erie Loan and Savings Company.—(Hon. Mr. McHugh.)

Bill (BB) An Act to incorporate the General Accident Insurance Company of Canada.—(Hon. Mr. Poirier.)

Bill (CC) An Act to incorporate the Chartered Bank of London and Canada.—(Hon. Sir Mackenzie Bowell.)

Bill (60) An Act to incorporate the Inter-Ocean Fire Insurance Company.—(Hon. Mr. Watson.)

PACIFIC AND EASTERN RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. MACDONALD (B.C.) moved the third reading of Bill (N) An Act to incorporate the Pacific and Eastern Railway Company as amended.

Hon. Mr. McMULLEN—I move in amendment that all that portion of clause 7 from the word 'Alberta' in line 8 of said clause, to the end thereof, be struck out.

Hon. Mr. MACDONALD (B.C.)—I hope the House will reject the amendment. It is intended to give a monopoly to another company.

Hon. Mr. McHUGH—Before the motion is put, I beg to move in amendment to the amendment that the Bill be not now read a third time, but that it be read a third time this day six months.

Hon. Mr. POWER—Is that strictly speaking an amendment? I do not think it is.

Hon. Mr. SCOTT—It is not germane to it. The other amendment must be disposed of first, and this one can be taken up afterwards.

Hon. Mr. POWER—I submit the sub-amendment is not germane to the motion which is before the House, and that this amendment will come in more properly after the other one is disposed of.

The SPEAKER—The point is well taken. This cannot form the basis of a sub-amendment. It can come in as an amendment to the main motion when the other amendment is disposed of.

Hon. Mr. POWER—I think it is to be regretted the hon. gentleman from Wellington did not explain the effect of his amendment, which I take to be this; this company ask to be allowed to build a railway from Victoria, B.C., through the Island of Vancouver, crossing the straits, and running through the Yellow Head Pass to Edmonton, from Edmonton to Prince Albert, and from Prince Albert to Fort Churchill. The amendment which the hon. gentleman proposes is that the company shall not have power to build from Edmonton to Fort Churchill, largely on the ground that other companies which are now at work, have charters covering that ground.

Hon. Mr. KERR (Toronto)—Of course one can understand that this amendment would have the effect of killing the Bill. The project is one to start at Vancouver, go through Edmonton, and pass on to Hudson bay. The exclusion of the portion of it which is provided for in the Bill, by the amendment, would be simply to kill the enterprise altogether, and that I suppose is the object in view. A great deal has been said with reference to this being a paper charter. I may state that I have a telegram from the promoters of the Bill informing me that the railway will be built if the charter is granted. They give me that assurance.

Hon. Mr. DAVIS—As I understand it, the amendment moved by the hon. senator from Wellington would have the affect of cutting off that portion of the line which runs from Edmonton to Hudson bay.

Hon. Mr. POWER—Yes.

Hon. Mr. DAVIS—I am particularly interested in the Hudson Bay road, as the part of the country I live in, Prince Albert, is practically dependent upon the opening and development of the Hudson Bay country. We are located in the northern part of Saskatchewan province and in order to be on a main line of railway we have to get a road built to Hudson bay. Ninety-nine out of one hundred people in our part of the country favour the building of the Hudson Bay road. I should like to see as many Hudson Bay roads built as we can get; still, if the granting of another charter to Hudson bay should in the meantime endanger the project in any way, I would support the amendment moved by my hon. friend from Wellington. This Hudson bay scheme has been before the country for a great many years—over twenty years. A portion of the road to Hudson bay was built at one time—about 40 miles in the province of Manitoba. After it had been built and the steel put on it, the road was not operated. I understand that it has passed into the hands of another syndicate. It has taken concrete shape, and Mackenzie and Mann have undertaken to extend that road to Hudson bay. They have already a large gang of men working on the road between Irwin on their main line and the Churchill river. I understand they will have close on 100 miles of the road completed this year. It is a very difficult matter to finance this proposition, because while people have faith in the prairie part of the Northwest—while they may have absolute confidence that a road going through the wheat fields will pay—it is a question whether a road to Hudson bay will eventually pay or not, and there are not many people who would like to undertake it. Messrs. Mackenzie and Mann have undertaken this work and I think we should not do anything to hamper them in the meantime. I would like to see these people getting their charter, but I think if we give them a charter as far as Edmonton, that ought to be satisfactory for the present. This Bill, it will be seen, provides for a very large mileage. My hon. friend on the other side of the House says he has assurances from the company that this road will be built. I have no doubt of the bona fides of the company; they may be able to build the road; but if you give them a charter for 1,500 miles of road through the Rocky mountains, portions of British Columbia that will keep them busy for a year or two years at least. In the meantime Messrs. Mackenzie & Mann are working towards Hudson bay. Let this company build their road through British Columbia, we shall not interfere with them, and give Mackenzie and Mann

a chance to open up the road to the bay. Then if this company shows its bona fides by building a road as far as Edmonton, and they want an extension to a port on Hudson bay, no one will deny them the right to build it, because we want all the roads in there that we can get; but I do not see the object in doing so at the present time, if it is going to endanger the other project. This company could not get to Prince Albert in less than two years. This House will be in session again in November next, and it will be in session next year, and they can rely on getting a charter to Hudson bay after they have completed the road to Edmonton. In the meantime I think it would be wise to accept the amendment of the hon. gentleman from Wellington and leave the road open for Mackenzie and Mann. If you give two or three charters covering the same ground, then the gentlemen who are interested in building the railway when they go to the money markets of the world to get money to put into a new road may have difficulty in financing it. There might be people who would be willing to lend a certain amount of money to build one road to Hudson bay. It would be reasoned that there would probably be traffic enough for one road, but as the season is short and there is navigation for only three or four months, if you grant two or three charters over the same ground it would be very doubtful whether all these propositions could succeed. It would tend to make investors suspicious; therefore I do not think we should do anything to hamper the project, because, as I said before, Mackenzie and Mann are now actually building towards Hudson bay and they should be given a chance.

Hon. Mr. GIBSON—The strange part of the hon. gentleman's speech is with regard to the usual complaint about the opposition to Mackenzie and Mann. Now I find that my hon. friend has a Bill exactly on all fours with the measure now before the House. He wants this Bill strangled so that his own may get through. What about his Bill menacing the interests of Mackenzie and Mann? I am sure that the Bill before the House does not interfere in any way with Mackenzie and Mann's project. Their project comes from the east; this line comes from the west, and we are assured by the people of British Columbia that they want to have an outlet from their province to Hudson bay just as well as the people of Manitoba and Northwest Territories. I do not think it is asking too much from the Dominion parliament to allow the people of British Columbia to have some rights to Hudson bay as well as Mackenzie and Mann or the hon. gentleman's Bill marked (Y). He has not pressed his Bill before the committee; he left the other day before the order was called, but I have been waiting to see the course he is going to take with reference to Bill (Y), because if the Bill now before the House is objectionable from the standpoint of Messrs. Mackenzie and Mann, surely the hon. gentleman's Bill is much so. The hon. gentleman has the idea of getting this Bill withdrawn so that his own Bill may live, and or perhaps somebody else might have a chance to get a paper charter. It has been told around the corridors of the Senate that the gentlemen who are interested in this project are only half-hearted in the matter. It has been stated on more than one occasion to several hon. gentlemen who have spoken to me with regard to the matter, that Sir Henry M. Pellatt did not care for the Bill and simply lent his name to it. Now I am here to say that Sir Henry M. Pellatt has been negotiating in England with reference to the building of this railway, and that is probably the reason why my hon. friend is seeking to oppose it. Sir Henry Pellatt and Mr. Blain, of Toronto, are two men who are well known both in the province of Ontario and the Dominion of Canada generally. They are well enough known to make it certain that whatever they undertake to do they will carry through. If this were a paper charter there would not be half the opposition to it, but it is the fear that the railway will be built that causes the opposition. Surely Hudson bay is large enough. We had the other day a discussion with regard to the Yellow Head Pass being only capable of admitting one railway. On the assurance of Sir Sandford Fleming we were told that there was room for 15 railways, without any one of them using the rails of another—perhaps not fifteen at the mouth of the pass, but through the pass generally

speaking, there was room for fifteen railways. Any one who has taken the trouble to look at that large sheet of water, of which Canada is very proud, called the Hudson bay, can easily see that railways could be built to there from every part of the Dominion of Canada without interfering with Mackenzie and Mann or any other railway company. If anybody can prove to me that with the development of the great Northwest, the development of British Columbia and our new territories, Hudson bay cannot be served by one railway, I submit that we ought not to oppose this Bill.

The conditions of the country are such, the progress of our west is such, with the rapid development of it, the increased area under cultivation and the increased immigration that has taken place, something like ten per cent more than last year, that encouragement should be given to every railway company which asks for a charter to build to Hudson bay. My hon. friend, as usual, is very much concerned about Mackenzie and Mann. If I understand the Hudson bay charter aright, it is pretty well provided for, and I venture to say without fear of contradiction, that my hon. friend would not be anxious, neither would Mackenzie and Mann be as anxious, to build the road were it not for the subsidy it carries with it. But this railway is not asking for a subsidy or a land grant. Surely when a railway company comes before this House and asks simply to get a charter for the purpose of building a railway, not for the purpose of bartering their charter away, but for the purpose of developing the country, the Senate is the last body to defeat a measure of this kind.

Hon. Mr. BOSTOCK—I have listened to the debate with some interest to see whether any fresh points were raised against this Bill that were not raised in the Railway Committee. We have met all the points that have been raised against this Bill today, and I do not think any argument has been advanced which in any way affects the granting of this charter. There is one more charter already granted for a railway to Hudson bay, and if we are to rely on what we hear in the committee, the other company is prepared to go ahead and build this road; so that the argument that the granting of this charter is going to affect the interests of Mackenzie and Mann in the financing of their road is, I think, a falacious one. If there had been no other charter already granted to build a railway to Hudson bay except the one held by Mackenzie and Mann there might be something in the argument for not granting this charter, but inasmuch as there are other charters already granted, I think the granting of this one cannot prejudiciously affect the scheme.

Hon. Mr. McMULLEN—I want to say that I hold no brief for Mackenzie and Mann, for the Grand Trunk Pacific or the Canadian Pacific Railway. I simply wish to take a stand in what I conceive to be the best interests of this country. We know that several charters for the construction of lines to Hudson bay have been granted, not one of which has ever materialized. They have remained a dead letter on the statute-books of the country, and nearly thirty years have passed since the first of these charters was granted. Two lines are now on the way to Hudson bay, one of which is being pushed northward by the Ontario government, and which will very likely reach Hudson bay before many years. Mackenzie and Mann have also started a line and have made very good progress so far. I believe they have the financial strength, the courage and the determination to carry that undertaking through. Any one who has looked over the history of the surveys and explorations in that country must come to the conclusion that the construction of a road there will be an exceedingly expensive undertaking. The construction of the first line will be perhaps fifty per cent more costly than the construction of the second line, if it runs at all close to the first constructed line. We know what enormous expense it will be to get supplies into that wilderness to carry out the undertaking. Mackenzie and Mann no doubt know what they are facing, but those who are about to invest their money in that enterprise will look carefully into the scheme before putting their money into it. I understand that Mr. Mackenzie is going to Europe for the purpose of procuring money to carry out that enterprise. As I said before the committee I now state before the House, every charter that is granted which will conflict with this enter-

prise in any way tends to retard, to interfere with and seriously cripple his efforts to finance his undertaking. We are all anxious to see a road built to Hudson bay. For my own part I have no very glowing expectation of what will result from the opening up of that route. I am justified in coming to the conclusion, from the reports of explorers, that Hudson strait is not open for steamers more than four months a year and for sailing vessels two months of the year. For steamers they are open from about the first of August until the first of November, and it is quite clear there will be a very serious problem in utilizing that route for the exportation of the surplus products of the Northwest. Possibly wheat may be stored at Fort Churchill, but if so it must be held there until August of the following year. I doubt if in this era of rapid transportation you will get many men to purchase wheat to be stored at Fort Churchill from the fall of the year until the following August. No doubt there is considerable mineral wealth on the shores of Hudson bay, and it is to be hoped that considerable mining enterprise may take place there. It is also believed that a very extensive fishing business may be carried on in those waters. What I advocate is to encourage the construction of the first line to Hudson bay the same as we did when the Canadian Pacific Railway was constructed through the Rocky mountains. Let us pick out the line that is most likely to be constructed and encourage its construction. I do not think we can make any mistake in granting assistance and encouragement to Mackenzie & Mann to carry out their project, not because they are Mackenzie and Mann, but simply because they have shown more life and courage, have done more work and built more roads in Canada than any other company within the last two or three years, not excepting the Grand Trunk Railway or the Canadian Pacific Railway. They have made wonderful progress, and I am glad to know that their credit stands high. I believe they will succeed in carrying through their undertaking. Let us give them a chance. I know nothing of the personnel of this other company. I have looked at the names and none of them have been associated hitherto with railway construction. I do not know whether they have the financial strength to carry through a scheme of this kind, but I do not care if they have the Bank of Montreal at their back, we should not interfere with those who are already at work trying to construct a road to Hudson bay. Let us encourage the scheme that is now under way and likely to be carried out. It is our duty to do that, and if it succeeds we will have one road to Hudson bay. I venture to predict if we assume the responsibility, by granting this charter, of preventing the financing of the undertaking which is now in progress, we may seriously regret taking such a false and unfortunate step, because I am satisfied that it will take four or five years to mature the scheme for the construction of the road under the charter that we are now asked to pass before they can do anything, and as my hon. friend from the other side of the House has said, they are asking a charter for 2,500 or 3,000 miles. If they had come here asking for a charter for a smaller project through the Rocky mountains and after carrying out some portion of the work, thereby showing their bona fides, I say it would be reasonable, but they are now asking for a charter that very seriously interferes with an undertaking that is alive and will be carried out. That is the fault I find, and that is the reason why I oppose it. I say that in my humble opinion it is the interests of our country—and I believe every man here is patriotic as well as myself, I do not claim a monopoly of all the patriotism in this Chamber—by no means—I have no doubt every hon. gentleman here is just as patriotic as I am, but perhaps they do not see matters the same as in my humble opinion I see them, I am quite willing to allow them their opinion. I may be mistaken, but I hold very tenaciously to the views I entertain upon this question. I hold no brief for that or any other railway company or any financier or any speculator—none at all. I am actuated by what I believe to be my duty in this matter. I am willing to give this company a chance to mature their scheme, and construct their road on a reasonable scale and, after that is done, if these people come along and say we want a charter to extend our road, I should have no objections, but I do not want by my

vote to assume the responsibility of interfering with a project that is now under way, and I believe will be a success if we only let it alone.

Hon. Mr. SULLIVAN—I wish to say a word in explanation. My name is appended to the resolution of the hon. gentleman from British Columbia as a seconder. That is simply as a matter of courtesy. I may say that I have not been converted by the arguments of the hon. gentleman from Wellington. I had long ago formed an opinion on this subject. I think no arguments are required about it. The matter is simply in a nut shell. Mackenzie and Mann are building a road to Hudson bay ; they are sound and solid men, and they intend to push their scheme. Another party comes along and wishes to build not exactly on the same track, but in the same direction. These men come before this Senate, and they say 'If you grant this proposed charter you imperil the object which we have in view and which we really intend to carry out, and are in process of carrying out." That is simply the reason I thought I was in honour and duty bound to the Senate to vote accordingly.

Hon. Mr. EDWARDS—I may say that at the inception of this Bill I had some misgivings as to how I should vote upon this question. I am a great admirer of what may be termed our three great transcontinental undertakings. I think it would be very detrimental to the country if anything should be done which would in any way hamper or interfere with the development of these great undertakings. But while that is true, I do not think it is right that Canada should be handed over body and bones to these three great transcontinental roads. The people of the great west seem to desire the construction of the road which is now in question. We in the east perhaps are not so very conversant with or able to determine the full merits of this undertaking. I have endeavoured myself to come to a sound conclusion upon it, and I must confess that I cannot see how, in that very great country, with its broad areas and its great possibilities of production, the granting of this charter can be so detrimental to any other system. It does appear to me that there is far too great an effort put forth, a tremendous effort put forth, to defeat the undertaking which seems to be reasonably brought out, and, as stated by the western members, a road which they strongly desire. As regards this question of capital, and this question of guarantee, I take no stock whatever in that. The railroads of this country are not built by the capital of the gentlemen who engage in the promotion of the road. The people of the various parts of the world subscribe to these undertakings, and each one is constructed in exactly the same way. No individual puts up the capital for building any such road. However, it is always desirable that there should be good names behind the undertaking, and in this instance certainly no objection can be raised to the names. They are just as good names as have ever come before parliament for incorporation, and I think it is absurd to raise the discussions which have been raised on the ground of capital and with reference to individuals. The markets of the world are sought when capital is desired for these undertakings, and the capital generally comes from outside. I would suppose that the gentlemen who have this undertaking in hand are just as able to go to the markets of the world to borrow money to build their road as the promoters of any other railroad.

Hon. Mr. WILSON—Before the motion is put to the House, I desire to give my reason for the vote which I shall very likely give. I might say at the outset that the hon. gentleman from Prince Albert really ought to have an idea as to the probabilities of this road being constructed, and as he expressed himself, he is in favour of one or more roads being built. He is not opposed to this road per se, but he is afraid that if we grant a charter to this company we may interfere with a company which is more likely to construct the road than this company is. He is desirous of having this road built. I understood from the remarks of the hon. gentleman from Beamsville that he was not hostile to the construction of roads to Hudson bay. He advocated strongly the construction of the road. But the fear of my hon. friend from Prince Albert was that if you granted a charter to this new company and interfered with Mackenzie and Mann you would interfere with the

road they were desirous of building. I doubt if this company has any very strong hopes of going on with the construction of their road. I see, by looking over the Bill, that they have no time within which to commence it, and no time within which they will complete it. There is no limitation to the charter at all. It is a perpetual charter, and what is the object of it ?

Hon. Mr. KERR (Toronto)—I beg to call the hon. gentleman's attention to a fact that he has lost sight of that no Bill in its first introduction contains a time limit provision. The Railway Act provides for the time.

Hon. Mr. WILSON—That may be, but I am taking this Bill. If they have five years to commence, according to the Railway Act, the general rule is not to give that length of time.

Hon. Mr. KERR (Toronto)—The hon. gentleman does not want to misstate the matter I am sure. He has not looked at the Railway Act or he would not make such a statement. The law requires that each company shall begin construction within two years, and finish within five years.

Hon. Mr. WILSON—Why is this Bill not in accord with the majority of the Bills passed through this House ? My hon. friend from Toronto perhaps knows well why the provision is left out here.

Hon. Mr. KERR (Toronto)—I beg the hon. gentleman's pardon, I cannot have that statement go unchallenged. No Bill granting incorporation to a railway company has that time limit, because the Railway Act provides for it.

Hon. Mr. WILSON—I have seen the majority of the Bills passed by this parliament and the time limit is fixed in them. The company must commence within a certain period and build the road within a certain period, and, if they do not do so, they forfeit their powers under the Act.

Hon. Mr. KERR (Toronto)—It is never done.

Hon. Mr. MACDONALD (B.C.)—That is for a new charter.

Hon. Mr. WILSON—That may or may not be the case. I ask the hon. gentlemen of this House who know these individuals, is there a single railway financier among the whole lot ? There is not a single one of them a railway man, and, therefore, I contend that this scheme is an unreasonable proposition. My hon. friend beside me hands me Bill No. (30) An Act respecting the Kootenay and Arrow Head Railway Company. In that Bill is a limitation when the work is to be commenced and when it is to be ended. I ask my hon. friend from Toronto why he would desire to lead me astray and make me believe that such a limitation is not in accordance with other Bills which have been passed by this House. If it is necessary to limit this charter, Bill (20), why is it not necessary to limit the charter now under discussion ? If it will satisfy the hon. gentleman I will read the clause :

2. Such branch lines shall be commenced within two years and completed within five years after the construction thereof has been authorized by the Governor in Council ; and if such branch lines are not so commenced or are not finished and put in operation within the said periods respectively, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of such branch lines as then remains uncompleted.

Hon. Mr. KERR (Toronto)—That is not a charter. The hon. gentleman is wrong ; that is an Act amending a charter all ready outstanding, and unless the clause prescribing that time limit were put in, they would not be able to have any time to build.

Hon. Mr. WILSON—No doubt whoever drew the Bill and made the application for the charter before the House, did not understand the railway law as well as my hon. friend from Toronto. Some people have all the knowledge ; others of us may be a little limited in our knowledge, but here we find a Bill going through the House with a provision contrary to the idea that my hon. friend contends is the proper and just form of a Bill. Why didn't he object to that ? Why didn't he say that this provision was useless and should be struck out. Take the position in which this section of country is at present. Attempts have been made for years and years to obtain railway charters for this territory and some have been granted. Here is a company that has gone on year in and year out constructing roads not only in the Northwest but through

other portions of the Dominion of Canada, and are now building to Hudson bay. Are we to thwart their energies and tie them up ? Are we to say to them that when they go abroad to find money to finance their road, that we will put them in the position of having to face another charter covering the same territory, and thus prevent them from selling their bonds to advantage ? If we pass this Bill we are going to injure the financing of their bonds in the money markets of the world. Remember the importance of the construction of the road to Hudson bay. True, it is said that Hudson bay is not open for navigation many months of the year. That may be so, but we have at the present time a little appreciation of the vast teeming trade that will flow from the wheat fields of the great Northwest through to the Hudson bay, to be conveyed by water from a port there across the ocean, and the result of this will mean to the general public cheap freights from all that section of the country. If we grant a charter to a company that is merely on paper, a company that never constructed any road, and which is not prepared to do that which Mackenzie and Mann have done, I feel that it would be doing an injustice to Mackenzie and Mann's road and endanger the construction of a road to Hudson bay.

Hon. Mr. WATSON—I do not wish to be understood as taking the course which has been followed by the hon. senator from St. Thomas. I am strongly opposed to people coming here for charters for a speculative purpose. I hear a good many 'hear, hears.' The objection has been raised to this Bill that it is promoted for speculative purposes. An hon. gentleman who favours this Bill says 'no.' Some names have been mentioned in connection with this Bill, but if they are not coming here to procure a charter for speculative purposes, they are travelling in very bad company, because their names are associated with the name of a gentleman who has been engaged in that business and is engaged in it to-day—a gentleman who tries to buy options on charters passed by this parliament for the purpose of speculation. For that reason I am opposed to this Bill. I have no brief for Mackenzie and Mann, but the people of the west are anxious to have a road built to Hudson bay. I do not think the road will ever be built without a subsidy. Any company that would do so would be foolish, because the railway is bound to be an experiment. It may prove a success—I hope so. If it does it will be a great advantage to Manitoba, Saskatchewan and Alberta, but I do not think any company would undertake to build that line or that parliament would expect any company to do so without being subsidized. A charter for the Hudson bay road has been in existence for ten years. It has carried with it a very large land subsidy during all that time, 6,400 acres per mile in the province of Manitoba and 12,800 acres per mile outside of Manitoba. Notwithstanding that immense subsidy, the line has not been built. True the Canada Northern built a portion of that road some years ago on account of the land grant in the province of Manitoba, and a small subsidy of $80,000 a year for twenty years, and on receiving a guarantee from the province of Manitoba as a road which served colonization purposes as well as a route to Hudson bay. From Erwood for a distance of about 100 miles the Canada Northern has extended its line this year and is receiving a land grant of 12,800 acres per mile. That land grant will lapse in a few days, but it has to be revived if the company is to get it. I do not propose to hold up any charter for the purpose of giving Mackenzie and Mann a monopoly to build that road, but I am in favour of any corporation that comes along getting power to build that line. In the Lower House a Bill has passed which will be before the Senate in a few days—I refer to the Grand Trunk Pacific Branch Lines Bill. That contains a right to build a branch to Hudson bay. I should say the company behind the charter to build a road to Hudson bay will be much more likely to be a stimulant to the Canada Northern to go on and complete its line to Hudson bay in the near future than the charter now before us. For that reason, no argument can be advanced in favour of this Bill as being an incentive to Mackenzie and Mann to build that road, or that it will be built any the sooner by reason of this charter being granted. I should prefer if a motion had been made to refer this Bill back to the committee, because a question has been circulated here

as to the genuineness of the names in this Bill. I do not know the financial ability of those gentlemen. I never heard of them in railroad matters, but it does not necessarily follow that because a man is not a railway builder he cannot assist in building a road. It is a question of finance. Every one who hears me will appreciate how easy it is for a schemer who wants a charter from the parliament of Canada to go to gentlemen and allow their names to be attached to his Bill. There is no trouble in that. I have referred to a gentleman as being a charter monger, and for fear that there should be any mistake as to his identity I may say that he is John Thomas Bethune. That gentleman is in the business and represents himself as being 'the sole and only agent of Jim Hill in Ottawa' looking for charters to build roads in the west. I believe Mr. Hill says he has nothing to do with him. That is the gentleman who is promoting this Bill, and if he is on intimate terms with the gentlemen whose names appear in the Bill he can get them to come to Ottawa and show their good faith. I am opposed to this Bill because it is a charter for speculative purposes. The intention is to hold up persons who are endeavouring in good faith to build a road to Hudson bay and to so interfere with their legitimate work as to compel them to give some consideration for their charter. I should prefer to send this Bill back to the Railway Committee for further consideration and allow Sir Henry Pellatt and the other gentlemen whose names are mentioned here to come before the committee and show that this is not simply a charter secured for speculative purposes. Unless the Bill is referred back to committee I shall support the amendment with a view to defeating the measure.

Hon. Mr. KERR (Cobourg)—When my eye first fell upon this Bill, I thought then, and I still think it to be, the most important piece of legislation that has come before the Senate this session. I am not naturally suspicious, because I presume what the law requires me to presume, that everybody and everything is honestly intended; but the title of the Bill aroused my suspicion. 'An Act to incorporate the Pacific and Eastern Railway Company.' I knew where the Pacific was, according to my knowledge of geography, but I did not know where the 'eastern' was. When a railway company comes here for legislation I want to see them come down with something definite. I want to know that their project begins somewhere. This does; but I want to know whether it ends somewhere.

Hon. Mr. KERR (Toronto)—Which it does.

Hon. Mr. KERR (Cobourg)—The heading of this Bill is calculated to lull an unsuspecting person into false security. When I saw the title of the Bill I thought it meant some road for local convenience, leading from the Pacific into British Columbia, but what do I find by the 7th clause of the Bill?

> 7. The company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the city of Victoria in the province of British Columbia, thence northerly by the most feasible route to a point at or near the northerly end of Vancouver Island, thence to the mainland to a point at or near Bute Inlet; thence easterly through the district of Cariboo, via the Yellow Head Pass to Edmonton in the province of Alberta; thence easterly to a point at or near Prince Albert in the province of Saskatchewan; thence northeasterly, by the most feasible route, to Fort Churchill on Hudson bay; and also a branch line from Edmonton to Dunvegan on the Peace river.

My suspicions would not have been aroused if it had provided for a railway from the Pacific to Hudson bay. There we would have had a beginning and an end. I do not charge any one with trying to mislead, but it is unfortunate that such a title was given to this Bill. It so happens that I am acquainted with one or two of the names of those who are provisional directors. All I know of any of them is in their favour; that is, as far as being respectable people. I was surprised, I must confess, when I heard the names of Sir Henry Pellatt and Mr. Blain mentioned as incorporators, because I knew their previous life had not been devoted to railway construction, and I felt that before I was called upon to vote upon this question either in committee, or in this House, it would have been a great relief to my mind that either of these gentlemen had appeared before the committee in person and shown that he was interested in the project. But this is an immense proposition. It contemplates building a railway from Victoria, B.C., to the north end of Vancouver island, crossing to the main

land, traversing British Columbia, Alberta, and Saskatchewan, and thence to Hudson bay, a distance of about 1,800 miles.

Hon. Mr. MACDONALD (B.C.)—Why not ?

Hon. Mr. KERR (Cobourg)—Because it involves an expenditure of between seventy-five and one hundred million dollars. Are we to throw a blanket over British Columbia and over Alberta and Saskatchewan up to Hudson bay by a charter of this kind ? For I contend it will be nothing but that. I do not expect that any one of you, perhaps, will be in the slightest degree influenced by what I may say. I am not speaking for that purpose ; I am speaking to call the attention of every member of this House to what is involved in his voting for or against the motion before the House. Not even the surveys could be made in the time specified within which this road is to reach Hudson bay. As I said a few evenings ago, when we were discussing a motion of my hon. friend from Prince Albert of a similar nature, I am as anxious as any man in this House or in the country can be to get to Hudson bay; but I do not want to put an insuperable obstacle in the way of those who are earnestly trying to get there as soon as they possibly can. I feel that by giving a vote in favour of this charter I would be throwing an insuperable difficulty in the way of bona fide railway builders, and I will not do it. I am told that Mackenzie and Mann have one hundred miles of the road already built. That is not what has influenced me. I am told there are other charters granted ; that is not what has influenced me, although people who do things, and not people who say things are the people for me, and the men who are now in the act of building a road to Hudson bay, if this has the effect of impeding their project or thwarting it or hindering them, I say we should not throw an obstacle in their way but wish them a hearty God speed in their venture. I had been in hopes all the time that those who were promoting this charter would be satisfied with something like a reasonable, honest and straightforward compromise ; that they would be content to have the eastern terminus of that new railway at Edmonton. I was willing even to grant them the right to go to Prince Albert ; but it seems nothing will satisfy them but to secure a blanket charter over all that western country from Victoria to Hudson bay. If they build as far as Edmonton, they would show their faith by their works, and they will have enough to do to get to Edmonton for many years to come, much more so to get to Prince Albert ; and until such time as they do so, they should not ask for more. I wish to say that if they build to Edmonton or build to Prince Albert and I am spared so long, there will not be a member of this House who will vote with greater cordiality in favour of giving them the right to extend their road to Hudson bay. I am sorry that I have to differ from some hon. gentlemen in this House, men who know a great deal more about railway construction than I do. I do not profess to be a railway man, but I do profess to be able to appreciate the great, the incalculable importance of bona fide railway construction in this or any other country. If anything has made the Dominion of Canada the proud country it is to-day so that it has become the pride of the British empire and the envy of other peoples, it is largely owing to our railways. Now I hope hon. gentlemen will not vote hastily on this question, and I know they will not. I am utterly opposed to granting this charter in its present shape, I am suspecting nobody of bad faith ; but I cannot believe that this road will ever be built within the time or by the men who were put forward as the people who are at the back of it.

Hon. Mr. MACDONALD (B.C.)—No danger of them.

Hon. Mr. KERR (Cobourg)—I was greatly relieved when the hon. gentleman from Lincoln assured me—and anything he says has great weight with me, and I do not doubt his word for one moment—that he had reason to know that Sir Henry Pellatt, was aware of what was going on here. I had a suspicion that most of these gentlemen named as provisional directors were entirely innocent, and had knowledge of this application for the charter, and I shall be surprised if I do not know before many weeks after this session that Mr. Blain and Sir Henry Pellett and two or three others are really in downright earnest ; that they want legislation and that they want to confer

upon Canada the great boon that it would be if this railway was built. But let them build it part way, and the best claim they could have on the confidence and support of the Senate would be to come here and say: 'There you said we could not build it. There is a road from Victoria to Edmonton. What are you going to do with us now?' We would say: 'We will let you go to Prince Albert and to where you ultimately desire to go, Hudson bay, and God speed your work, but I consider this a very serious piece of legislation, and, as at present advised, I am utterly opposed to granting this charter in its entirety.

Hon. Mr. McHUGH—Before the motion is put, I desire to give, in as brief a manner as posible, the reasons which prompted me to oppose this Bill. I considered from the start that the Bill was somewhat of a speculative character. I believe this parliament should bend its energies as much as possible to encourage whatever company or corporation was most likely to construct a road to Hudson bay. As the hon. gentleman from Portage la Prairie said a few moments ago, a Bill has passed the other House, and is coming over here, known as the Grand Trunk Pacific Bill, asking to build a road to Hudson bay. The Canadian Northern is a corporation that we know of that are railway builders. It does not look much like a business proposition when men come here asking us to pass a Bill to cover a stretch of country such as the one that is covered by this charter; men who never had the experience of building a mile of railroad. I fear very much that the granting of legislation of that kind is going to be detrimental to the construction of roads by corporations that have been known as railway builders in Canada. It is very seldom that I can see eye to eye with the Canadian Northern Railway Company, perhaps not always with the Grand Trunk Pacific, but I take the stand that whatever corporation I believe is going to carry out in a legitimate way the legislation they are looking for in this House, that I think is beneficial to this country, is the corporation that is going to have my support, and I am going to condemn by my vote anything that I believe is of a speculative character, and giving of charters for roads to men who are not going to construct them, but look round to see where they can place obstacles in the way of corporations that are going to carry them out legitimately. It is a hazardous road to build; it is one that is problematical as regards the business that will accrue to it when it is built. I think the energies of this parliament should be directed to encourage the parties who are most likely to build a road in there at the earliest possible moment. The Canadian Northern—who have built some hundreds of miles nearer to Hudson bay than any other corporation has done—give us their assurance that they are going on to the Hudson bay with the construction of that road that they are building now. I am not one who is going to place difficulty in the way of financing the scheme when they are proceeding to accomplish it. Sufficient rivalry will be had from the Grand Trunk Pacific to insure the country of the best services from them. For these reasons I am opposing the Bill now before us.

Hon. Mr. JONES—I should like to say two or three words with reference to this question before the vote is taken, particularly in reference to the remarks made by the hon. gentleman from Ottawa, who said that the people of Canada did not put their money into railways but that it came from abroad. It appears to me that if any country in the world has put its own money into railways it is peculiarly so of Canada. Whose money built the Canadian Pacific Railway? Where was the capital that built it? I think every hon. gentleman in this House would agree with me in the statement that, practically speaking, the people of Canada built that road. Who is building the Grand Trunk Pacific? The people of Canada largely are building it by their money and guarantees. Take the roads of the various provinces, and the subsidies that have been given by the Dominion parliament and the provinces to the various railroads in Canada and point me out a railway system in Canada of any considerable extent that has not been built with our own money and land grants and guarantees. The International Railway was entirely built by the people of Canada. I am one of those who probably have less faith in the immediate building of a railway to Hudson bay

than many of the hon. gentlemen in this House. I do not believe personally that the Canadian Northern or any other railway company will build this railway that we are discussing, or that any other company will build a railway to Hudson bay in the near future without a very large subsidy from the people of Canada. I do not believe that the people of Canada as a whole are satisfied that for the present it is the best direction to build a railway for the carrying out of the products of western Canada. The legislation of two years ago would indicate that the people of Canada as a whole believe that great trunk lines east and west would be in the best interests of Canada, and so the credit of Canada has been pledged very largely for the construction and the guarantee of an additional transcontinental railway. I am one of those who would like to see that road built, and largely successful before the branch lines are built, taking the traffic either north or south from the trunk system until its success was assured. I would be glad in the near future to consider the further strengthening of the trunk lines east and west, and connecting what may be called the Canadian Northern system east of the lakes and the Canadian Northern system west of the lakes through that part of Canada that is found difficult for railway construction, and in the meantime not affording any considerable traffic. That would be the direction in which it appears to me the people of Canada could afford to put their money, which they might reasonably look forward to be in the best interests of the future of the Dominion. When the time comes that the trunk lines constructed and being constructed east and west are unable to handle successfully the traffic from the west, or vice versa, then we will possibly know more about the Hudson bay problem than we do now. The question of building a line to the Hudson bay was a very live question in western Canada 25 years ago. Probably no railway scheme that came up in the local House in the province of Manitoba was so keenly debated and so anxiously discussed by the people there as this one. Substantially it is little further advanced to-day than it was 25 years ago. It is true that the Canadian Northern system has reached materially nearer, but that is the fact because it affords feeders to its main system, and the traffic over the system that is reaching to Erwood and from there to Prince Albert, and the traffic over the branch now being built from Erwood to the Saskatchewan river at Pas will be a feeder of the present trunk line. I do not anticipate that the balance of the road from there to Hudson bay, shorter as it would be than any other line, and in the right direction, as far as is known, for a continuation to Hudson bay, will be built in the near future, unless the parliament of Canada grant very large subsidies for that purpose. I must confess that I have been a good deal in doubt as to what I should do with reference to my vote in connection with this question. I have no wish to prevent railways being built; it would be my wish to see that they were built as far as they are required. Whether the duplicating of charters over practically the same section of country is the best way to bring that about or not, I am in doubt. My own personal view is that the parliament of Canada should not have in the past granted, and should not in the future grant a charter to any company unless they had first ascertained that the route laid out to be covered by the charter was one that would be in the interests of Canada, and unless they had such assurances as would leave no doubt that the road would be built, and then, having granted such a charter, they should not grant other charters blanketing the same section of country. I believe it has been the rule for many years in Great Britain that no charter goes though the British House unless the government take the responsibility of seeing practically that that projected railway line covers a section of country through which it would be in the interests of Great Britain that a line should be built, and that the people asking for the charter have given such assurances as would warrant the belief that the road would be built if the charter were given. We did not begin that way in Canada. Probably it would not be practicable, because of what we have already done in the way of legislation, to begin that course now; but it does appeal to me that in the great stretch of country such as Canada has, where there are such enormous dis

tricts without railway facilities, the parliament of Canada, if they could now see their way to do so, should refuse to grant charters except in such directions as would not be duplicating existing lines and adding railways where they are unnecessary, because railways must be made self-sustaining after they are built. In the southern portion of the province of Ontario it is well known to many hon. members here that we have a duplication of roads which were quite unnecessary in the interests of Canada and in the interests of the province of Ontario. If the legislation in past years had been such as would have forced railway companies to give running powers one to another over their respective systems, enormous expenditures would have been saved to the people of Canada and lower freight and passenger rates would be sufficient now to make these roads pay, where unnecessarily duplicated systems have to be maintained. The hon. gentleman from Prince Albert, who has opposed the Bill, I had hoped would give some explanation of the Bill which is to come a little later, of which he himself is a promoter, because to be consistent he should have indicated to the House what his position would be with reference to that Bill and explained how it would be possible for a senator to advocate one charter called Bill (Y), over the country from Prince Albert to Hudson bay while he opposed another called Bill (N), over the same section of the country.

Hon. Mr. DAVIS—I will give an explanation if the hon. gentleman will allow me. This point has already been brought up by the hon. gentleman from Beamsville and it may as well be settled now. I am not going to make a speech. The Bill which stands in my name is promoted by the city of Prince Albert, because there is a lot of fine land on the north side of the Saskatchewan river which they want to see developed, and they have asked for a charter to Hudson bay. However, if in the judgment of the House it would be better to cut it off at the Pas, I am quite willing to agree to that, and I believe that the people behind the Bill will be agreeable also; but if there is going to be free trade in railways in future I hope it will go through in full.

Hon. Mr. JONES—I do not think the hon. gentleman has answered the question. He says if the House vote for the amendment and agree to the cutting off of the Hudson bay end of this road he would be content to have his road cut off in the same way. He knows perfectly well if the House does not adopt the amendment it will be cut off in that way, but what is his position personally with reference to the charter? That was the question I had hoped he was going to answer, but which I did not think he did answer, at least not to my satisfaction. There is one other question with reference to this charter, and that is as to the gentlemen who have made the application. I am bound to say to the House that I have been influenced somewhat in my judgment on this Bill because some of the names which appear as applicants are those of gentlemen who have already dealt in charters, and when they come asking the House for additional charters it naturally makes one wonder what is going to happen hereafter. I have been advised that in at least one case the name appearing is what might be termed a charter monger or charter seller, or whatever term may be applied, and that one or two charters at least have been traded in by him before. It may not follow that it is their intention to do so in this case. I do not say that it is.

Hon. Mr. KERR (Toronto)—Is that quite correct? Is it not that he was buying a charter? Is it not that he was a charter buyer?

Hon. Mr. JONES—I had especially in mind that he was a charter seller for about $30,000. I do not refer to either of the two Toronto gentlemen whose names are on the Bill. Their names stand for what is best in the interests of Canada so far as I know; but these are matters which one naturally has to consider. The other difficulty I find is this: It has been stated by several speakers that there are already a number of charters granted practically over the same route for which this charter is being asked. Some hon. gentlemen who have spoken have indicated that it would be a very serious matter to the Canadian Northern system—they spoke of that because that is more nearly in the Hudson bay direction than any other, and that is the sense

in which I speak of it—if this charter were granted, because it would interfere largely with the financial arrangements for the construction of the Hudson bay road. I am not going for or against this Bill on that score. I do not believe that one more paper charter added to the number will make any material difference to any bona fide arrangements which may come up in the near future. I am bound to say that I do not believe that this road would be built in the near future, not a mile of it, not a foot of it, in so far as Hudson bay is concerned, and I am not objecting to the Bill for that reason. Whether that portion of the road in British Columbia and in the west is necessary and may be built or not I do not know. I would regret if by my vote I prevented any road being built which would have been built if this charter had gone through, and I sympathize, therefore, with the resolution of the hon. gentleman from Wellington that that portion of the charter leading well up into the prairie country of northwestern Canada should be given to the promoters and that we should see what takes place within the next two, three or four years, and be as helpful to the company hereafter as it is possible or necessary to do, if they are successful in going on with their enterprise.

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

Contents:

The Honourable Messieurs

Coffey,	Power,
Cox,	Riley,
Davis,	Robertson,
DeVeber,	Ross (Moosejaw),
Douglas,	Ross (Halifax),
Jones,	Sullivan,
Kerr (Cobourg),	Talbot,
McHugh,	Watson,
McMullen,	Wilson.—18.

Non-Contents.

The Honourable Messieurs

Baird,	Kirchhoffer,
Bernier,	Macdonald (Victoria),
Bostock,	MacKeen,
Boucherville, de	McDonald
Carling (Sir John),	(Cape Breton),
Casgrain (Windsor),	Perley,
Dobson,	Roy,
Edwards,	Scott,
Ellis,	Shehyn,
Gibson,	Thompson,
Jaffray,	Vidal,
Kerr (Toronto),	Yeo.—23.

Hon. Mr. JONES.

Hon. Mr. KERR (Toronto), moved that the following be added as clause 4:

Clause 4. Whenever, in the opinion of the Board of Railway Commissioners for Canada, owing to the configuration of any portion of the country through which the company's line of railway passes, it is impracticable or unduly expensive to build more than one line of railway through that portion of country, the provisions of section 137 of the Railway Act, 1903, shall apply as regards the company and any other company authorized to construct a line of railway through that portion of country; but nothing in this section of this Act shall be deemed to limit or restrain in any way the application of the said section 137.

He said: It will be within the memory of hon. gentlemen that when giving notice of this amendment I stated that this clause had been in fact agreed to in committee, and it was understood that it was to go into the Bill, but no minute was made of it and so it did not appear in the report.

Hon. Mr. McMULLEN—The House should certainly have some time to consider this clause as well as other matters connected with the Bill. I therefore move that the third reading of the Bill be postponed until Tuesday next.

Hon. Mr. KERR (Toronto)—It is the standard clause which has been put in every other Bill.

Hon. Mr. McMULLEN—Why was that not done in committee?

Hon. Mr. KERR (Toronto)—Because of a misunderstanding as to what the committee had in fact done.

Hon. Mr. DAVIS—Now that we have had so many amendments and such a discussion over the amendments proposed by the hon. senator from Wellington, I agree that it would be only a right and proper thing to send the Bill back to committee in order that it might be carefully considered.

Hon. Mr. POWER—The amendment results from an amendment proposed by the hon. Secretary of State to a Bill which went through the House some days ago. The Railway Committee appointed a subcommittee, who prepared this clause to meet the case. It arises in connection with all the transcontinental railways, and all railways running through British Columbia. Proper self-respect renders it necessary that the clause should be inserted in this Bill.

I voted for the last amendment which was defeated, and I am not, on the whole, in favour of this charter ; but we ought to be prepared to accept the decision of the majority. A substantial majority has decided that this Bill should pass, and I do not believe in jockying. The right thing is to give the Bill fair play. It can go down to the House of Commons now with some chances of being considered before prorogation, and that is the fair thing to do.

The amendment was agreed to.

Hon. Mr. DAVIS—Seeing that this Bill has come before the House in the manner it has, and that different amendments have been moved at various times, I am sure that while my hon. friend who had charge of the Bill may have a grasp of all the different amendments, there are others who, perhaps, have not. I made the statement before that I think it would be wise to have this Bill go back to the committee to be reconsidered. There is more in the Bill that needs reconsideration.

Hon. Mr. ELLIS—I rise to a point of order. The question has been put from the Chair for third reading and although the Speaker has not declared it carried it is impossible now to move an amendment. The hon. gentleman has lost his right.

Hon. Mr. POWER—I rise to another point of order. An amendment cannot be moved to a private Bill at the third reading without notice. I do not understand that any notice of this amendment has been given. The motion is therefore out of order.

Hon. Mr. DAVIS—I do not understand that the third reading of this Bill has been carried. I am quite in order.

Hon. Mr. POWER—The hon. gentleman cannot move an amendment without notice.

Hon. Mr. DAVIS—I am going to move that the Bill be not now read the third time, but that it be read the third time this day three months, and I ask for the Speaker's ruling.

Hon. Mr. POWER—It cannot be done.

Hon. Mr. DAVIS—Seeing that we cannot have this Bill back to the Railway Committee for reconsideration of the different clauses, I should like to say a few words on the Bill itself.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman cannot discuss the principle of the Bill now.

Hon. Mr. DAVIS—I have a perfect right to show why I move the three months' hoist.

Hon. Mr. POWER—I rise to a question of order. One of the rules which is always insisted upon in this House, and which is perfectly clear in our book of rules, is that no substantial amendment can be moved to a private Bill at the third reading unless notice has been given. There can be no more substantial amendment that the motion that the Bill be not now read the third time, but that it be read the third time this day three months, and the hon. gentleman cannot move that amendment without giving notice. He has given no notice and he is out of court. If a majority of hon. gentlemen in this House agree with the hon. gentleman they can vote against the third reading and kill the Bill in that way.

Hon. Mr. WATSON—I think my hon. friend is within his right in moving the three months' hoist and giving the reasons why he thinks the measure should not be read a third time now. In other words, he may give reasons why he thinks the Bill should be thrown out. There are no rules to prevent that. We are governed entirely by the rules, and the rules specify that we have a right, on the motion for third reading, to move the three months' or six months' hoist as we desire to do.

The SPEAKER—The hon. gentleman need not move any amendment. He only need to divide the House on the motion for the third reading and effect his object just as well.

Hon. Mr. DAVIS—I should think, when I move that this Bill be not now read a third time but that it be read a third time this day six months, that I have a perfect right to give my reasons for making that motion.

Hon. Mr. POWER—I insist on the point of order. The hon. gentleman cannot make the motion.

Hon. Mr. DAVIS—I want a ruling.

The SPEAKER—The hon. gentleman may speak to the motion for the third reading without moving an amendment.

Hon. Mr. DAVIS—I can speak to the third reading ?

Hon. Mr. POWER—Yes.

Hon. Mr. DAVIS—Then I will speak to the third reading of the Bill. I do not wish to trespass on the time of the House, but I will have to make some extended remarks with reference to this Bill : I might say I opposed this Bill when it came before the committee because it contained clauses that I did not think should have been incorporated in any railway Bill.

Hon. Mr. GIBSON—I rise to a point of order. The hon. gentleman has already spoken on the third reading of the Bill ; and I ask the ruling of the Speaker whether he can speak a second time on the motion ?

Hon. Mr. WATSON—The hon. gentleman spoke to the amendment moved by the hon. gentleman from Wellington, which has been voted down.

Hon. Mr. McMULLEN—The point of order is not well taken. Any hon. gentlement has a right to speak to any motion.

Hon. Mr. MACDONALD (B.C.)—Not twice.

Hon. Mr. WILSON—The hon. gentleman merely spoke to the amendment moved to the Bill by the hon. gentleman from Wellington and it was not upon the third reading of the Bill at all. Therefore, the point of order is not well taken.

Hon. Mr. KERR (Toronto)—I would ask the hon. gentleman to withdraw the point of order.

The SPEAKER—The hon. gentleman has a right to speak on the motion.

Hon. Mr. DAVIS—Before proceeding with my remarks on this motion I wish to answer a few of the statements made by the hon. gentleman from Lincoln with reference to this measure. I am opposed to the Bill, and I desire to put on record my reasons for opposing it. My hon. friend from Beamsville, when replying to anything I say, usually misrepresents me, and he misrepresented me in this case. When I was speaking to this Bill I did not oppose the whole principle of it. I said that I thought if these people were to get a charter to build as far as Edmonton, which would give them close to 2,000 miles, that they might very well wait for a year or two before obtaining a charter from Edmonton to Hudson bay, and in the meantime it would give the other company who had undertaken the work a chance to finance their road to Hudson bay and to complete it. The first clause of the Bill reads as follows :

Whereas a petition has been presented praying that it be enacted as hereafter set forth, and it is expedient to grant the prayer of the said petition : Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Sir Henry Mill Pellat, of the city of Toronto, in the province of Ontario, knight ; Benjamin F. Pearson, of the city of Halifax, in the province of Nova Scotia, manufacturer ; John Thomas Bethune, of the city of Ottawa, in the province of Ontario, financial agent ; Hugh Blain, of the city of Toronto aforesaid, wholesale merchant ; and Emmanuel Tassé, of the city of Ottawa aforesaid, journalist, together with such persons as become shareholders in the company, are hereby incorporated under the name of 'The Pacific and Eastern Railway Company,' hereinafter called 'the company.'

With reference to the gentlemen asking for incorporation here, I will not take such strong grounds as some hon. gentlemen have taken who spoke of this matter. I believe they are all worthy gentlemen. Mr. Pellatt is a man who has lived a long time in this country, and if he undertook to float the proposition perhaps he would be successful. I do not know very much about Mr. Benjamin F. Pearson, of the city of Halifax, in the province of Nova Scotia. The information I have received is that he has not done very much in railway building and would not be likely to carry a proposition of this kind to a successful completion. Mr. John T. Bethune, of the city of Ottawa, is a well know financial agent, and I think he perhaps could do a great deal towards floating a scheme of this kind if he undertook it. I believe he has connections which would enable him to assist in such an undertaking. I do not agree with some hon. gentleman who spoke about Mr. Bethune this afternoon. I believe he has the right to deal in the matters referred to—anything that passes from hand to hand. With reference to Mr. Blain, I know that he is a very worthy gentleman, a man of some substance, in the city of Toronto, but I venture to say that Mr. Blain knows more about

granulated sugar and canned goods than he does about steel rails, ties or fish plates, because I have not learned that he has ever been a railway contractor. Last, but not least, in this list of gentlemen who are asking for a charter to build about 3,000 miles of railway, I find Emmanuel Tasse, of the city of Ottawa, journalist. I have never heard of Mr. Tasse being connected with any large railway enterprise in this country. Perhaps he is, but I have never heard that he was connected with railways or any other public works. Now we find these four gentlemen coming to this House and asking for what ?

Clauses 2 and 3 read as follows :

2. The persons named in section 1 of this Act are hereby constituted provisional directors of the company.

3. The capital of the company shall be twenty-five millions of dollars. No one call theron shall exceed ten per cent on the shares subscribed.

With reference to the capital, could any body undertake to build a railroad from where these gentlemen propose to start on the Pacific coast through the rockies of British Columbia with this capital ? Every one knows what it costs to construct a road from British Columbia through the rockies, through mountains and tunnels, and this company ask for a capitalization of $25,000,000. When they come to the Yellow Head Pass, they are undertaking to build a road across a quarter of the continent to Hudson bay. If the Canadian Pacific Railway had undertaken to build their road with $25,000,000, where would they have been ? We gave them $25,000,000 in good hard cash, together with 25,000,000 acres of land, and then they had all they could do to float their proposition. Yet this company present us with a proposition: 'Give us the right to start this road for $25,000,000 ; we are going to build 3,000 miles of road with expensive bridges costing two or three hundred thousand dollars a piece.'

Hon. Mr. MACDONALD (B.C.)—Did the hon. gentleman say three thousand miles ?

Hon. Mr. DAVIS—It would amount to more than that, I think, if it was calculated up. It is very easy to come to the Railway Committee and hang up a map and draw a blue line across the map and say : 'We intend to start at one point and go to another' ; but when you come to put your engineers on the road and go over that road you may find it is impossible for you to define a road that you can follow in the straight line that has been made across the map. If you take a scale of the map it might show that the route was only a thousand miles long, but when you come to put the engineers in the field you may find you would have over 2,000 miles to travel before you could accomplish your object. These gentlemen would have to build three thousand miles through a mountainous country, with tunnels and expensive bridges, and right of way to purchase to the Hudson bay, and when you get within a hundred miles of Hudson bay you come to muskeg and swamp where it would cost hundreds of thousands of dollars to construct. So that $25,000,000 would be a very limited capital to start the company with. If these gentlemen were bona fide railway men and felt that they were going to carry the project to a successful issue, they would never submit a proposition of this sort. I undertake to say that the road will probably cost $200,000,000. Look at our Transcontinental Railway from Moncton, N.B., to Winnipeg, which is not nearly as long as this proposed road, yet it is going to cost this county something like $150,000,000 or $200,000,000 before it is completed, and it is not as difficult a road to build as the one now under discussion.

If the Dominion government could not build a road from Moncton to Winnipeg, through a comparatively level country, for less than that enormous sum of money, how do these gentlemen expect to build a great mileage of road through a rougher country, where the cost of construction will be twice as great, for the sum of $25,000,000? It goes to show that these gentlemen do not know what they are undertaking. If they understood railway building thoroughly they would ask for a capital of $100,000,000 and a right to issue bonds for an equal amount. Clause 7 of this Bill provides that the company may construct and operate a railway from a point at or near the city of Victoria, B.C., northerly on the most feasible route from a point at or near the northerly end of Vancouver island. Now, that is a form of clause which you find in a great many Bills, more particularly Bills promoted by

gentlemen who are not railway builders. They ask for power to build by the most feasible route. It shows that they have a very good idea of the country they are going through. They might have to build in a circle, or wind through the hills like a snake. They ask for power to take any route they like, whether they interfere with other roads or not. It will be found, if you look at the map, that they are asking for power to build over 2,000 miles of road. They ask for power to build easterly to a point at or near Prince Albert. If they were going to build a railway from Edmonton to the city of Prince Albert, I would be very much pleased to support the measure, but we should not give them too much at once. We might give them 500 miles this year, and I fancy they would be able to float that scheme much easier than a line of 3,000 miles. It is an enormous undertaking to build 3,000 miles of railroad through a mountainous country. Even a gentleman like Sir Henry Pellatt would find it difficult to float such a scheme in England. Financiers would not be inclined to take it up. They would first send out their engineers to investigate this proposition. It would take a body of engineers close on two years to make a thorough examination of the country.

Hon. Mr. MACDONALD (B.C.)—It would be all right if it took three years.

Hon. Mr. DAVIS—My hon. friend says perhaps it would take three years to examine the route. If that is the case I do not see what injury this company is going to sustain if we ask them to come back later, and go ahead in the meantime with what they have. I take my hon. friend's word for it that it would take three years to examine the country through which this road is to run. If that is the fact, how long would it take to examine the portion from Edmonton to Hudson bay ? It runs through a tract of country where perhaps a white man has never been. If it took three years to examine that portion of the proposed line in the province of British Columbia we might safely assume that two years would be required to examine that portion of the road leading from Edmonton to Fort Churchill. That would make five years. Even supposing these gentlemen concluded all their arrangements this year and went to the old country and submitted their proposition in the money markets there, the next thing would be the financiers would say: 'This is a big proposition, 3,000 miles of road through a mountainous country, we will have to send our engineers to examine it.' After the engineers came here we would find that five years must elapse before a dollar could be got to put into the road, and all that we were asking a while ago was that one small end of it should be cut off, which would really enable these gentlemen, as I think, and as many other hon. members think, more easily to finance their scheme by not undertaking too much at once. That is one of the reasons why we should not allow the Bill to go through in its present form. I would like very much to see a road built from Edmonton to Prince Albert, but there is a portion of road between these two places on the North Saskatchewan river which we are now trying to get the Dominion government to assist. The passing of this charter is going to interfere with that, because you are granting a charter through country which is tributary to this road. There are a large number of settlers in there; there is plenty of lumber there as well as fish, and the minerals are being opened up. The country is being gradually developed and we want that railway built.

Hon. Mr. MACDONALD (B. C.)—This other line will do for you.

Hon. Mr. DAVIS—If I saw any prospects of this line being built in the near future I would be quite satisfied, but it would be cold comfort to the settlers in my district along this proposed line of railway, people around Shelbrook and that vicinity, to say to them : 'You will get a railway by and by when this company has floated a 3,000 mile scheme in the English market ; when they have built 3,000 miles of railway with a capital of $25,000,000, then you will have a railway. In the meantime you can carry your wheat to market on your back.' If the hon. gentleman told the settlers there a story like that, I am afraid he would find they would not be prepared to listen to him. The lot of the settler in that new country is not a bed of roses. When a man goes into a new country where there is no railway communication he has to bridge creeks, drain swamps and fix up roads in order

to get in and out, and it is nothing but human nature that the man should look forward to the time when he would see a locomotive passing with a train of cars to carry his produce to market.

Hon. gentlemen talk about freight rates. A farmer living thirty or forty miles from the railway station, finds that it costs him more to get his wheat to the railway than it would cost a man living near the railway station to send his wheat down to an ocean port. The settler at a distance from existing lines of railway deserves to be looked after. If it costs the farmer living along the line of railway 25 cents to have a bushel of wheat carried to the sea-board, it will cost nearly 50 cents to the man living forty miles away from the railway, so that these people cannot farm to advantage, and cannot make any money until such time as railway facilities are afforded. Does any hon. gentleman think that by agreeing to a proposition of this kind we are going to assist the farmer? If the farmers could carry their grain out by railway charters they would be the happiest people in the world, because there is scarcely a mile of Alberta or Saskatchewan which is not covered by a charter. If the farmers could haul their produce on the railway charters we would have no discussion in this House, we would be better served then than they are in the province of Ontario or in Nova Scotia or Quebec. If any hon. gentleman will refer to the statutes of Canada he can easily satisfy himself of the large number of railway charters granted in that country; because it is a country of great possibilities every district wants a railway. If I thought that agreeing to this proposition was going to help the settler I would be one of the first to vote for it, but I do not look at it in that light. The more charters you grant the harder it is to finance a road. That is an established fact, notwithstanding what some hon. gentlemen have said. Mackenzie and Mann, when they came to the boundary of the province of Manitoba on the direct route of Hudson bay, were induced to build to Prince Albert in order to give railway communication to the people living in the Carrot River valley. If they had not been induced by the government and by parties from the west to build this branch they, perhaps, would have been at Hudson bay by this time. That goes to show that they are trying to give railway communication to the settlers. They were several years in building that railway to Prince Albert, and the Dominion government had to assist them by a guarantee of bonds. I have already pointed out that Messrs. Mackenzie & Mann are building from Erwood towards Hudson bay. That is a distance of about 500 or 600 miles; but it has been pointed out by, I think, the hon. gentleman from Wellington, that Mackenzie and Mann are nearer Hudson bay by some 300 miles than any other corporation in the country at the present time, and they are actually going on with the work of construction. Their main line runs to Battleford, and there will be a branch to Prince Albert and connecting with Erwood. I look to see this accomplished next year, and then the people of that section will get some relief; but to pass this proposition will not assist them in the least. If we do not pass it, the promoters will suffer no harm; that is to say, if we leave out the permission to build from Edmonton to Hudson bay. If they come here next November and show that they have sufficient capital to go on with the work, and give us a little more information about the topography of the country, this House will be more inclined to consider their proposition than it is at the present time.

We find that clause 8 of the Bill provides in part:

> 8. The company may, in connection with its undertaking and for the purpose of its railway business—
>
> (a) Construct, acquire and navigate steam and other vessels for the convenience of passengers, goods and merchandise and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith;

Not satisfied with building 3,000 miles of railway through a mountainous country, they are going to put on a line of steamers with this same capital of $25,000,000. A line of steamers running, we don't know where, to all parts of the world, and they are going to build elevators and wharfs as well. I think by the time they get through building 3,000 miles of railway through British Columbia to Hudson bay there will be very little money left with which to build wharfs, piers, breakwaters, and elevators, and I don't think there

would be very much left to build steamships.

There is no doubt these gentlemen might be able to bond the road, but we do not give them power to bond it for enough to construct it. My hon. friend from British Columbia has not told me how they propose, with $25,000,000, to build steamships, piers, elevators, breakwaters and all that they are asking powers to build. One steamship of the character that would be necessary for successful navigation to Hudson bay would cost over $1,000,000. The traffic of all western Canada must be considered, and probably traffic from a large part of the United States, because Mr. Hill says there is no doubt that a large part of the trade of the Northwest States will be carried out by the Hudson bay route. I believe it will, and if you are to get all that trade, 15 or 20 ocean steamers will be needed, apart from the wharfs, elevators, docks, and other constructions, incidental to the traffic. I could understand how Mackenzie and Mann, or the Grand Trunk Pacific, or the Canadian Pacific Railway, with their great experience and transportation facilities, could do this work cheaper than a new company. Before this company is properly organized, one-third of its capital will be gone, and where is the rest of the money to come from. No doubt the Dominion government will be asked to expend money in surveying the waters of Hudson bay and lighting the strait. Bear in mind the strait must be properly lighted if the navigation there is to be successful, and that will cost a large amount of money. Is the Dominion government prepared to spend such an amount of money for the lighting of Hudson strait ?

Hon. Mr. PERLEY—There is plenty of money.

Hon. Mr. DAVIS—Yes, but the government is not so generous as to vote it for propositions of that kind. I am glad there is plenty of money; it shows that the country is prosperous. Does the hon. gentlemen suggest that $25,000,000 would do all the work these gentlemen propose to undertake under this Bill ?

Hon. Mr. PERLEY—It would make a good start.

Hon. Mr. DAVIS.

Hon. Mr. DAVIS—I will admit that.

Hon. Mr. PERLEY—They can get more money as they want it.

Hon. Mr. DAVIS—But they cannot issue stock for more than the law authorizes. They would have to come back to parliament for increased capital and bonding powers, and, if they have to come back at all, why not let them build as far as Edmonton and then the following year get power to go to Hudson bay ? There is a feature of this Bill which only now strikes me. They ask for power to 'construct, acquire, lease and dispose of wharfs.' Not satisfied with the powers of common carriers, they ask for powers to go into the construction of wharfs and other erections, with a view to disposing of them. Who is likely to buy wharfs on Hudson bay ? Surely the Esquimalt or the Huskies Indians there are not likely to be purchasers. Under the powers they ask for in clause H they can go into any undertaking they like. They can enter into competition with carpenters, stonemasons and other builders. The clause is wide enough to cover all that. It is reasonable to give them power to build elevators and wharfs, if they need them for the purpose of their business, but it is not a fair proposition that we should give them power to go into building hotels, theatres, or anything they like. It would be unjust to the small contractor, who would be driven out of business by such unfair competition. Therefore I say it is a vicious principle to allow railway corporations to act as ordinary contractors.

Hon. Mr. POWER—I should like to know from the hon. Secretary of State, whether it is his intention to have the House sit this evening or not ?

Hon. Mr. SCOTT—Yes, the House must go through the order paper at this stage of the session.

Hon. Mr. KERR (Toronto)—Perhaps it would be convenient if the hon. gentleman from Prince Albert would give way, and allow the rest of the orders go through and let the debate be postponed.

Hon. Mr. DAVIS—I have no objection.

Hon. Mr. KERR (Toronto)—I thought perhaps most of the senators had heard the

hon. gentleman as long as they wished to hear him this afternoon, and might be disposed to proceed with the business on the order paper.

Hon. Mr. DAVIS—I have no objection to adjourning the discussion to some future time.

Hon. Mr. KERR (Toronto)—I was merely asking the hon. gentleman to suit the convenience of other members.

Hon. Mr. SCOTT—Would the hon. gentlemen let the other business go through ?

Hon. Mr. DAVIS—Yes, if this Bill is postponed.

Hon. Mr. SCOTT—My suggestion is that the other orders be allowed to go through, except any that may be seriously opposed, and then this debate can be taken up immediately after.

Hon. Mr. DAVIS—I have no objection.

The order was postponed.

CUSTOMS TARIFF ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (175) An Act to amend the Customs Tariff, 1897. He said: At the present time the machinery for beet root sugar and for alluvial gold mining are on the free list, and the object of the first two paragraphs is to continue the importation of such machinery free. Then the third clause provides that rails that are sent out of Canada to be rerolled shall be admitted back to Canada, the owners paying duty on the value that has been given to the article by rerolling.

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

ROCKY MOUNTAINS PARK ACT.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (164) An Act to amend the Rocky Mountain Park Act.

(In the Committee.)

Hon. Mr. SCOTT—The object of the Bill is to authorize the sale instead of the lease of lots in the town plots in the park.

Hon. Mr. McMULLEN—What quantity of the park is now under lease?

Hon. Mr. SCOTT—There are two town plots. The Bill is limited to them.

Hon. Mr. McMULLEN—What are the terms of the leases, and what rent do the lessees pay ?

Hon. Mr. SCOTT—The rent is almost nominal. The lots are leased to parties connected with the tourist traffic.

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

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

MILITIA LAND GRANT BILL.

THIRD READING

The House resolved itself into Committee of the Whole House on Bill (177) An Act to make further provision respecting grants of land to members of the Militia Force on active service in the Northwest.

(In the Committee.)

Hon. Mr. SCOTT—There are a few of our brave defenders who went up to the Northwest in 1885, who have not yet drawn their land grant. In that year parliament passed an Act granting to each person who took part in the Northwest troubles two quarter-sections of Dominion lands. They were issued under certain conditions, and from time to time since that date the period has been extended. It was first extended in 1886. Then it was extended again in the years 1891, 1892, 1893, 1894, 1898, 1900. I think, from the observations made in the other Chamber, the number of parties who are still out, who have not drawn their land grant, are comparatively few, considerably under 50. If my memory serves me right, there are only between 30 and 40, and the object of this Bill is to authorize the department to place them on the same basis as the others who drew their lands or scrip under the authority of the preceding Act. The scrip was issued, and with the scrip they were, under certain conditions, enabled to take up their land.

Hon. Mr. DeBOUCHERVILLE—Are they allowed to sell their scrip.

Hon. Mr. SCOTT—Yes, they are. The terms of the old Acts were very liberal. The Act of 1886 extended to every officer, non-commissioned officer, every scout, to every person appointed to the medical staff to the nurses and hospital doctors, and men of the force, who started with the corps, but were incapacitated, and had to return home.

Hon. Mr. DeBOUCHERVILLE—A person who receives a scrip is permitted to sell it?

Hon. Mr. SCOTT—Yes, by the Act passed in 1900, the Governor in Council may grant free homestead or scrip to any person entitled to it under the preceding Act, provided such person complies with the conditions within the current year 1900. There are certain conditions to be performed.

Hon. Mr. POWER—I do not rise to oppose this Bill, but I really think it is a Bill which we should hardly expect now. I think there should be a statute of limitations about these things. Twenty-one years have expired since the services were rendered for which these grants of land were made. It is the duty of any man who is entitled to a pension or to a land grant to look after his own interest, and I think people who have allowed 20 years to elapse have been guilty of such negligence that parliament should not interfere. And there is another feature about it; I find that the Bill speaks of 'The person to whom the warrant was granted, or the substitute of such person.' I imagine that most of the persons who will get the benefit of this provision will not be the persons who went up there and took some risks for their country, but will be the persons who have acquired the scrip from the persons who earned it; and, further, these people who have been guilty of negligence, or the persons who got hold of their scrip, are getting probably ten times as much as the people who took up their lands within a reasonable time. I know how sensitive the country is to anything that looks like hard dealing with militia men, but I really think this is a measure we could hardly have expected to see brought before us, and, for one, I should not be at all sorry to see it defeated.

Hon. Mr. DAVIS—I should like to say, in connection with this, that I know of several cases in my own district, outstanding claims for scrip which have not been located, and the reasons given by the parties I thought were sufficient to warrant any person advocating the passing of this measure. I wish also to point out that the party who receives this bounty warrant has to perform homestead duties, the same as any person else, and they are all Canadians. We know there was a great deal of hardship and suffering by those who went through the Northwest Rebellion. Many of those men were out of the country when the scrip was allotted, and some did not come back in time to enter the scrip. Some of them did not consider it of value. Well, they have it. It is something the government gave them. There are 20 or 30 veterans in the Northwest, who want to locate on these lands. I think it would be a hardship if we did not pass the Bill and allow them to take the locations. I know of one party who lost his scrip. He hunted for years for it, and it was only last year a gentleman cleaning out his safe found the scrip, which had been given to this party 15 years or more before. There are several cases of that kind, and it would be a hardship to prevent such claimants from getting the land.

Hon. Mr. McMULLEN—I agree very much with the remarks of the hon. gentleman from Halifax. While I have no doubt the country is willing to recognize the great value of the services rendered by the veterans, there should be a limit to these extensions from time to time, and still holding out inducements for these people to make demands. As soon as that is done you will always find some person who is willing to try to establish his claim to a grant, and I think there should be very distinct and clear notice given in some way that no claim, after a certain fixed date, will be recognized. There should be a time limit fixed. In the United States immense abuses have grown up under their system of granting pensions to those who served in the civil war. That war came to a close in 1865 or 1866, and yet they are granting pensions to veterans up to the present time, and an enormous amount or imposition has been practised. Over $100,000,000 is paid out annually in the way of civil war pensions. People have made application for pensions, and have established, apparently to the satis-

faction of those in charge, that they were entitled; but years after the application has been granted, investigation has shown that it was nothing short of a clear fraud upon the American people. I have no doubt attempts will be made in the same way to practise fraud here, unless the government looks very carefully into all applications coming before it. A time limit should be placed in this Bill, and it should be distinctly understood that nothing further will be granted—not only that, but applicants should be required to establish beyond all doubt their right to recognition at this late date.

Hon. Mr. DeBOUCHERVILLE—I would call the attention of the government to the fact that, in all probability, these claims will be made the subject of speculation. That has happened in the province of Quebec in connection with the rebellion of 1837, and we have had the same thing in other places. There is a strong probability that the volunteer who actually served in the Northwest may be now dead, and that it is some of his children or descendants who are claiming the money. There are people who are on the lookout for a chance to make money in connection with these claims, and they will buy up the right to the scrip from these heirs. It would seem to me to be safer and more honest if the government would value these claims in each case, and give, either to the volunteer himself who fought during the rebellion, or to his children or descendants, the sum which may be decided upon. Let it be given to the rightful claimant in person, so that no one else can interfere and say 'I have paid so much for this claim, and I am entitled to the money.' If this is not done we shall have speculation, and the persons who actually are entitled to the military bounty will perhaps receive but a small percentage of its value.

Hou. Mr. WATSON—There appears to be some misconception about this Bill. It provides for granting a homestead, and the individual who is entitled to this scrip is entitled to a homestead of 320 acres instead of 160 acres only. The party entitled to the scrip must perform settlement duties, so that there can be no speculation about it. It is simply giving to the volunteer, the person entitled to the scrip, the right to 320 acres of land instead of 160, on account of military service.

Hon. Mr. DeBOUCHERVILLE—Children or minors cannot do the necessary work to fulfil the conditions of a homestead, and some one else will have to take hold of it for them. A child of a volunteer will not be able to avail himself of the grant, if there is a condition attached that he must go on the land and do work on it. Further, the bounty is not in the form of a homestead only, but also of scrip. It may be either a homestead or scrip.

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

The Bill was then read a third time and passed.

RIMOUSKI TEMISCOUATA AND KAMOURASKA INSURANCE COMPANY.

SECOND READING POSTPONED.

The order of the day being called:

Second reading (Bill 88) An Act respecting La Compagnie d'Assurance Mutuelle contre le feu des Comtés de Rimouski, Temiscouàta et Kamouraska, and to change its name to La Compagnie d'Assurance contre l'incendie de Rimouski.—(Hon. Mr. Tessier.)

Hon. Mr. KERR (Cobourg)—In the absence of Hon. Mr. Tessier and on his behalf, I move, seconded by Hon. Mr. McMullen, the second reading of this Bill.

Hon. Mr. KERR (Toronto)—In the absence of the Hon. Dr. Fiset I would ask to have it stand until Tuesday, so that he may be here, as he wishes to be heard on this Bill.

Hon. Mr. KERR (Cobourg)—My reason for wishing to have the second reading now is that Mr. Tessier, owing to the advanced stage of the session, is anxious that the Bill should go before the Committee on Banking and Commerce as soon as possible.

Hon. Mr. KERR (Toronto)—The hon. gentleman I spoke of is opposed to the Bill, and he wishes to be heard.

Hon. Mr. POWER—This Bill has already been postponed twice, and I do not think it is fair to hang a Bill up in this way.

Hon. Mr. KERR (Cobourg)—If there is any opposition, the parties should be prepared to go on.

Hon. Mr. KERR (Toronto)—We are only taking unopposed Bills now. That was the understanding, and when Dr. Fiset left this afternoon, he asked me to see that this Bill should not be taken up until he would be here. The objection which was taken to it before was that it was not printed in English and French.

Hon. Mr. KERR (Cobourg)—I am sure that Hon. Mr. Tessier does not wish to be unreasonable, but any one who wishes to do so can oppose this Bill on the third reading. I would ask to have the second reading proceeded with.

The SPEAKER—Was it the understanding that only unopposed measures were to be taken up ?

Hon. Mr. SCOTT—Yes, that was the understanding.

The SPEAKER—Does the hon. gentleman insist upon the second reading now.

Hon. Mr. KERR (Cobourg)—I do not wish to do so, in face of the request that has been made.

The consideration of the Bill was postponed.

CONSTITUTION OF THE SENATE.

DEBATE POSTPONED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David :—That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.—(Hon. Mr. McSweeney.)

Hon. Mr. McMULLEN—I have been requested by a number of gentlemen who are not able to be present to ask that a certain day shall be apointed to take up this debate. If I am in order, I move that it be taken up on Wednesday next and form the first order of the day.

Hon. Mr. POWER—I think that would be an objectionable course to take. This discussion has been very interesting and instructive, and it is a very good thing to have at the end of the order paper. On Tuesday there is little or nothing on the order paper, and the better way would be to let it stand as it is.

The SPEAKER—It will stand on the order paper.

PACIFIC AND EASTERN RAILWAY COMPANY BILL.

Hon. Mr. POWER—There was an item under consideration, as to which the hon. gentleman from Prince Albert was addressing the House; we had better dispose of that before we take up any other business.

Hon. Mr. WATSON—I understand it was the intention a short time ago, for the House to sit this evening, to discuss that Bill. The idea seemed to be that there were hon. gentlemen here addressing the House who were talking against the Bill for purposes of obstruction. I have consulted these gentlemen, and I think it would be rather far fetched to say that they were obstructing. I believe they are quite prepared to have a vote taken at the next sitting of the House, when it will be possible to have a fuller vote than we could have this evening. If this is acceptable, I think any hon. gentlemen who have opposed the Bill will agree that the vote should be taken at the next sitting of the Senate.

Hon. Mr. DAVIS—With that understanding, I move the adjournment of the debate until Monday next.

Hon. Mr. KERR (Toronto)—The hon. gentlemen assents, I understand, to the proposition which has been made. He does not say anything about a vote being taken on Monday.

Hon. Mr. DAVIS—It is understood that a vote is to be taken at the next sitting of the House.

The motion was agreed to.

BILLS INTRODUCED.

Bill (114) an Act to incorporate the Anglo-Canada Insurance Company.—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (146) an Act to incorporate the Windsor, Chatham and London Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (163) an Act to authorize the exchange of certain school lands for other Dominion lands.—(Hon. Mr. Scott.)

The Senate then adjourned until Monday, at eight p.m.

SENATE.

OTTAWA, Monday, June 18, 1906.

The SPEAKER took the Chair at Eight o'clock p.m.

Prayers and routine proceedings.

BANKING AND COMMERCE COMMITTEE.

Hon. Mr. SCOTT—Before proceeding with the orders of the day, I might say that a meeting of the Committee on Banking and Commerce was called for to-morrow. I found, however, that there were a number of persons who wanted to appear before that committee in connection with the Bill for authorizing the marking of manufactures of gold and silver and I thought it was best probably to give them another day as some of them live at a distance, so that the meeting of the Banking and Commerce Committee was postponed from to-morrow until Wednesday at the same hour. I telegraphed Sir George Drummond; I did not know whether he would come up for to-morrow or not.

Hon. Mr. LOUGHEED—Might I not suggest that my hon. friend should have allowed the committee to sit to-morrow and dispose of the other items upon the order paper?

Hon. Mr. SCOTT—Perhaps so, but I did not know whether Sir George Drummond would like it or not after my telegraphing him.

Hon. Mr. LOUGHEED—It seems to me it is the chairman of the committee who should assume that responsibility. A second thought on the part of my hon. friend would have indicated that the Bill in question would occupy a whole morning and we could have postponed the Bill he has mentioned and disposed of the other matters.

Hon. Mr. SCOTT—I endeavoured to get him through the long-distance telephone, but could not communicate with him. I am quite in accord with the committee to have a meeting to-morrow and take up the other questions although the chairman might not be present.

Hon. Mr. LOUGHEED—I have no personal feeling upon the subject, except that it is getting late in the session and it would not be unreasonable to expect the committee to meet every day until the business has been cleared off. I think there will be sufficient business to occupy the attention of the committee to-morrow, but I speak without definite knowledge on that point. I am sure that the committee would be quite agreeable to postpone the consideration of the Bill which my hon. friend refers to until Wednesday.

CUSTOMS TARIFF ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (175) An Act to amend the Customs Tariff, 1897.

(In the Committee.)

On clause 1,

Hon. Mr. LOUGHEED—Would my hon. friend have any objection to stating again to the committee the object of these changes in the tariff?

Hon. Mr. SCOTT—As the law now stands, the machinery for beet root sugar, and the machinery for gold mining are admitted free of duty. That extends until the end of the present session, and the object of this Bill is to postpone the time until the end of next session, giving parties interested a further period within which to import machinery. The second clause of the Bill provides that where steel rails are sent out of Canada to be re-rolled, that on their being returned they should pay the duty on the increased cost of the re-rolling. The Customs Department thought there was no item under which they could be admitted, and they proposed to charge $7 a ton. That was considered to be rather unreasonable as the rails could not be re-rolled in Canada and had to be sent outside. It was thought only fair that the duty should be paid only on what it costs to re-roll them in the United States.

Hon. Mr. LOUGHEED—May I ask my hon. friend if any of the machinery of the kind in clause 1 is not manufactured in Canada ?

Hon. Mr. SCOTT—Not manufactured in Canada.

Hon. Mr. LOUGHEED—Has the government any information of the manufacture of this machinery being entered upon in Canada ?

Hon. Mr. SCOTT—I do not think so.

Hon. Mr. LOUGHEED—At whose instance is this extension being made ? At the instance of the manufacturers of beet root sugar ?

Hon. Mr. SCOTT—The people who are interested in the beet root sugar.

Hon. Mr. LOUGHEED—Or the importers of this particular kind of machinery ?

Hon. Mr. SCOTT—No. The people who are interested in the refining in the gold region and the people who are interested in the beet root sugar concerns. It has been continued for a number of years in the same way—extended only from one session to another, limited to one year first, and then extended from year to year. This Bill extends the privilege until December next.

Hon. Mr. LOUGHEED—It may be subject to the criticism that so long as the government pursues this policy of extending the time for importing machinery of this class, it will not afford very great encouragement to the manufacturers in Canada to enter upon the production of such machinery in this country.

Hon. Mr. SCOTT—If there was any possible sign of the machinery being made in Canada, we should not do it. It is only in the absence of it that this Act is being extended from time to time.

Hon. Sir MACKENZIE BOWELL—I have just sent for the Customs Act, to ascertain what difference is in the wording of this amended section and the section as it appears in the present Tariff Act. If it is merely for an extension of the time ?

Hon. Mr. SCOTT—That is all it is.

Hon. Sir MACKENZIE BOWELL—In the Customs Act it specifies the different articles which are to be admitted free for these purposes. The proposition at present is with regard to machinery of every kind of structural iron and steel.

Hon. Mr. SCOTT—It was extended last year. It is item 55A of schedule B. It is machinery of every kind of structural iron and steel when imported under regulations to be made by the Minister of Customs, for use in the construction and equipment of factories that are engaged in the manufacturing of sugar. It is extended to June 30, 1906. Then the next clause relates to machinery and appliances of the kind not made in Canada, for alluvial gold mining, and the time is extended to June 30, 1906. This Bill grants a further extension of six months.

The clause was adopted.

On clause 2,

Hon. Sir MACKENZIE BOWELL—The legislation of last year extended the power vested in the Minister of Customs to apply it to all machinery, while in the original Act the different articles are specially mentioned and specified. That is the only difference. The present proposition is only to extend the powers vested in the government at the last session of parliament.

Hon. Mr. JONES—It would appear, from the reading of it, that it covers the material required for the buildings themselves. The clause reads :

> Machinery of every kind and structural iron and steel when imported under regulations to be made by the Minister of Customs for use in the construction and equipment of factories.

It is very wide. It covers engines, boilers, shafting and structural machinery for the buildings themselves.

Hon. Mr. SCOTT—I do not think it has been so interpreted.

Hon. Mr. FERGUSON—It is precisaly the same provision as we had before ; it is only an extension.

Hon. Mr. JONES—I had not heard of it being so interpreted, and probably it has not been.

Hon. Mr. LOUGHEED—I do not see how it would be possible to place two construc-

tions upon the term 'construction of factories'. It certainly would refer to the building of factories. It would permit of free importation of structural iron, which is certainly manufactured in Canada.

Hon. Mr. JONES—I think it is very clear indeed :

Machinery of every kind and structural iron or steel when imported under regulations to be made by the Minister of Customs for use in the construction and equipment of factories for the manufacture of sugar from beet root.

The regulations would only apply, I presume, as to the safeguards to be thrown around it so that it would be sure that it would go into the use it was imported for and no other; but I think it is very clear indeed that it is intended to cover building material and all classes of machinery, engines, boilers, shafting, everything required, in addition to the special machinery, for the manufacture of beet sugar.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend that he should postpone the consideration of this clause until tomorrow. It seems to me very valuable information might be forthcoming.

Hon. Mr. POWER—We cannot amend the Bill.

Hon. Mr. LOUGHEED—We cannot amend the Bill ; still it is desirable that information should be furnished to the House. We know that structural iron and steel are being manufactured in Canada on a large scale.

Hon. Mr. JONES—No, not on a large scale.

Hon. Mr. LOUGHEED—To say that the manufacturers of Canada cannot make enough structural iron for the building of beet root sugar factories to be established in Canada is a very poor compliment to pay them.

Hon. Mr. JONES—There is not at present all kinds of structural iron and steel made in Canada such as would be required in erecting buildings of any considerable dimensions. Structural iron and steel of certain sizes and kinds are manufactured, but if you desired to erect a factory of any considerable dimensions it would be impossible to get all the material manufactured in Canada ; so if the government desire to assist in the construction of these buildings it is necessary that this clause should be in the law, or the sugar factories would have to pay the duty, because they could not buy all the material in Canada. The Canadian manufacturing establishments for the production of structural iron and steel are growing, but it is well known to those who have had experience in the matter that the material turned out by these establishments is limited in sizes and styles. Beams and angles are not made in all the sizes suitable for large factories.

Hon. Mr. LOUGHEED—The answer is apparent on the Bill. Since 1897 the government has been permitting the importation free of duty of this class of iron. It seems illogical to say that you can encourage the manufacture of this particular kind of product so long as you have on the statute-book a provision permitting the free importation of structural iron and steel.

Hon. Mr. SCOTT—It is only on the statute-books because we cannot get parties to manufacture them in the country. It is only for a short time at the most ; this question will be up again in November.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. gentleman from Toronto what character of structural iron is required for the erection of a building, that is not required for putting up these iron and steel bridges crossing such rivers as the Niagara and the Ottawa, and these are manufactured by the Dominion Bridge Company. As I understand it, they manufacture all kinds of structural iron, because ten or twelve years ago, or even longer than that, when I was administering the affairs of the Customs Department, we had difficulties presented to the department upon this very question, and heavy penalties were imposed on those who had imported this kind of structural iron for the construction of bridges. I must confess I am not sufficiently acquainted with the character of structural iron and steel required for a sugar factory to say whether it is different from what is required for the construction of a bridge. We know that in many of those buildings now being constructed, the iron and steel are procured in Canada.

Hon. Mr. JONES—Of course I am not conversant with the different sizes that the Dominion Iron and Bridge Company produce, but I should be surprised if they roll everything they use. I know in other large bridge companies in Montreal and Toronto they import very large quantities, indeed, of structural steel and iron for their work. There are thousands and thousands of tons coming into Toronto for the Toronto Bridge Company, but there is a material difference between structural steel required for bridge work and structural steel used in buildings. I have had a good deal of experience in the way of building, and have found it absolutely necessary to go out of the country for some kinds of material. I am not advocating going out of the country, you may be sure, if it is practicable to avoid it. But I understand that the policy of the government to be that for six months longer they would favour the construction of the building; if the company have to go out of the country for any material they can bring it in without paying duty. I am not objecting to that feature of the Bill, because we are very anxious, naturally to see beet sugar factories built. I think there are only three or four which have been built since this law was brought into force, and as it is only to remain on the statute-book for six months, until we shall have an opportunity of considering it again, it is probably less objectionable than if it were going to date for any considerable time, because in the time specified it would be practically impossible to put up a factory without importing a part of the structural steel necessary for its construction.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman inform us whether the companies in Toronto who imported this structural iron which the hon. gentleman says cannot be rolled or manufactured by them, paid duty or imported it free?

Hon. Mr. JONES—I take it for granted they paid the duty. I should hope they did. I am not personally interested, and have no personal experience further than having been in close friendship with men interested in the business.

Hon. Sir MACKENZIE BOWELL—My reason for asking is this: If the other manufacturers in Canada had to import their iron and steel for the purpose of erecting buildings and had to pay duty upon it, then this law permits the importation free by other parties who could build in competition with and take the work away from competing establishments.

Hon. Mr. JONES—For the purposes of beet sugar factories?

Hon. Mr. FERGUSON—I think the true reason underlying this legislation from year to year has been to give encouragement to the production of beet sugar, and when we remember that there have been but few factories of that kind in operation in Canada, and it is a very important matter to the agriculturists of Canada that this industry should be developed and encouraged, I presume that is the reason why this legislation was first enacted and the reason why it has continued from year to year. The fact that it is now being continued for six months only, I would take to be an indication that the government are thinking of changing their policy. Might I infer that that would be the case?

Hon. Mr. SCOTT—It has been renewed from year to year in the hope that some factory would be established in Canada and that it then might be discontinued. It is only from time to time. We will have a session within six months when the matter will come up once more.

The clause was adopted.

On clause 3,

Hon. Mr. ELLIS—I regret that I do not see present in the House at this moment the hon. gentleman who so readily describes himself as a radical. I should like him to give us his views upon this tariff measure. It grates very severely upon my feelings as a free trader to support it. In fact I do not know that I do support it—perhaps it makes no difference as to whether I object or not. This is such a clear case of protection that as a member of the old Liberal party, as one who has endeavoured to teach the people the principles of free trade, I decidedly object to this proposition.

Hon. Mr. LOUGHEED—The whole Liberal party has been doing that.

Hon. Mr. JONES—There are exceptions.

Hon. Mr. LOUGHEED—They prove the rule.

Hon. Mr. ELLIS—In regard to the general proposition, in view of the great demand of the people of this country for railways, and of the real necessity that exists for railways, I think these rails might be allowed to go out of the country to be re-rolled and come back again without any duty at all. Perhaps it is right; it may be that the necessities of the country demand that the increased value of the rails—if there be any increased value—should pay duty. But the last provision, declaring that a protective duty shall be placed upon these rails as soon as a mill is established, is rather going beyond what I think there is any necessity for. I think that might be omitted altogether. If at some time or another a mill is established and reasons could be shown why there should be a duty upon rails, it would be well enough, but on the face of it, this a clear declaration of protection, and I dissent from it.

Hon. Sir MACKENZIE BOWELL—Surely the hon. gentleman has not found this out just now? The late tariff imposed a duty of seven dollars a ton upon rails to encourage their manufacture in Canada. As I understand, both in Cape Breton and also at the Sault, they are now manufacturing these rails in sufficient quantities since the imposition of a duty of seven dollars per ton, so that the principle is not new. The hon. gentleman may have overlooked that when the tariff was brought down a year or two ago. It is a capital provision in the interests of the industries of this country. The only question is, with an out-and-out protectionist, as to whether that concession to permit rerolled rails to be reimported subject only to a duty on the work done on them, should have been given in the first place. My own impression is that the imposition of the duty should have been made operative at once, and that would have encouraged the manufacturer of rails in this country long, long ago. Even the late government, protectionist as it professed to be, never was prepared as a whole to go as far as that, while individual members of the government would have gone that distance. I believe it is the only way to build up the industries of this country. The provision is a good one if the government will carry it out. There is some objection to placing too much power in the hands of the government in connection with matters of this kind.

Hon. Mr. JONES—The hon. gentleman says, the late government were never prepared to go as far as that. They never had the opportunity, because in their time there was no duty on rails, and while that was the case it would have been impossible to have an Act of this kind. I think this is most practical legislation; and I believe the hon. gentleman from Belleville will agree with me in that. We have large quantities of rails in Canada, worn at the ends, a lighter rail generally speaking than those which are being rolled in Canada,—rails for which the two rail mills now in operation in Canada have not in the meantime established trains of rolls suitable to that shape and weight of rail. It is a very expensive process to build a mill for that purpose, and there are various sizes of rails. If these lighter rails can be sent out of the country and the ends cut off them, have them re-rolled and practically made new, there will be an immense saving and great advantage will arise to the transportation companies of Canada, while the government will get the full duty on the cost of the work—that is on the additional value of the rail when it is returned. It appeals to me as being splendid, practical legislation.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman misunderstands me, I think. I was objecting to this clause under the circumstances. The hon. gentleman is also in error in saying that the late government had not an opportunity of doing this because rails were placed on the free list. Who placed them on the free list?

Hon. Mr. JONES—Likely you did.

Hon. Sir MACKENZIE BOWELL—Certainly, and if the late government had acted upon the strict protectionist views which I hold—I repeat what I said a moment ago—they would have imposed a duty and encouraged the manufacture of rails in this country long ago. That is the position I take. They were in a position, if they thought it advisable, to do so; but they did not, on the

ground that there were no manufacturers of steel rails in Canada and the present duty has been imposed because two industries have been established for the manufacture of rails.

Hon. Mr. McMULLEN—I wish to say a word in reply to the hon. gentleman from St. John. I am in entire accord with this enactment. I think it is a proper and prudent one. My hon. friend takes exception, and says it is not in accordance with Reform principles. As far as I know, and I have had the opportunity of ascertaining the opinions of a great many men, I think the feeling in Canada at the present moment is that we cannot afford to do anything else than build up our own industries as best we can. I admit with my hon. friend, that free trade would be a good principle if we could get the world to free trade with you, but when you cannot do that, you have in self defence to adopt a policy that will give you and your country a chance. Consequently I am in entire accord with this legislation. It will encourage the establishment of these industries, which will be an advantage. I observe that the hon. gentleman from Belleville is amused at what I say. Permit me to tell him that 24 years ago, when I issued my first address to the people of North Wellington, it contained a clause that I was in favour of a revenue tariff so adjusted as to afford incidental protection and encouragement to home industry. That was the first address I ever issued, and I have never departed from that principle.

Hon. Mr. LOUGHEED—The hon. gentleman from North Wellington is to be congratulated upon the very modest way in which he issued that address; because he certainly succeeded in hiding his light behind a bushel for a great many years. As far as my recollection goes, there has been no more doughty advocate of the principle of free trade in the country than my hon. friend. But this is somewhat consistent with the attitude of the Liberal party, to advocate free trade and practice protection.

Hon. Mr. McMULLEN—I never was an advocate of free trade, I never violated the principle contained in my first address. I challenge any man to read the 'Hansard' and point out where I advocate free trade.

There is a great deal of difference between a revenue tariff adjusted to the interest of home manufacturers, and a protective tariff levied chiefly and first to protect manufacturing industries, and making the revenue a secondary consideration. To use a common expression, that is a horse of another colour. I never advocated a policy of that kind, but I did advocate the other, and I hold it is the only course we can possibly adopt under present conditions, and in view of our relations with our neighbour to the south.

Hon. Mr. POWER—I submit, as a matter of order, that we are not now discussing the record of the hon. gentleman from Wellington nor the record of the hon. gentleman from Rockland—their consistency or inconsistency. The matter before the House is the 3rd clause of the Bill, which has nothing to do with either of these questions.

Hon. Mr. EDWARDS—After all the principle of free trade is involved, and I must advert to the remarks of my hon. friend from Wellington. I for years honestly believed he was a free trader, and I recently——

Hon. Mr. FERGUSON—My hon. friend thought he was one himself too.

Hon. Mr. EDWARDS—And I recently believe he became a convert to protection; but now he tells us that he always was a protectionist and we will accept his word. I took exactly the opposite line the first election I ran and I have stood to my guns ever since, and I think always shall do so. Every measure which has protection in it is a detriment to the very best interests of Canada, I do not care what the article is, even steel rails which are exported out of the country to be re-rolled and returned. I think it is a detriment to Canada to impose a duty thereon and when my hon. friend suggest that he would be a free trader if he could get other countries to free trade with him, he simply declares himself to be a protectionist. The free trader does not care what the rest of the world does; he does not want to impose penalties on the Canadian people because the United States or other protected countries choose to do so. He is one that legislates for the people of Canada, and in legislating for Canada, I think there

can be nothing more detrimental than protection, and I must enter my protest against it.

The clause was adopted.

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

The Bill was then read a third time and passed.

SECOND READING.

Bill (146) An Act to incorporate the Windsor, Chatham and London Railway Company.—(Hon. Mr. Casgrain, Windsor.)

EXCHANGE OF SCHOOL LANDS.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (163) An Act to authorize the exchange of certain school lands for other Dominion lands. He said: This Bill authorizes the Minister of the Interior to reserve the north half of section 11 of township 18 of the second meridian to be appropriated for forestry purposes, substituting a lot of equal value for school lands. The next clause authorizes the Minister of Interior to do a similar act in reference to a quarter section for an oil company giving school lands of equal value.

Hon. Mr. LOUGHEED—As to the first clause, may I ask if there is an experimental farm or forestry station beside this particular section?

Hon. Mr. SCOTT—It is a forestry station.

Hon. Mr. LOUGHEED—Is it intended simply to establish a forestry station?

Hon. Mr. SCOTT—That will be part of the forest taken under the Act that was passed some weeks ago authorizing the Governor in Council to lay aside certain lands as forest lands.

Hon. Mr. FERGUSON—The second clause of this Bill has nothing to do with forestry.

Hon. Mr. SCOTT—No, it is for an oil company.

Hon. Mr. FERGUSON—It provides for a sale of land to a private company?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Why is this exceptional legislation made for the benefit of a particular company?

Hon. Mr. SCOTT—I will give fuller particulars to-morrow when we go into committee.

Hon. Mr. LOUGHEED—Will my hon. friend at the same time ascertain if operations are being carried on as to the cultivation of forestry on the adjoining land?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACDONALD (B.C.)—Are these lands required for government or for private purposes? It looks as if some covetous person had cast his eye on this land.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. MACDONALD (B.C.)—It is very suspicious, that is all I can say.

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

PACIFIC AND EASTERN RAILWAY COMPANY'S BILL.

THIRD READING.

The order of the day being called:

Resuming the adjourned debate on the motion for third reading Bill (N) An Act to incorporate the Pacific and Eastern Railway Company, as amended.

Hon. Mr. BOSTOCK moved that the Bill be amended by striking out all the words in line 4 and the words after the word 'bay' in line 5.

Hon. Sir MACKENXIE BOWELL—This is a substantial amendment; has any notice been given of it? I would suggest that it be allowed to stand until to-morrow.

Hon. Mr. MACDONALD (B.C.)—It is simply striking out the part authorizing the construction of the road from Prince Albert to Hudson Bay. The object is to save time.

Hon. Mr. POWER—As I understand it, the hon. gentleman who was, when we adjourned the debate on this Bill, addressing the House in opposition to the third reading of the Bill has withdrawn his opposition with the understanding that that portion of the seventh clause which authorizes the company to build from Prince Albert to Fort Churchill shall be omitted from the Bill. The hon. gentleman who has moved

the amendment, and who represents the promoters of the Bill, has agreed to accept that and he appeals to the House to be allowed to make the amendment with a view to getting his measure before the other House promptly. I think it is a reasonable proposition. It is to strike out that part of the seventh clause which empowered the company to extend the line from Prince Albert to Fort Churchill.

Hon. Mr. LANDRY—I think the course we are pursuing now is not correct. The main motion is for the third reading of the Bill. Who made that motion ?

Hon. Mr. WATSON—The hon. gentleman who is moving the amendment.

Hon. Mr. LANDRY—Is he allowed now to come in with an amendment ? He has lost his right.

Hon. Mr. POWER—The hon. gentleman is appealing to the good feeling of the House.

Hon. Mr. LANDRY—To prove my good feeling, I offer to take his place ; I move to strike out the words in line 4, page 2, of clause 7, and in line 5, up to and including the word 'Bay'.

Hon. Mr. WATSON—I think we ought to have some further explanation. There was some considerable debate on this Bill when it was before the House and we were informed that capitalists were ready to put their money into this scheme for the purpose of building a road from Victoria to Churchill. Have the capitalists been notified that they are going to drop this section from Victoria to Churchill ? It is now to be a road terminating at Prince Albert, a pretty good place for a terminus no doubt, but there should be some explanation from the hon. gentleman who informed us that the capitalists had been informed about the matter and that the money was ready to build the road. It is now stated that arrangements have been made—between whom ? Between some other railway corporation and the promoters of this Bill, or between the gentlemen who favoured the Bill and those who objected to the Bill on a certain principle ? So far as I am concerned, the dropping of the section from Prince Albert to Churchill does not make any difference in my opposition. I oppose the Bill because I believe it is a paper charter, intended entirely for speculative purposes. I gave my reason for thinking so before. I have no reason to change my opinion now, but apparently other hon. gentlemen are satisfied because some individuals are satisfied to let the Bill go, with an amendment ; but I still have the same reasons for opposing the Bill. It has been suggested that when other Bills were before the House, I took a different stand entirely. I never suggested that any Bill should be allowed to pass unless it had some substantial backing. Reference has been made to my support of Bill (41). A gentleman has part of that road built ; we know that he is a man of standing, and able to build roads and for that reason I supported the Bill. This projected line passes through the same territory, and I believe the object of it is to block the other undertaking. That is my opinion, and it is not changed because of some understanding between railway promotors.

The amendment was agreed to, and the Bill as amended was then read the third time and passed.

CONSTITUTION OF THE SENATE.

DEBATE CONTINUED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David :—That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.

Hon. Mr. McMULLEN—I do not know whether it is the desire of the House that I should go on with the debate to-night. The hour is late and hon. gentlemen are probably tired after travelling all day.

Some hon. GENTLEMEN—Go on.

Hon. Mr. McMULLEN—The question of the reform of the Senate is one that has received a great deal of consideration at the hands of the people of this Dominion for many years. I suppose the agitation regarding the Senate goes back some 22 or 24 years ago. The Senate, of course, is part of the organization adopted at the time of con-

federation; the Senate Chamber was provided for. At that time, in my humble opinion, the government machinery, if I might so speak, of this Dominion was a little too expensive. It was based upon a system that imposed more expense than was necessary. The development that has taken place in Canada has not been perhaps as rapid as it was expected it would be when confederation was entered upon. Now the general feeling that prevails throughout all intelligent nations, as we were told the other evening by the hon. gentleman from Smith's Falls, is that second chambers are a necessity. Almost every nation that we know of, whose object is to secure peace, order and good government and sound national development, has two chambers. The United States, one of the most democratic countries in the world and one of the most expensive systems of government, has two chambers. Many of the states, if not all, have two chambers. Then we have England itself, the mother of parliaments, with two chambers. I am not here to justify, to advocate or to endorse a hereditary chamber such as she has. I admit, however, that it renders desirable service on many occasions. It gives to the legislation, I dare say, a certain amount of independence that would not be exercised if the Commons did not have a House of Lords to deal with. It has on many occasions proved itself to be the balance wheel of parliament and has prevented the passage of legislation that, perhaps, was put through the House of Representatives hurriedly or in such a shape that its application to the general conditions of the people might not have been to their best interests. We know perfectly well that if democracy prevailed without any check very great evils would creep in. We have seen that in countries where the people rule without any restriction whatever. There is a happy medium, I think, between democracy and despotism. Despotism, on the one hand, recognizes no right of the individual to be represented, while democracy claims that the people have a right to be represented, and that they have a right to rule themselves and have a right to go wrong if they chose to. That is a very liberal doctrine, but I believe that a constitution such as we have here, if it is properly administered, will secure the development, progress and prosperity of the country I believe very much better than it would if we had only one Chamber. The late Hon. Mr. Mowat was brought into this discussion by an hon. gentleman who spoke a few days ago. I know that the Hon. Mr. Mowat, who was one of the most astute and able politicians we have ever had in the province of Ontario, stated that if he had the recasting of the British North America Act that he would have an upper chamber in that province; that he believed it would have been a good regulating power; that he believed it would have been the balance wheel that would have regulated legislation, and in many cases put the polish on it and contribute very largely to proper legislation being enacted in Toronto. He was of that opinion after some twenty-seven years of experience. With regard to the existence of the Senate, I do not think there is any use in discussing its abolition. Under our Confederation Act I cannot see that we could propose for a moment the abolition of the Senate, unless the consent of every province of the Dominion was secured. The smaller provinces down by the sea no doubt consented to the formation of the Senate as a means of getting some little protection against any legislation that might seriously interfere with their rights and privileges in the Dominion. The provinces of Nova Scotia, New Brunswick and Prince Edward Island got a larger representation in the Senate in proportion to their numbers than the other provinces. The province of Quebec was allowed the same number as Ontario. The right hon. Sir Richard Cartwright proposes to keep the number of senators at 72.

I cannot understand very well how that can be accomplished. It would violate the Confederation Act—you would not proceed along the lines laid down by that enactment. We must keep within the limits of that Act, and, if we do, we must continue the representation at present existing in the maritime provinces and in Quebec and Ontario. I question whether we would be able to find any province which would consent to a reduction in its number of senators in order to give the west representation. The prairie provinces certainly will ask from time to time for an increased number of representatives in this House and they will

be entitled to get them. If the objection is on the ground of expense, it is hardly worth taking about. I went carefully into a calculation of the expenses of the Senate last year, and with the increased indemnity, the expense last year was $309,614. If the population of Canada is as the Minister of Trade and Commerce has stated,—and as we believe it is—about 6,200,000, the Senate of Canada costs each inhabitant annually five cents. A family of five therefore would contribute annually 25 cents towards the maintenance of this Senate, and our population will be increasing steadily so that from the standpoint of expense the abolition of the Senate is not worth discussing. Then again with regard to the system of appointment which the Minister of Trade and Commerce has suggested, I cannot see very well how it would be possible to make the appointments and secure the proportionate representation in this House of the Reform party and the Conservative party. His proposition, to my mind, is very clear. He proposes that the Senate should be continued with a membership of 72, that 48 out of that seventy-two, should either be elected by the Dominion House—I presume by a ballot vote, or by the local legislature. When a vacancy took place in the representation from the province of Ontario for instance, a ballot would be taken in the provincial legislature at its next meeting for the purpose of electing a senator. That is virtually the way it is done in the United States. There they take a ballot of both Houses jointly. They have to ballot until some individual gets the necessary number of votes. It is sometimes a very long time before they elect a senator; in Missouri last year they balloted every day, Sundays excepted, for six weeks. Those who were in favour of certain individuals held very tenaciously to the men of their choice, and the contest was long drawn out before they arrived at a conclusion. For my own part I think it would be better if any change is to be made at all, that at least a portion of the senators should be elected by the legislative assembly, because I think the government should be relieved to some extent of the enormous responsibility which rests upon them in connection with appointments both to the Senate and to the civil service. Probably one-third of the time of ministers of the Crown is taken up in answering communications regarding applications of this class. Only one man can be appointed to a vacancy when it arises, and the result is that all those who are not appointed are annoyed, disgusted, and in many cases go into opposition. To remedy this, I think it would be better if the appointment of a portion at least of the senators was left to the province, to be decided by a ballot vote of the legislature when it meets. I also agree with the limit of service of twelve years. I do not think it would be wise to go back and have a second Chamber like this elected by the people. If that were done the probability would be that the influences which would be brought to bear by combinations, trade unions, and such organizations, might become very powerful and they might be able to put legislation through both Houses which they cannot do now. One or two years ago a Bill was passed by the House of Commons to legalize the use of union labour labels. The label of the union was to be placed upon all productions made by union labour and the union would have the right to dictate to the owner of the article, after putting his own mark upon it, that their label should also be attached. I think it is well that that Bill was thrown out by this Chamber. A similar measure was passed in several states of the American union. I have carefully followed the history of its operation, and it has been nothing short of a curse. Because some men were engaged in manufacture—particularly in the manufacture of hats—would not consent to have that label put upon their goods, they were boycotted and in some cases they were driven out of business, by the labour unions. I know in one case where a man lost almost his entire business. He turned round and sued the different organizations and got judgment against them; and in hundreds of cases men who belonged to these organizations, had their homes and everything they possessed sold out to defray law costs, &c. That taught them a leason that I dare say would do some good. If we had a second Chamber elected by the popular vote, legislation of that kind might creep through both Houses, when it could not possibly do

so if the second Chamber was independent and could act on its own responsibility. The question of the limit of age is one which I frankly admit is hard to regulate. I entirely agree with the statement of one member of this House that some of the brightest and most active members of this Senate—men whose presence is most desirable, who are well posted, and whose minds are well stored with information gathered during their long experience in parliament—are men who are over 70 or 75 years of age ; yet they are capable of performing the duties devolving upon them as well as men of 25 or 30. It would be a great loss to the country, and a great injustice to these men, if an age limit were fixed so that their seats would become vacant simply because they had reached a certain period of life. I cannot see how we can very well alter present conditions in that respect. There may be a few men well up in years who are perhaps not capable of rendering very efficient service ; but after all the country can surely afford, after a life's labour on their part—after they have rendered faithful and efficient service for many years—to allow them the same right which we allow to a superior court judge or to a county court judge. The law provides in such cases for allowing judges of the Superior Court to retire on full pay after they have been a certain number of years on the bench, and I think the country can well afford to treat senators in the same way. In our legislation we copy many things from the United States, and I suppose the United States copies from us. There is one thing which I very greatly regret we copied from the United States, and that is the Gerrymander Act. I regret that it was ever brought here, it was a great mistake. I know that there are men in this House to say that this is ancient history. That may be, but after all that Act is very fresh in the minds of men who, like myself, were under the political harrow for many years, men who occupied seats in the other Chamber, and who had from year to year to fight for their lives because of the operation of that Act. I am not using too strong language when I say that it was one of the most vicious, contemptible pieces of legislation ever introduced and carried through the Canadian parliament. Mr. McCarthy who was a high-minded man, a man who was honestly and earnestly devoted to the Conservative party, a strait Conservative all his life, admitted on the floor of parliament, in my own hearing that he was ashamed to have to confess that he had lent his support and assistance to that measure. It was intended to act as a political guillotine to cut the heads off a great many Reformers, which it did. For instance, take the case of the right hon. Minister of Trade and Commerce. His constituency was not only injured by lopping off a township here and adding one there, but it was completely obliterated. They put out the constituency he represented altogether.

Hon. Mr. FERGUSON—What constituency was that?

Hon. Mr. McMULLEN—He represented one of the Hurons. I do not remember which one, but it was quite wiped out by the Gerrymander Act.

Hon. Sir MACKENZIE BOWELL—No, it was not.

Hon. Mr. McMULLEN—I beg my hon. friend's pardon; if he will get the map he will find that the constituency that Sir Richard Cartwright represented was wiped out. There was no such constituency. The county was there, but not the constituency. If I am not right I want my hon. friend to bring the 'Hansard' and show that I am wrong. He cannot do it. Then the Hon. David Mills, a man blessed with a large amount of ability and who was a credit to his country as an able, devoted Canadian, was gerrymandered so that he lost his seat immediately in the elections after 1882. Let me just for a moment give some facts. The subject may be considered a little harrowing, but, as I said before, we cannot help it because we suffered. We were under the heel of that abominable Act for eighteen years, and it is not much wonder if when we speak about it our blood rises. In 1882 the Liberals polled 131,618 votes, the Conservatives 132,615. Now, that includes all the votes in Toronto and every where else. They had not one-third of one per cent more votes than the Reformers, but they elected 55 members while we elected only 37. That was the first experience of the Gerrymander

Act. Then take 1887. The Liberals polled 170,371 votes and the Conservatives 174,080, but we had only 40 members while they had 52. In 1891 we polled 179,451 votes, the Conservatives polled 175,639; that is, we polled one per cent more than they did, yet we had only 44 members while they had 48. Then we come to 1896. The Reformers of Ontario polled 185,415 votes, the Conservatives 179,181 votes, or virtually we polled nearly two per cent more than they did, yet we had only 40 representatives and they had 44. In 1900 the Reform party polled 193,417 votes and Conservatives 199,138. We had 37 representatives elected while the Conservatives had 55. Now, that was our experience under the Gerrymander Act. The Act was copied from the United States and I exceedingly regret that it was ever brought into operation in this country. It is said by some of those who defend that Act that Sir Oliver Mowatt gerrymandered in Ontario. For my part I can say fearlessly that I never for one moment on the public stump or in the House or any other place defended any Act of the Hon. Oliver Mowat that was of the character of a gerrymander.

Hon. Mr. LOUGHEED—Would my hon. friend, who has the figures before him, tell us the result of the last election in the Dominion under the redistribution of the present government.

Hon. Mr. McMULLEN—I have not the figures here That redistribution just put things back to where they were before. It simply undid the gerrymander.

Hon. Sir MACKENZIE BOWELL—What have these remarks to do with the amendment of the constitution of the Senate ?

Hon. Mr. McMULLEN—I am simply discussing the constitution of the Senate, and replying to some remarks of the Minister of Trade and Commerce.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not replying : he is trying to verify those remarks.

Hon. Mr. McMULLEN—The hon. gentleman was pointing out in his speech why some change should be made so as to give a fair representation to each party in this Chamber, and in connection with that he referred to the unfortunate and dishonest Gerrymander Act of 1882, and he went on to show that he was opposed to it. So am I, and I have pointed out the fact that we copy some things from the United States, and I say this, with other objectionable features, was copied from them, and I earnestly hope that we will never copy any legislation of that kind again. Referring to the agitation for the reform of the Senate, commenced in 1882, immediately after the passing of this Act, which went through this House in half an hour, it was well known to every senator who was here that it was an Act that was deliberately concocted to behead the reformers in the province of Ontario and the Senate passed that measure in half an hour. If that proves anything, it proves that the Senate at that time was the obedient servant of the party that was then in power. They just carried out what the other House did. They endorsed it without any hesitation.

Hon. Mr. POWER—Will the hon. gentleman excuse me for a moment. I had an impression that the late Hon. David Mills, had moved in the matter of the change in the method of appointing senators some years before the time the hon. gentleman refers to ?

Hon. Mr. McMULLEN—I do not know what Mr. Mills may have done with regard to the reform of the Senate.

Hon. Mr. POWER—I cannot speak positively, but that is my impression.

Hon. Sir MACKENZIE BOWELL—Quite right.

Hon. Mr. McMULLEN—At that time the Reform party in Ontario, from highest to lowest, all took umbrage at the course of the Senate with regard to that Gerrymander Act and the agitation continued from that time down to the present. No doubt at the convention that was held in Ottawa, before the Reformers came into power, they declared there should be a reform of the Senate. The present government is committed to the principle of reforming the Senate. The hon. Minister of Trade and Commerce has outlined the plan he desired to suggest and I was going on to explain my proposition, but I broke off in order to point out what was the reason of the hostile feeling, especi-

ally in our province, towards the Senate, and I explained that it was based on that unfortunate Act, the Gerrymander Act of 1882. It laid the foundation of the bitterness that grew up in the minds of the Reform party, and they never got rid of that bitterness engendered by the action of the Senate on that occasion. With regard to the question of proportionate representation of both parties in this Chamber, I do not know how that is going to be carried out very well. My own impression is that it would be better to leave the appointment to the local legislatures. For instance, in Ontario, supposing a vacancy occurred to-morrow, the Conservative party is in power in Ontario. No doubt they would appoint a Conservative, and I would justify their doing so, and the probabilities are that they would continue to appoint Conservatives as long as they remained in power. Then you have a Conservative government in Manitoba, and they would also appoint Conservative senators. In that way you would tend to produce an equilibrium between the Conservatives and Reformers in this House, so that, in my opinion, that would go a long way to adjust matters. Then the government would control the appointment of one-third as the hon. gentleman suggested. He proposed to fill the seats by the appointment of ex-lieutenant governors and other distinguished public men who had served the country, perhaps for a considerable period. Possibly it is the intention that the leaders of the opposition, whether the opposition was Reform or Conservative, should be consulted with regard to the twenty-four members to be appointed by the government of the day, and if the government utilized that power for the purpose of equalization the representation when it was not secured by the appointments from the provinces, in that way they might keep the parties equally represented. Without that I do not see how they could very well do it. I have not been here as long as some hon. gentlemen. Many members have been here for a number of years before my time, but I have noticed that business in this Chamber is sometimes rushed—I might say almost indecently rushed—without very much consideration. That tends to render the Senate unpopular. If we are only here to register the will of the other House, undoubtedly we will get into disrepute. If the Senate will not carefully examine Bills when they come before us and review and amend where there is just ground for amending, then we are not going to get credit from the country for doing useful work. Another thing, in my humble opinion, is that every senator should know the district he represents. Under the present arrangement senators are appointed to vacancies without being named to any special district. That I consider is wrong. Every senator should know the district he represents and the people of that district should know that there is a senator to represent them. I should think that would be better than making general appointments without any special district to represent. It would give the people a better claim upon their senators if matters came up in which they wanted to utilize the influence or the assistance of their representative; they could communicate with him just as well as they now communicate with a member of parliament. I think that would be a decided advantage. Another thing is that during the time our opponents were in power the Senate was often made a means whereby seats could be made vacant in the House of Commons in order to meet the exigencies of the government who wanted to find a seat for, perhaps, a minister of the Crown. I do not think that should be done by either party. Men should be appointed to the Senate independently, and the power of appointment should only be exercised in that way. In my opinion it is not doing the Senate justice that it should be merely a place in which to provide seats for members and ministers of the other House. I think the Senate should be used in a different way. I think I have outlined the policy which Sir Richard Cartwright proposed to take and I do not know that it is worth my while further to detain the House. I presume it is not a matter of much importance to the present members of the Senate what the government's decision may be with regard to the future of this body. As Sir Richard Cartwright has said, all the senators here will put in their day as senators; the change whatever it may be, will take place from time to time as we drop off. My opinion is that Canada can afford to retain both Chambers, in view of the fact that the

Senate costs so little. The Senate is destined to render good service to the country for the little it costs. It is not for us to boast of the amount of work we do, but I may say that since I came here I have been amazed at the condition in which many Bills come to us from the House of Commons. For instance the Bill constituting a Railway Commission for Canada, after having been studied and debated in the House of Commons for weeks and months, was in such shape that we had to make no less than 55 amendments to that one Bill. It shows that while they pass legislation in fairly good shape, and have many very clever lawyers in the House of Commons, after all there is room left for a good deal of improvement. Another thing about the House of Commons is that great changes take place in its membership every election. The new members coming in do not know much about legislation. They have to learn, just as we know members coming into this House have to learn, a good deal about the rules and procedure. I know after I had been 18 or 19 years in the House of Commons. I found when I came here that I did not know the rules and methods of the Senate, but I soon learned to take part in the proceedings. Men who come here without legislative experience take some time before they get into the way of doing business in this Chamber. I contend that it is a great advantage to this country to have a number of men who have had years of experience in both Houses to look after the public business. The changes are not so rapid or so great in this House as in the Commons, and this body is therefore in a better position to consider measures coming before them, than a Chamber which is so largely changed at every general election. I think the Senate has done good service to the country. We have amended many Bills and improved in other ways the legislation which has come before us. We may not have done as much in that direction as some think we ought to have done, but most legislation which passes through the Senate is in a satisfactory shape. I notice that most of the Bills that we amend are accepted by the House of Commons.

Hon. Mr. PERLEY moved that the debate be adjourned until to-morrow.

The motion was agreed to.

Hon. Mr. McMULLEN.

BILLS INTRODUCED.

Bill (57) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.—(Hon. Mr. Edwards.)

Bill (76) An Act respecting Revillon Brothers, Limited.—(Hon. Mr. Coffey.)

Bill (120) An Act to incorporate the Fort William Terminal Railway and Bridge Company.—(Hon. Mr. Riley.)

Bill (149) An Act respecting the Central Railway Company of Canada.—(Hon. Mr. Lougheed.)

Bill (150) An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (158) An Act to incorporate the Burke's Falls and French River Railway Company.—(Hon. Mr. Talbot).

The Senate adjourned until to-morrow at three o'clock p.m.

SENATE.

OTTAWA, Tuesday, June 19, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

INTER-PARLIAMENTARY PEACE CONFERENCE.

The SPEAKER—I deem it my duty to communicate to the Senate a letter which I received from Lord Weardale to-day, which reads as follows:—

INTER-PARLIAMENTARY UNION
(British Group).
House of Commons, London, S.W., 1906.

President—Lord Weardale.
Hon. Secretary—W. Randal Creamer, M.P.
Executive Committee.

Lord Evebury.
J. Allen Baker, M.P.
Geo. Barnes, M.P.
John A. Bright, M.P.
E. A. Brotherton, M.P.
Sir John Brunner, Bt., M.P.
Rt. Hon. Thos. Burt, M.P.
Thos. Cairns, M.P.
Lord Farrer.
Thos. R. Ferens, M.P.
Lord Harrington.
J. Murray Macdonald, M.P.
Fred. Maddison, M.P.
Sir Chas. McLaren, Bt., M.P.
James O'Grady, M.P.
Duncan V. Pirie, M.P.
John M. Robertson, M.P.

Chas. E. Schwann, M.P.
Hon. Arthur Stanley, M.P.
John Ward, M.P.
Lord Welby.
Henry J. Wilson, M.P.
Sir Howard Vincent, M.P.
Henry Vivian, M.P.

Dear Sir,—It having been decided yesterday by the council of the Inter-Parliamentary Union to accept the invitation of the British Group, with the sympathy and support of His Majesty's government, to hold the XIVth conference of the union in London on July 23, 24, 25 next, and it having been further resolved to invite the attendance of the members of the Canadian federal parliament, we have now the honour to ask you to convey to the members of your House our cordial invitation to take part in the deliberations of the conference in London.

You are probably aware that the union was founded in 1888 with the object of uniting the members of all parliaments in concerted action for the promotion of international arbitration and concord.

As a result, groups have been formed in nearly all the parliaments, composed of members who are in sympathy with our object, and at the conference held last year in Brussels no less than sixteen different parliaments were represented.

As it is the object of our union to secure as wide a parliamentary representation as possible, we are anxious to obtain the advantage of the participation of members of your parliament to whom we offer the most cordial welcome.

If, as the result of this communication, members of both your Houses of parliament were disposed to accept the invitation, we should be obliged if they would kindly intimate their intention to us as soon as convenient, and we will at once communicate to them full information with regard to the programme of the conference and of the fêtes which will be given in connection with it.

It would much facilitate our future correspondence if the members of your parliament who intend to be present would be so kind as to form a group and authorize their president to place himself in personal communication with us.

I have the honour to be, sir,
Yours very faithfully,
WEARDALE.

The President of the Canadian Senate.

The International Parliamentary Congress for Peace has been sitting nearly every year in one of the capitals of Europe, and came to America and sat at St. Louis three years ago. It was my privilege to sit among the members of that congress in 1900, at the Luxembourg in Paris with Sir William Hingston. There were there representatives of all parts of the world. That congress is bringing representatives of all nations yearly together, with the object of a better understanding between nations. I will be in London on July 24 next, and will be glad to communicate the names of any members of the Senate who will be able to attend this conference.

Hon. Mr. SCOTT—I think it is my duty, in the name of the Senate, to convey our thanks to Lord Weardale, and the committee he represents, for their kind invitation. I hope that as many members as can be in London at that time will attend that congress.

Hon. Mr. LOUGHEED—I join readily in the thanks expressed by the hon. leader of the government, and I hope that the invitation, with our acknowledgement, will appear as of record.

WESTERN TRUST COMPANY'S BILL.

CONSIDERATION OF REPORT OF COMMITTEE.

Hon. Mr. KERR (Toronto), from the Committee on Banking and Commerce, reported Bill (35) An Act to incorporate the Western Trust Company, with two amendments. He said: The amendments which have been made are in the first instance limiting the class of investments which the company may make, and, secondly, providing penalties for failure to make returns. I move that these amendments be now concurred in.

Hon. Mr. WATSON—If the House will permit I will move that this Bill be re-referred back to the Committee on Banking and Commerce for further consideration. I may say that this Bill stands in my name. I did not know that a meeting was called for to-day, in fact I was otherwise engaged, and I understand from the solicitor that he had no notice of it at all. He would like to have been present as he does not agree with the amendments which have been made. I am satisfied, as I am the promoter of the Bill, that the House will have no objection to referring it back to the committee. There was no person present representing the Bill before the committee to-day, and the solicitor of the company informs me that he is prepared to give full reasons why the Bill should be passed in the shape in which it was prepared.

Hon. Mr. KERR (Toronto)—This Bill and the amendments which have been recommended, were discussed at a former meeting of the Banking and Commerce Committee. The amendments were not adopted

then but were laid over so that any person having an interest in the Bill could have an opportunity of being heard. The committee met for the second time to-day, but no person appeared with reference to this measure. The amendments were the deliberate judgment of the committee on both occasions. It would, perhaps, meet the views of the hon. gentleman who has just spoken if, instead of moving concurrence now, I move that the amendments be taken into consideration to-morrow. The first amendment provides simply for a limitation of the class of securities in which the Trust Company may invest its funds, and the second amendment is one adding a substantive clause providing for the enforcement of penalties if the returns are not made which the Act provides shall be made. I do not think any object can be served by sending it back to the Banking and Commerce Committee. At all events I would suggest, with the permission of the House, that my motion should be amended as I have indicated and then if the hon. gentleman, after considering the matter, finds it necessary to refer the Bill back to the committee it can be done.

Hon. Mr. WATSON—I am not familiar with the provisions of the Bill, and I do not suppose any member of this House is ; but the gentleman who prepared this Bill is very desirous that it should be passed in the shape it was presented to the committee. True, these clauses did stand over because they were not thoroughly understood, but I think this meeting of the committee was called hurriedly to-day. Very little notice was given ; some members of the committee were not notified at all of the meeting. I understand the committee purpose meeting to-morrow, and surely it would be much preferable to have the Bill referred back to the committee and have the solicitor who represents these applicants present his case before the committee. He cannot come into the House, and if the amendments stand until to-morrow for consideration here we will be no further ahead than we are to-day. If, after the committee have heard counsel in the case, they see fit to stand by their decision, all right, but I rather think they will not do so after he has made his explanation.

Hon. Mr. KERR (Toronto).

Hon. Mr. FERGUSON—I do not think any advantage will be gained by ordering the Bill to be sent back to the committee to-morrow, because there is a very important Bill coming up then, and we have people coming from Montreal and Toronto and other distant places to be heard before the committee at ten o'clock to-morrow morning. Possibly the suggestion which my hon. friend has made, to have these amendments set down for consideration to-morrow will meet the case. If anything wrong has been done my hon. friend might meet it by giving notice of a further amendment which he would move to-morrow.

Hon. Mr. WATSON—I want the counsel who is familiar with the Bill and prepared it for the incorporators to be present and explain it. He was deprived of that privilege to-day because he did not know that there was a meeting—knew nothing about it at all.

Hon. Mr. FERGUSON—I do not say that further consideration of the Bill should be refused, but there will be no possibility of giving proper consideration to it to-morrow morning.

Hon. Mr. WATSON—Well, later on; I am not particular.

Hon. Mr. YOUNG—There was some misunderstanding about the meeting of Banking and Commerce Committee to-day, and those who are representing the interests in this Bill felt aggrieved that they did not have an opportunity of appearing before the committee. Without discussing the merits or demerits of the amendments, surely it would only be fair to give these gentlemen an opportunity of being heard before the committee in defence of the Bill, which has passed the House of Commons. It is a matter of courtesy, and inasmuch as there has been a misunderstanding and many members of the Banking Committee did not receive notice of to-day's meeting I think there is no question that the report should be referred back at the earliest possible moment, and if the committee can deal with it to-morrow well and good. If they cannot, it will be dealt with at the next meeting.

Hon. Mr. MACDONALD (B.C.)—Why can the House not deal with it now?

Hon. Mr. POWER—The hon. gentleman from Portage la Prairie is the member who had charge of the Bill, and when he asks that the Bill be referred back I think it would be a very remarkable thing if the Senate refused to let it go back.

Hon. Mr. KERR (Toronto)—As far as I am concerned I have no objection to deal with the matter in any way that may be thought proper, but I think it is due to the committee that I should make the statement. When reports are brought in from the committees I do not think that they should be referred back as a matter of course simply because some person had neglected his duty.

Hon. Mr. YOUNG—The hon. gentleman cannot charge these people with neglect of duty, because I understood on good authority that the meeting of the Banking and Commerce Committee was fixed for Thursday.

Hon. Mr. KERR (Toronto)—I do not know whether the gentleman who is trusted with the matter has considered the nature of the amendments. If he has read the amendments and thinks they are too important to be carried through, so far as I am concerned I do not care whether it goes to committee now or then, but I think it is due to the committee that some case should be made out before the report is sent back. I am not chairman of the committee, and I am not accustomed to speaking for the committee; it is for the committee themselves to say whether that would be a reasonable course or not.

Hon. Mr. WOOD—I should like to see the suggestion of the hon. member from Portage la Prairie adopted. I am a member of the Banking and Commerce Committee and was present on both occasions when the Bill came up. There was no one there to give very full explanations, and there were several points on which the committee desired information which was not obtainable. As far as I am concerned I should be glad to see that suggestion adopted.

Hon. Sir MACKENZIE BOWELL—This discussion may probably prove of some advantage to the committee. It has been too much the practice of late to send Bills from the House of Commons without asking any senator to take charge of them here. Some person rises and, as a matter of courtesy, moves the second reading and reference of the Bill to the committee. That is the position we are in to-day in the Banking and Commerce Committee. Two or three Bills were sent to the committee which required explanations. No one being there, the Bills were carefully considered by the committee, and they concluded, in the interest not only of the company itself but of those who would be affected by the adoption of the legislation, that the amendments that were proposed should be made to the Bill. Complaint was made then by every member of the committee, and especially by the chairman, that Bills of so important a character affecting the investment of moneys, should come before us without the slightest explanation. It was thought better to amend the Bills or, as was suggested by some, to strike them off the notice paper altogether. The members of committees and of this House should adopt some plan by which explanations shall be furnished of Bills coming to us from the House of Commons, and when such explanations are not furnished the Bills should be struck off the roll. That would be a lesson to others who seek legislation, and would relieve the committee of a great deal of trouble and annoyance to which they are now subjected. There is every reason why we should agree with the suggestion of my hon. friend from Westmoreland. Let the amendments appear on the notice paper so that every one can read them, and should it be necessary to move the amendments to-morrow, or to send the Bill back to the committee for reconsideration, that course can be followed, but it would be rather an unusual thing to make a motion now on the presentation of the report of the committee itself to send it back immediately without any one, not even members of the committee, knowing anything about the amendments.

The amendment was agreed to.

THE TREADGOLD CONCESSION.

INQUIRY.

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

Have all the Treadgold concessions in the Yukon or Klondike been cancelled ?

What concessions, if any, and what special rights have been given the Klondike Water Supply Company, incorporated under the Com-

panies Act, 1902, over rivers, streams and creeks in the Yukon, or Klondike district ?

Do such rights carry a monopoly of the water supply in certain rivers and streams ?

Has the company the right to pass over, or under, or expropriate private property and mines in operation in the prosecution of its works ?

Do the rights of the company exclude miners, and other persons taking water for mining and domestic purposes ?

Can miners construct dams and sluices on, or from the rivers and streams to which the rights of the company extend ?

Has the administrator of the Yukon been consulted during his recent visit to Ottawa before giving the Klondike Water Supply Company any special rights in any rivers and streams in the district under his administration ?

Hon. Mr. SCOTT—The answers are :

1. Certain concessions were granted to Mr. Treadgold and associates by order in council dated 21st April, 1902, but in June, 1904, the concessionaries asked to be relieved of the obligations imposed by the said order in council, and on the 22nd June, 1904, an order in council issued rescinding the said order in council of the 21st April, 1902.

2. There is no record whatever here of any concession or right granted the Klondike Water Supply Company.

Questions 3, 4, 5 and 6 are answered by the answer to the second question.

7. The administrator of the Yukon was not consulted during his visit to Ottawa before giving the Klondike Water Supply Company any special rights, for the reason that no rights whatever were given that company by or through the Department of the Interior here.

Hon. Mr. MACDONALD (B.C.)—I am very glad to hear that the Treadgold concessions have been cancelled. I think the new company has no special right whatever, and cannot prevent miners or householders taking water. That is the great point to guard.

PAYMENTS FOR PRINTING, TRANSCONTINENTAL RAILWAY.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

Since the 1st of March, 1904,—

1. Which are, more particularly at Quebec, Montreal and Ottawa, the newspapers, or the printing companies or firms, which publish advertisements or printed documents on account of the commissioners of the Transcontinental Railway ?

2. How much has each of these newspapers or of these companies or firms received, and what is the date of each payment ?

3. For what kind of services, advertisements, printing or puffs, and how much for each kind, have these newspapers or these companies or firms been paid ?

Hon. Mr. SCOTT—If my hon. friend will move for a return I will accept that. The information is being prepared.

Hon. Mr. LANDRY—I move that an humble address be presented to his Excellency the Governor General in Council praying that the information asked under this head be laid before the Senate.

The motion was agreed to.

YUKON TERRITORY OFFICIALS.

INQUIRY.

Hon. Mr. LOUGHEED inquired of the government :

1. What officials, other than mounted police, are employed by the government in the Yukon Territory and what are their respective pay and allowances ?

2. Were any recommendations made by Commissioner McInnes, on the occasion of his recent visit to Ottawa, in favour of a reorganization of the official staff, by reducing the number of officials employed ? If so, what was the nature of these recommendations ?

3. Is it proposed to reorganize the staff of officials in the Yukon ? If so, in what manner ?

Hon. Mr. SCOTT—I have the information here from the Department of Inland Revenue, the Customs Department and the Mounted Police as well. As the information is somewhat lengthy I will lay it on the Table as a return.

The document was laid on the Table.

STATE UNIFORMS.

MOTION.

Hon. Mr. LANDRY moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate copies of all correspondence between the imperial authorities and the government of Canada relating to the uniform to be worn upon state occasions by privy councillors of the cabinet, privy councillors not of the cabinet, deputy heads of departments, and by any other of the government officials.

Hon. Mr. SCOTT—I do not know that there is any correspondence. I presume there is a formal paper intimating the uni-

forms which are to be worn by the difference classes, first, second and third. I think there is such a paper in existence. I have not taken much interest in it myself and have not conformed to it. There is no objection to bringing down the correspondence.

The motion was agreed to.

BILL INTRODUCED.

Bill (JJ) An Act to incorporate the Temagami, Cobalt and Temiscaming Railway Company.—(Hon. Mr. McHugh.)

ABSENCE OF JUDGES AT THREE RIVERS.

Hon. Mr. LANDRY—Before the Orders of the Day are called I should like to direct the attention of the government to a fact which has just occurred in the district of Three Rivers. We all know that Three Rivers now has two judges; still there are no judges there. Yesterday a court was convened; one of the judges had gone fishing and the other had gone I don't know where. All the officials, lawyers and clients that were in court were obliged to return after incurring expenses. If there are two judges in Three Rivers one should be there to perform the duty, and I call the attention of the government to this denial of justice to litigants. I hope the hon. Secretary of State will call the attention of the Minister of Justice to the fact so that the public will learn the reason why these two judges in the district were absent from Three Rivers at the time the court should have been held.

Hon. Mr. SCOTT—I shall be very glad to bring the subject to the notice of the Minister of Justice and suggest that he should communicate with the court and ascertain what is the cause of the omission to hold the court on the day selected.

THIRD READING.

Bill (II) An Act for the relief of Muriel Violet Spencer.—(Hon. Mr. Perley.)

RAILWAY ACT, 1903, AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The order of the day being called :

Committee of the Whole House on (Bill H) An Act to amend the Railway Act, 1903, with respect to the operation of mortgages.—(Hon. Mr. Béique).

Hon. Mr. SCOTT—I think Mr. Béique understood that this Bill could not possibly go through this session. There is a Railway Bill before the House of Commons at the present time, and I have asked the Minister of Railways and the Minister of Justice whether they propose to incorporate this proposition, which takes away certain liens that are now in the Railway Act for the security of the bondholders. I am not expressing any individual opinion as to whether that is a reasonable proposition or not. Mr. Béique's contention was that there was great extravagance in many railways and that this was giving the running expenses too great an opportunity to increase the cost. However, without entering into that phase of it, I have mentioned several times to Mr. Béique that it was hopeless to expect that this Bill could go through the House of Commons unless with the concurrence of the Minister of Railways and Minister of Justice. I think the more dignified course for this Chamber to adopt would be to cancel the order rather than pass it here and have it defeated in the other House.

Hon. Mr. LOUGHEED—Is not the hon. gentleman under a misapprehension in saying that the intention of the Bill is to cut down the security of the bondholders ? Quite the contrary is the case ; the object is to enhance the security of the bondholders, at the expense of the government.

Hon. Mr. SCOTT—Yes, just the reverse.

Hon. Mr. LOUGHEED—The working out of the Bill would result in this ; that the property and assets of a railway company would not be available for the payment of penalties which might be incurred under the Railway Act. It seemed to me at the time the hon. member from De Salaberry introduced his Bill that it was peculiarly a Bill which should have been introduced by the government and not by a private member. It trenches on the domain of the government with regard to having a field on which to realize for the payment of penalties and, without the consent of the Minister of Railways or the consent of the government, this House should not infringe upon that particular class of security.

Hon. Mr. POWER—The hon. gentleman from De Salaberry left me in charge of the Bill, and I hope the House will not have any objection to discharging the Order of the Day and putting it down for to-morrow. I shall then be in a position, I suppose, to withdraw the measure; but I am not prepared to do that at the present moment. I move that the Order of the Day be discharged and that the House go into Committee of the Whole on this Bill to-morrow.

The motion was agreed to.

EXTRAJUDICIAL EMPLOYMENT OF JUDGES BILL.

BILL DROPPED.

The order of the day being called:

Committee of the Whole House on Bill (I) An Act respecting the Extrajudicial Employment of Judges.

Hon. Mr. SCOTT—Does the hon. gentleman propose to go on with this Bill after the withdrawal of the Bill in charge of a member of the House of Commons? In view of the expression that fell from the Minister of Justice it would be hopeless to expect this Bill to go through, certainly at this stage of the session, when they are trying to run off Bills as fast as they can in the other Chamber. The Bill would not have an opportunity of getting fair consideration.

Hon. Mr. FERGUSON—Perhaps it would be hardly fair of me to press this Bill at this stage of the session after having had it on the order paper so long. I would say, however, that the fate of another Bill in the House of Commons should not necessarily mark out that course for us, because it relates to a different principle altogether. Hon. gentlemen will remember that that measure was to prevent judges from acting on arbitrations; this Bill is to prohibit judges from receiving fees for acting on commissions. Of course they both deal with judges. It has been felt from the outset—I know that has been my feeling—that this is a subject which should properly be dealt with by the government in a general Bill. The late Minister of Justice accepted the the principle of the Bill with regard to arbitration, and gave the hon. member for South Lennox credit for discovering what he deemed to be a defect in the law, and allowed the Bill to be read a second time with his assent and agreed that he would either adopt it as a government measure or include it in a general government measure, or give the hon. gentleman an opportunity of pressing it later. The same principle is not at all involved in this Bill. It simply prohibits judges from receiving extra remuneration for their services when acting upon commissions. The hon. gentleman may remember from the previous discussions we have had, that my object, at all events in a great measure, was to prevent the employment of judges on political commissions. The late Minister of Justice unhesitatingly and unqualifiedly declared himself to be in favour of that principle, and when the House of Commons passed a resolution that all public officials, apart from ministers of the Crown, should give their whole time to the public service in return for the salaries they are receiving, and when the leader of the opposition, entirely concurred in that view, I thought the way was open for this legislation, and having given notice of my intention to introduce it, and then having introduced it and these declarations being on record, I thought the courteous course to persue was to leave it for the government to deal with in the way they thought most proper in connection with other subjects, one of which was the arbitration Bill of the member for South Lennox. However, the late Minister of Justice has left the political arena, and the present Minister of Justice apparently does not entertain the same views—at least not to the same extent. That being the case, and as the session is now approaching its close, I would agree that possibly the best way is not to press this Bill any further at the present time, in the hope that by another session this and many other questions relating to the judiciary will be dealt with by the government in a general measure. I firmly believe that a great deal of harm has been done to the judiciary by the employment of judges on political commissions. I believe that harm is being continually done to the interests of justice as long as the door is left open for the government of the day to throw rewards in the way of judges. I believe this is wrong in principle and

should be stopped. We cannot stop it in this way in this House however, and as the matter has now been brought prominently before the attention of the government, and especially of the Minister of Justice, I am content to let the matter rest. I wish to point out that the usefulness of this House is continually being challenged, and reference is continually being made to the small number of Bills which are introduced in this Chamber and which are carried into law. I submit that if we come to the conclusion that any Bill before us is a good measure, we should proceed with it, and in that way we would get credit before the country for doing substantial work; but when we drop Bills in the hope that somebody else, in another place, and at another time, will take the matter up, we lose the opportunity of showing that we are fully alive to the best interests of the country, and we cannot blame the country for coming to the conclusion that we are not doing much good. I move that the order be discharged.

The motion was agreed to.

HADLEY DIVORCE BILL.

REPORT OF COMMITTEE CONSIDERED.

Hon. Mr. KIRCHHOFFER moved concurrence in :

The eighteenth report of the Standing Committee on Divorce, to whom was referred the petition of George William Hadley, together with the evidence.

Hon. Mr. WATSON—I wish to call the attention of the House to the fact that, in my judgment at least, this report should not be concurred in. The evidence is very voluminous, probably more so than in any other divorce case which has come up since I have had the honour of a seat in this House. I listened to a great portion of the evidence as it was given, and have since read the report carefully. Probably it is presumption on my part, not being a lawyer, to attempt to dissect the evidence and in the remarks which I am about to make in opposition to the adoption of the report I wish it to be understood that I have no reflection whatever to cast upon members of the committee. I think the members of the Divorce Committee are entitled to the thanks of the Senate for the time and patience they devote to eliciting the evidence in such cases. However, they are simply there to hear the evidence and report if they think there is a case for divorce, and the Senate accepts or rejects that report upon the evidence submitted. This is one of the unfortunate cases where two young people come together who are not apparently suited to live with each other. They seem to have come to that conclusion themselves some time ago by agreeing to separate, and Hadley, the petitioner in this case, agreed to pay his wife $5,000 for entire separation. She accepted that amount and left him. Some time afterwards Hadley, apparently I should judge with the object of being put in a position to marry again, applied for a divorce. He never seems to have thought that there was anything wrong with his wife; he swears in his evidence that he had no suspicions regarding her while she was living with him in the hotel, and he has no charge to make against her conduct since she left him after agreeing to a separation. I should judge from reading the evidence that Mrs. Hadley is more sinned against than sinning, because, according to the evidence, their life together was not a happy one. After they had separated, and when Hadley decided that he wanted a divorce, I should judge in order to be in a position to marry again, he employed one Foster, a private detective in the province of Manitoba, to look up evidence to secure that divorce. Foster proceeds to get that evidence, and I should say that it is evidence that is practically paid for, because in every case the strongest evidence given was given by men who were in the employ of Hadley the petitioner. I think we should be very slow to place much confidence in such evidence. I think I am safe in saying that to members of the committee and to any person who was present and heard the evidence of at least one of the witnesses, that witness was certainly guilty of perjury, because he came here and swore to things as to which he could not have been telling the truth. I shall refer to his evidence as I proceed. But the very fact that Mrs. Hadley received $5,000 from her husband—that he was willing to pay that amount when they separated, after all the acts of improper conduct charged against Mrs Hadley

had been committed—is strongly in her favour. If there had been glaring immorality on the part of Mrs. Hadley within a stone's throw of the Palace Hotel, I do not think Hadley would have been willing to pay his wife $5,000 for a separation; he would have applied for a divorce as he is doing to-day. There is another serious consideration involved; the characters of other people independent of Mr. and Mrs. Hadley are at stake. Three co-respondents have been mentioned, one of them named Campbell, a respectable citizen of Brandon. In fact when I mentioned Campbell's name to the mayor of Brandon he was surprised to hear that his name should be mixed up in such proceedings. Campbell is a jeweller by trade, and one of the most respectable citizens of Brandon. The members of the committee and the senators who were present and heard Campbell's evidence will endorse the opinion expressed by the mayor of Brandon, because he certainly gave his evidence in a straight forward manner, swearing positively that the statements of other witnesses were untrue. Parks, another jeweller whose name was mentioned as a co-respondent, also gave evidence contradicting those who had connected his name with the case. The only evidence, to my mind, that was produced for the plaintiff was the evidence of Howden the solicitor for Hadley, who some two or three years after the event that he swore to had occurred, after he had drawn up the papers, and assisted Hadley in procuring the separation from his wife, came forward and said that this man Parks had made statements to him in his office which were certainly of the most immoral character. I am surprised that such evidence should be admitted. It was simply hearsay evidence through Mr. Howden as to what Parks had said in his office.

Hon. Mr. LANDRY—He says himself it is hearsay.

Hon. Mr. WATSON—Certainly. There is no question about it at all. Howden says Parks told him certain things, which he stated before the committee, and Detective Foster was eavesdropping and heard the same statement made, and those statements are admitted in evidence. Foster goes on to say that he does not know this man Parks at all. He never saw Mrs. Hadley and Parks together and would not know him if he saw him. He did not know where he resided. I wish to call attention to the fact that there were several adjournments of the committee. I do not know who asked for them or why they were granted. The case dragged on for weeks and apparently there was a missing link in the evidence—something that should be proven, and Foster, the detective, goes back and brings down the missing link—a witness whose evidence is not worthy of much consideration. Foster says he does not know where Parks lives, but he knows enough when he gets back to go up to Dauphin and find him there, and tries to persuade him not to appear here to give evidence, but the counsel for Mrs. Hadley brings Parks here and he swears that the statement made by the other witnesses are false; that he never had improper relations with Mrs. Hadley, barely knew her by sight; that he was boarding in the hotel some six or seven months. The other gentleman referred to is a Mr. Nicol, a gentleman I know well and have known for years. He is one of the men who was supposed to have improper relations with the respondent, although he is an old gentleman 70 years of age, one of the most respectable citizens in the province of Manitoba. I think some hon. gentlemen in the Senate know him. His name is brought in by one of the braided hair bartenders who says he saw Nicol and this respondent in a compromising position. Mr. Nicol is now dead two years, but the other two co-respondents come here and swear positively the evidence is false. Under the circumstances it appears to me that we ought to be very careful in passing on a matter of this kind, because it is not only Mrs. Hadley that is being reflected upon, but it is these other gentlemen who are named as co-respondents. I have been informed—in fact I know—that Mrs. Hadley wanted to produce a witness to prove what her life had been since the separation. It appears to me that if Mrs. Hadley was of the character described by those witnesses; that she had committed the acts she had been charged with in Brandon in her own home, where her husband was living, in the same house and other places within a stone's throw of the hotel.

I suppose evidence would have been brought to show the character of the woman and the life she had led since the separation. Evidently she intended after the separation not to live with Hadley again, and one would suppose that she would court rather than oppose divorce proceedings. She is a young woman, thirty years of age, and she offered to produce witnesses before the committee to prove as to her conduct and life since the separation. One would suppose, if she was of the character described by the bartenders—I won't say by Mr. Hadley, because Hadley says he had no suspicion of anything being wrong with his wife, and it was not called to his attention until after the separation, and none of these witnesses ever mentioned the circumstances to anybody else until two or three years afterwards, until Foster was employed to obtain evidence to get the divorce, that her conduct after the separation was worth inquiring into. I understand the committee said—and fairly so—that she was not charged with any improper conduct after the separation, and consequently there was no use hearing the evidence, that she was prepared to submit. To my mind such evidence as to her conduct since the separation would go a long way to upset the evidence given as to her conduct while she was living with Mr. Hadley as his wife. No doubt the evidence has been read by members of the House, and it is not for me to take up very much time with it ; but take the evidence that is given : We find first that Foster, who is an alleged insurance agent and bartender ; there is Smith, the bartender in the petitioner's hotel ; Voight, a bartender in the hotel; Boyd, a policeman; Clapp, a brakeman, and Howden, solicitor in the proceedings for Hadley. With the array of evidence, coupled with the fact that Howden, as solicitor for Hadley, drew up the separation document under which Hadley agreed to pay Mrs. Hadley $5,000, I do not think his evidence should carry any weight for the reason that he, as counsel for Hadley drawing up that document under which he granted his wife a separation for $5,000, was aware of the facts of the story Parks told him, of which he gave evidence in the divorce proceedings. If he is to be believed, he was in possession of that evidence at the time, and can one imagine a counsel advising his client to pay $5,000 to have a separation when he claims he had in his possession evidence whereby he could procure a divorce without paying a cent? I think on the face of it that is a reason why Howden's evidence should not be accepted at all, and as far as the other gentlemen employed by Mr. Hadley are concerned, I place them in the same position. This man Clapp, the alleged brakeman, came down here and gave evidence. Hon. gentlemen who have read the evidence remember that it was stated that Mrs. Hadley went out at night while Hadley was absent in Banff, and that she came in through basement windows to get into the house. One of the bartenders who was on duty as night watchman after 12 o'clock stated that Mrs. Hadley came up from downstairs with all her clothes on. Mrs. Hadley said it was simply absurd to make any such suggestion, and that even if she wanted to, she could not get through the windows because they were too small. There was an adjournment for two weeks, and Foster goes to Brandon and comes back and swears as to the size of the windows. Why did he go and measure the windows ? He swears the divorce proceedings were not discussed between him and any person at the hotel, that he knew nothing about what was going on at Ottawa; simply out of curiosity, without a suggestion from anybody, he goes downstairs with a rule and measures the windows, and comes to Ottawa and gives us the size to an eighth of an inch. Can you believe that story is true ? It is absurd on the face of it. After giving that evidence, he testified to seeing Campbell and Mrs. Hadley through a window while he was driving along the street in a buggy. That is another part of his evidence. We have also a story told by a detective who was paid for giving evidence that he tied shoe strings on the door, and said that Mrs. Hadley was up there in Campbell's room, and he had put the shoe strings on to ascertain when they came out. He apparently knew nothing about when they did come out, but he says they were there in the morning. The woman may not have been there at all. This had all happened some two or three years before. He said nothing about it, and no mention was made of it until the

divorce proceedings were started, and this man Foster was employed to secure evidence to get a divorce. Hadley in his evidence swore that he had no suspicion of any improper conduct on the part of his wife, during their married life. Only one incident had occurred which had aroused his suspicion and he recalled that incident. After this evidence of Foster—that Campbell one night went into his room with Mrs. Hadley and they were there talking and he suggested to his wife that it might be more proper to go down to the public sitting room and carry on the conversation there. In all his evidence that is the only suggestion he was able to make that Campbell and his wife had been familiar. Both Mrs. Hadley and Campbell referred to the incident and I think their evidence justifies their conduct on that particular occasion. The three men most interested in this case are Hadley who, of course, wants his divorce. Foster, the detective who, no doubt, will be paid handsomely if a divorce is secured, and Howden, the solicitor, on the same line. I think this House ought to be very careful in granting a divorce. In all cases where the committee have great doubts—in fact are almost certain in their own minds—that any witness before the committee is guilty of perjury, he ought to be prosecuted. If that were done, there would be fewer applications for divorce, because I believe it is quite possible for any person who wishes to procure a divorce to hire a detective, and that detective in turn could hire witnesses to give evidence before the committee. The respondent appeared here with her counsel and gave her evidence and ably defended her case. The young woman was evidently determined, so far as she could, to protect her good name, and I do think we ought to be very careful about granting this divorce. I heard some of the evidence, and read what I did not hear given, and I had opportunity of seeing the demeanour of the witnesses, and from all that I could see and learn I do not think this is a case where a divorce ought to be granted. For that reason I am opposed to the adoption of the report.

Hon. Mr. McMULLEN—From my experience of the Divorce Committee within the last few days, and my experience in connection with divorce cases in this House, I would honestly recommend the government to seriously consider the advisability of establishing a divorce court. I am a member of the Divorce Committee, and I know that the committee endeavour to do their duty and mete out justice impartially in all cases coming before them. Every member of this House has a right to attend the meetings of that committee, and hear all that is said, and suggest questions if he thinks proper to do so. Now with regard to the question of Mr. Hadley buying a separation from his wife, I may say such is not the fact. Mrs. Hadley made a demand on her husband for $5,000. She declared that she would not live with him and the only terms upon which she would agree to separate was the payment to her of $5,000, and on receipt of that she would go out and do for herself. Hadley on the other hand begged of her, got down on his knees and implored her to stay with him, promising to give her private rooms and every comfort and privilege she could possibly desire if she would only agree to live with him, and she refused. She insisted upon a separation and on the terms she demanded. Now my hon. friend presents it as if he had negotiated with his wife to get a separation on payment of $5,000. In the next place he says that Hadley wants to get married again.

Hon. Mr. WATSON—I said the presumption was that he did.

Hon. Mr. McMULLEN—I put the question to Hadley myself if he had any contract or expectation to enter into a marriage relation with any other person if he got a divorce, and he distinctly swore that he had none, and had no present intention of getting married. Any person who will read the evidence will find that the statements I make are borne out by the evidence. It is true he did not know of the infidelity of his wife up to the time she separated from him. He swears that he loved, worshipped his wife and that he had no suspicion——

Hon. Mr. WILSON—Will the hon. gentleman refer to the evidence where he swears he loved his wife?

Hon. Mr. McMULLEN—The best evidence that he loved his wife is where he swears that he got down on his knees

and begged her to stay with him, promising to give her a lady's life. If he had not loved her he would not have done that. He swears that he did not know anything about the improper conduct of his wife until after the separation, and then these things turned up, all tending to show the object she had in urging the separation and stipulating the terms upon which it should be granted. Now with regard to Parks; she swore on her examination that she did not know him; that she had never seen or met him. Parks swore that he had lived at the house for eight months; that he sat at the same table and was in the drawing room and knew Mrs. Hadley very well. When Mrs. Hadley swore that she did not know Parks, he had gone away from Brandon, and the supposition was that he had got out of reach of any summons. They did not anticipate that he could be got, and in view of that she swore that she had never known Parks.

Hon. Mr. LANDRY—Who brought Parks here?

Hon. Mr. McMULLEN—I will come to that in a moment. Afterwards Parks did turn up, and an application was made to the committee for an order to bring him here. We granted the order and a subpœna and made an order that Hadley should pay the expense of bringing Parks here. Parks came an swore that he knew Mrs. Hadley, had met her at her own house, but he swore at the same time that there had been no improper relations between them. I have been a member of the Divorce Committee for three years, and my experience has been that any man guilty of improper relations with other men's wives as a rule will not admit the truth. Now, take the case of Parks. He is a young man and was married five months ago. What an admission it would be to go home to the ears of his young wife, that on an investigation before the Divorce Committee at Ottawa he had admitted having had improper relations with Mrs. Hadley.

Hon. Mr. LANDRY—Why bring him here?

Hon. Mr. McMULLEN—Mrs. Hadley's counsel brought him here to prove that he had never had improper relations with Mrs. Hadley.

Hon. Mr. LANDRY—Who gave the order?

Hon. Mr. McMULLEN—The Divorce Committee.

Hon. Mr. LANDRY—With the idea that he would not tell the truth ?

Hon. Mr. WILSON—Don't you suppose that they brought Parks here to swear to the truth and not to prove a certain thing ?

Hon. Mr. McMULLEN—They brought him here to prove that there had been no improper relations between him and the respondent, and he swore to that no doubt. He was in an extremely embarrassing position when he was asked to give that evidence. With regard to Mr. Foster, he is an ordinary detective in Brandon. Nothing has been established against him. He was employed as a detective to do detective work. I have not heard that he is either a blackguard or an untruthful man. No attempt was made to show that there was anything wrong with his character. The committee after carefully reviewing the whole case came to the conclusion that Hadley was entitled to a divorce. In coming to that conclusion they were unbiased and based their judgment wholly on the evidence taken before them. If sympathy had been allowed to play any part in the matter they might have decided in favour of Mrs. Hadley. She is a very nice woman and it is a great pity that any trouble has arisen between her and her husband, but the facts are there, and the committee came to the conclusion that the conduct of the woman was such that her husband was entitled to the relief prayed for. I repeat, it is time the government seriously considered this whole question and established a divorce court. I think further that this House should, when a fair case is made out, sustain its own committee. We should expect fair treatment at the hands of the House when we come to an honest conclusion in any case.

Hon. Mr. McSWEENEY—I do not think the speech of the hon. gentleman agrees with his letter in the Toronto 'Globe.'

Hon. Mr. McMULLEN—I did not oppose a divorce court. I said that where there were divorce courts more divorces were granted than in the portions of the Dominion where there are no divorce courts, but

after all in order to secure justice to people who apply for it, I would prefer to have a divorce court rather than have the wranglings that we have over these cases in parliament.

Hon. Mr. WILSON—As the hon. senator from Wellington has referred to the Divorce Committee, and as I, fortunately or unfortunately, am a member of that committee, perhaps it would be proper for me to give my reason for dissenting from the finding of the majority of the committee. The majority of the committee felt that they were in a position to report in favour of the petitioner. But while that was the case, and while some of the evidence if it had been to my mind reliable and if I could have believed that there was nothing back of that evidence, no discreditable means whereby the evidence was brought forward to prove the case, I might have said perhaps that the woman was guilty. But it is a very serious matter for an individual to make up his mind, unless he has evidence of the strongest kind, to step in between a husband and wife, especially a wife with a small child eight or nine years old. I feel that we have no right to tarnish the character of a woman, if she is innocent, upon the evidence of, perhaps, hirelings. I further say that the innocent child who has never committed a wrong should not be branded as the offspring of a mother who has been guilty of sin without absolute proof of her guilt. It is a serious matter to reflect upon the character and the conduct of the wife in such cases unless we have the very best evidence. Hadley says that he had no cause of complaint; he knew of nothing wrong, and he did not suspect anything wrong with Mrs. Hadley until after the separation had taken place. Why didn't he submit to the separation? Why didn't he remain faithful to the agreement he had entered into? Why did he seek later on to obtain a divorce? If there were any acts that would have justified obtaining a divorce they took place before the time of the separation. They were acts committed, not after the separation, but before it. My hon. friend has referred to the evidence of Howden. Who is this Howden? He is Hadley's solicitor. He drew up the agreement by which Mrs. Hadley should get $5,000. Now, if he believed what this man Parks said, if he said it, which I doubt very much, that this woman was guilty of what Parks confessed, I ask why did he agree that his client should pay $5,000 when he had ample and sufficient evidence in his possession at the time to get a Bill of divorce? I place no confidence in that statement of Howden's. It looks to me as the statement of a man devoid of a proper sense of duty, and a professional man who would act in the capacity of a solicitor between party and party, knowing and believing that Parks had sworn to the truth, had sworn to this woman being guilty, and yet that Hadley, his client, should pay her $5,000 when he could have gone into court and got a divorce, is a man whose evidence should not carry weight. He gave no reason why he came into court excepting that he had heard later on, after the separation, that Mrs. Hadley had been guilty of these crimes. We have the evidence of Hadley stating positively and plainly that he had no suspicion of his wife; that he had no reason to doubt her truthfulness and her honesty towards him —that he did on one occasion, after Mr. Campbell and Mrs. Hadley had been in Hadley's room together talking over various matters, see Campbell go into Mrs. Hadley's work room, sitting room, parlour, if you like—it was a place where she received her guests—and enter into conversation with her there. As to this Campbell swore, and so also did Mrs. Hadley, that he went into the room merely to exchange a book and the evidence showed that the door was not closed, that it was open quite a little way.

Now, we have Hadley asserting one thing and we have Mrs. Hadley declaring positively that she is innocent of all the charges preferred against her. What are we to do? We also heard what my hon. friend refers to regarding this man Parks. He made a great point, or tried to, upon the fact that Mrs. Hadley said that she did not remember Parks, but did he state that when the photograph of Parks was shown it was of an entirely different appearance, because Parks when he was in Brandon had been baldheaded, with a mustache? When the photograph was shown there was a beautiful wig and the moustache was shaved off. I suppose any man or woman after the lapse of three years might have forgotten. Then

the great point is made that he was there for a length of time. Parks swears that he never slept in the Hadley hotel except on one occasion, when he was up where he is living now and came down and stayed in Brandon over night; that when he came to Brandon to go into employment there he roomed in another place and boarded for a time in Hadley's hotel. We have his sworn evidence that very frequently when he would come in at 1.30 for dinner Mrs. Hadley would not be there; frequently Mr. Hadley was present. Mrs. Hadley was down in the kitchen, she swears, attending to her domestic duties, and it may be that day in and day out she would not have an opportunity of seeing this man Parks. Therefore, the evidence falls to the ground. She positively said that she did not recognize him. Then she is charged with intimacy with another man—a man over 70 years old, a respectable man; and she swears positively to the contrary.

No evidence is brought to substantiate the charge that he had ever been under any circumstances intimate with her. What evidence is there that any of these other men had been intimate with her? None whatever—merely hearsay. Then further when did the petitioner commence proceedings for a divorce? Was it before or after the separation took place? Hadley said he had no suspicion of his wife; but they say now that they did not live peaceably and harmoniously together. From the time they were married at Rat Portage, she joined heartily in work and entered with her husband into the various necessary industries of life, and they accumulated quite a large amount of money. It is clear they must have lived in peace and harmony, though he says his life was not very agreeable with her. But why should it be? It is sworn by her that two or three weeks after they were married, he presented her with a bill for her wedding ring, and other things of that kind. What would any wife think of a husband if he were to present a bill of that nature to her? It is true he said he did not do it, but here we have the two statements. Further, she had just cause and reason why she was not friendly with him and why she left the hotel. My hon. friend from Wellington did not refer to that phase of the case. There was a woman in the affair; a Miss McDonald was working there, and Miss McDonald got on the right side of Mr. Hadley and he would not dismiss her. Mrs. Hadley said: Take your choice between us, either dismiss Miss McDonald or else I will leave. He said 'go'.

Hon. Mr. McMULLEN—My hon. friend knows better than that. Let him turn up the evidence and see what he said. He begged his wife to remain; he did everything he could to get her to remain with him. She swore that he said 'go', but he denied saying anything of the kind.

Hon. Mr. WILSON—Did he deny that he said it, that he told her to go?

Hon. Mr. McMULLEN—She swore that he said that, but he denied ever saying so.

Hon. Mr. WILSON—There was a reason why they did not live peacebly and harmoniously together. Did he deny being intimate with Miss McDonald? If he had not been intimate with her, and had not sided with her in preference to his own wife, he would have given his evidence to that effect.

Hon. Mr. McMULLEN—Shame, shame. My hon. friend knows full well there is nothing in that.

Hon. Mr. WILSON—It appears that my hon. friend does not know as much about this case as I thought he did. There were two men charged with being co-respondents. One was Park. Park went by the name of Parks in Brandon, but his correct name is Park. He went therefore by a name that is not is own, and I can, therefore, understand that Mrs. Hadley did not fully understand when the question was put to her: 'Did you know Morris Parks'? She did not know Morris Parks, because it was Maurice Park; therefore she was quite correct. My hon. friend laughs; he knows full well that he went by that name and not by the name of Park, as he should have been called.

Hon. Mr. KIRCHHOFFER—Which was his real name?

Hon. Mr. WILSON—My hon. friend should know his real name. He swore that his name was Park, not Parks, and my hon. friend who has introduced this report and who has the evidence before him, questions

me as to what the correct name of this witness was. The correct name was Park, not Parks at all. Again we have other evidence submitted, that of Mr. Campbell, who is said to be one of the most respectable young men in the town. He worked in a jewellery store there. He was charged with being one of the co-respondents. He swears positively that no intimacy ever existed between him and Mrs. Hadley. Are we to take Hadley's statement pure and simple, and are we to deny Mrs. Hadley's statement altogether when we have the co-respondent swearing distinctly that he never had any intimacy with her?

I think that that evidence ought to have some weight. No man ought to be so demoralized that he would not tell the truth under oath. Park, who is another co-respondent, also swears most emphatically that he was never either directly or indirectly intimate with Mrs. Hadley. Do you want more evidence than that? The evidence against Mrs. Hadley is that of the petitioner, and his hirlings who came down here to testify for him. We all know full well how that evidence was obtained. We had before us a man by the name of Foster, a detective. We all know what the evidence of detectives amounts to. You know that if you go to a court of law and had nothing but evidence procured by secret detectives, the court would not be inclined to base a decison on the evidence of such hirelings. These hirelings were employees of Mr. Hadley. They had worked in his hotel. They were just the ones that would be always ready to make change at the bar, or to tell anything that would further the interests of the proprietor that supplied them with their change at the bar. We find those men who knew, if they knew anything—and we learn that they did know in 1902—did not tell a single thing. Nobody knew what evidence they were going to give before this committee, but Foster, the secret detective, collected these witnesses. First one would come down and swear to a story, and then the next time some other witness would come down and swear to a similar story. If you asked them whether they had heard anything of this case, they would reply that they might have been telling this to Foster. He was the one who prepared, arranged, distributed, and gave these witnesses to understand what they were to swear to when they came down here. Now are you going to believe that evidence? There is evidence given that Parks had made a statement in Howden's office in the hearing of Foster. Foster was always very happy to turn up just at the time he wanted to get certain evidence that would prove the guilt of the woman, who is no doubt far superior in every respect to Foster, because Foster's reputation in Brandon is not any better than it should be. Mrs. Hadley swore that she would not believe him under oath, and another witness stated that what he said was false. Therefore you cannot rely on the detective's evidence. Again, if Foster and Howden knew at the time of the separation that this woman was guilty, I ask why they permitted Mr. Hadley to be bled to the tune of $5,000 for a separation? Is it reasonable to expect that they should allow that? It is unreasonable. There is no reason why they should have acted in that way, and if any one told me that Howden was a lawyer of good standing, I would say that I would not like to trust a case in his hands after knowing that a transaction of that kind had taken place between him and his client. Howden was Hadley's solicitor and no doubt advised him what to do. Then as to the agreement for separation there is a dispute. Hadley states one thing and Mrs. Hadley another. Which are we to believe? Which is telling the truth? I am inclined to think that when a man would tell his wife that she was to go to the devil, or go to hell, or something of that kind, that he was not in strong sympathy and unison with her.

Hon. Mr. McMULLEN—He denied it. Hadley swore he never made any such statement.

Hon. Mr. WILSON—She swore that he did.

Hon. Mr. LANDRY—It is getting a little hot.

Hon. Mr. WILSON—I would believe one as well as the other. He is anxious to get a divorce and she is not; she is defending her honour. She was apparently quite well satisfied to take the $5,000. She went off

to the United States and intended to live there in peace, because she was driven from Winnipeg on account of the conduct of Howden making known he was going to ask for the divorce, and the employees in the place where she was working for a living looked down on her, and she was dismissed from her employment and had to go away to the States. If we pass this Bill we add injury to insult on this woman. She was willing to leave the country and reside in a foreign country, but her husband was not satisfied. He appealed to the courts to disgrace her name, and disgrace his offspring, his little girl, that he might be relieved of the wife and have an opportunity of marrying again. I ask hon. gentlemen if we are going to allow a thing of this kind to take place? I appeal to the House to do justice between this man and woman. We find that all the witnesses, every one of them, has either been directly or indirectly employees of Hadley or in Hadley's hotel. There is a statement made in reference to the size of the basement windows. It is in evidence that she was seen coming up from down stairs at a late hour of night, and one of the employees thought that she had come in from the street through the cellar window and come up stairs. Her husband was away, and, as a true wife, she would naturally be looking after his interest, having the welfare of her husband at heart. What did she do? When she came home she would go down and see that everything was all right, because they had a fire there a short time before. She wished to see that the doors were locked and everything in proper order, yet because as a wife she was true to her duty, witnesses come before the committee and swear they thought that she must have climbed through some of the windows before coming up stairs.

Hon. Mr. ROSS (Halifax)—Is this evidence not all printed?

Hon. Mr. WILSON—Yes.

Hon. Mr. ROSS (Halifax)—Why should it be rehearsed now?

Hon. Mr. WILSON—Because there are some hon. gentlemen who are not so industrious, so studious and ready to read and digest the evidence before the Divorce Committee, as my hon. friend from Halifax. If we were all like my hon. friend, it would not be necessary for me to make a single remark. We would all say 'this man is not entitled to a divorce.' Therefore I am willing to leave the thing in my hon. friend's hands. It is a serious matter to all of us, and we should see that this woman receives simple justice; therefore I will give way and allow my hon. friend to interpret the evidence in the way he thinks best, and try to convince hon. gentlemen if there are any who have not read the evidence themselves. For these reasons, I shall vote against the resolution.

Hon. Mr. JONES—Before voting upon this motion, I should like to say a word or two, and I hope the House will bear with me. I have no knowledge of or acquaintance with either of the parties, or any witness appearing before the committee. Possibly I should not have read the evidence quite so carefully if I had not first heard indirectly some evidence relating to one of the principal witnesses, an employee of the petitioner, a Mr. Smith, who, in the course of his evidence, made very damaging statements because of the alleged relationship between the defendent and Alec Nichol. I happen to know Alec Nichol. He was in the employ of my company for eighteen years. I knew him very intimately indeed. I never knew a higher minded, better citizen in the course of my business life than Alec Nichol. If Alec Nichol had been living it would have been unnecessary for me to make that statement to the House. Between the time that this is said to have occurred, and the time these divorce proceedings were commenced he died, and, therefore, in justice to his family and in justice to his name, I feel that it would be unfair for me not to state to the House that one of the reasons that impels me to differ from the conclusions of the committee, is because of that particular evidence, and I submit to any hon. gentleman in this House who has read the report that if he will read again what the witness says the circumstances were, and what is alleged to have taken place between the defendant and Nichol, and the conditions under which it it is alleged it took place, it will appeal to a majority of the members of this House as being absolutely untrue and ridiculous.

Hon. Mr. WATSON—And the age limit. too.

Hon. Mr. JONES—I am not going to say anything about the age limit. I cannot imagine that such evidence had weight with the committee. I may say first that, leaving aside entirely the evidence of the petitioner and the respondent, I am bound to say that in reading the evidence it impressed me that the story of the respondent was told in a straightforward manner, and would create in my mind as favourable an impression as the evidence of the petitioner. But the plaintiff himself says under oath that he of his own knowledge knows of no reason why he should have a divorce. It appeals to me therefore that the evidence of the plaintiff may, for that reason, be set aside, and you may put aside if you will the evidence of the defendant also, and take the evidence of the witnesses which influenced the committee. I was impressed with the fact that many features of that evidence did not carry great weight. Take the evidence of a Mr. Foster, and the incident described by him. He alleges that he saw the respondent go some distance and enter rooms occupied by Mr. Campbell at between ten and half-past eleven in the evening. He says he saw this accidently, because he was on duty on the street, and he was curious to know how long the respondent was likely to remain. I will just read what he says. He speaks of the respondent going upstairs, and then the question is asked :

Q. Did you go in ?—A. No, I did not go in and did not want to stay there to watch. I was not in that business, watching anybody, but I thought 'for curiosity, I am going to see how long this woman stays there ; ' so I fixed the door so that I would know if she came out, or if it was opened I would know it.

Q. How did you fix the door ?—A. I took a little piece of shoe string, and took a pin, and stuck it in at each end, and put one into the door, and one into the jam at the top and as long as that string was there there is nobody comes out.

Q. Did you do that with one door ?—A. I done it with all the doors.

Q. What time was this?—A. That would be between ten o'clock at night and about half past eleven. It might be about eleven o'clock, somewhere there, I could not fix the hour because I was not very much interested. I just wanted to see how long she would stay there.

Q. Did you examine the door after that ?—A. I did. I examined the doors at 6 o'clock next morning.

Q. How were they ?—A. The same as I left them.

Q. Had you any instructions from the petitioner Hadley to watch Mrs. Hadley?—A. I never did.

Q. You did that on your own responsibility,? —A. Yes.

Q. And these strings were intact ?—A. Yes.

Hon. Mr. LANDRY—She is there yet ?

Hon. Mr. JONES—He swears he had no interest in this matter, and that he acted out of simple curiosity. I appeal to the members of this House is that evidence that a man who is simply actuated by curiosity would be likely to give ? Does it sound reasonable that if this woman went to the rooms of a young man that she would stay until it became necessary to go home in the morning to a busy hotel ? The evidence indicates that this hotel was full of travellers practically all the time, and we are told that she did not go home until the hotel was all astir and every servant about the place could see when she came in. When I read the evidence it sounded so absurd, that it was bound to prejudice the plaintiff's case. Another portion of the evidence refers to the respondent crawling through the windows of the house into the basement. I happen to know something of the locality in Brandon. This hotel faces on the busy street of Brandon, and the rooms mentioned face on that street. It does not appeal to me that the conditions which I have described would be likely to happen if there was any desire on the part of the respondent to visit those rooms. It seems to me that if she made the considerable number of visits mentioned, she would be likely to go home at such reasonable time as not to attract the attention of the people of Brandon moving about in the early hours of morning and evening. She would not let them know about her movements if she had anything that she would desire to conceal. Then the statement that she crawled through the basement window to return to her own home, did not impress me as evidence which is of any value. I am sure the members of the committee ought not to feel, as one hon. member has indicated they should, that this House acting practically as a jury should accept without questioning the decision of the committee. We have to consider the evidence and give our votes

as we think justice demands. I do not think the hon. gentleman intended to indicate that an adverse vote would be any reflection on the committee, although he said it would in so many words.

Hon. Mr. McMULLEN—I did not intend to convey any such idea.

Hon. Mr. JONES—The hon. gentleman conveyed that impression to me, and I am sure it was not intended. Everybody in this House would be pleased if these cases did not come before us, but so long as they do, it is our bounden duty to read the evidence carefully and to vote as we believe is in the best interests of justice. Taking it all in all it appeals to me from a careful reading of this evidence that I was bound in honour, from the convictions I have formed and for the reasons I have given, and many others which I might give, to vote against the recommendation of the committee.

Hon. Mr. KIRCHHOFFER—I cannot say that I am at all averse to having this matter brought up as it has been here to-day. I am always anxious for an honest criticism of anything that is done. I like to hear matters discussed, and I like to see the interest this House takes in reading the evidence in these divorce cases. That is very apparent, because if by any chance I attempt to move the adoption of a report before every member of the House has had an opportunity of reading the evidence thoroughly, I am always called to order and obliged to postpone it to another day. I am always willing to do that, and anxious that everybody should possess himself of all the facts in connection with every case. I have said before, and I reiterate now, that the members of this committee have absolutely no interest whatever in seeing anything except the law carried out as it is given to us. In this House there are many members who are opposed to divorce from religious and other scruples, and who consider it their duty because of these scruples to oppose the granting of a divorce if they consider there is an opportunity of having it defeated. I am anxious to see justice done according to the law of the land, and I do not think any Bill should be defeated simply because of the religious or other scruples of some of our members. In this case we had a most exhaustive trial. I hope hon. gentlemen will not expect me to go into a resume of the evidence. We have been censured by some hon. gentlemen who have spoken because of some incidents which took place during the trial. One was that adjournments were allowed for the purpose of procuring evidence. That was done on behalf of the defendant.

Hon. Mr. WATSON—I had no intention of censuring the committee. I said there had been adjournments from time to time, I do not know at whose instance.

Hon. Mr. KIRCHHOFFER—I am explaining that it was done on behalf of the defendant, because the committee considers it a plain duty not to take advantage of any technical objections which might be made to the reception of evidence. We are instructed by our orders to hear and determine, and for that purpose we open up every avenue so that parties can state their case without prejudice. The respondent was given an opportunity to bring evidence in support of her case. Another point that was taken here was that we had not allowed the respondent to produce evidence as to her character subsequent to the events which brought about these proceedings. We did not do so because it was not necessary. Her subsequent character was not impugned. We admitted everything that was put forward on her behalf, but there was no object in bringing evidence from a distance as to what there was no controversy about. The hon. gentlemen who have spoken on this case have taken the position, apparently—certainly one has taken the position, that all the evidence given on behalf of the petitioner was not entitled to credence, but that all the evidence on the other side was to be believed. I never conceived that credence was to be given to one side more than to the other. My hon. friend from St. Thomas (Hon. Mr. Wilson) is a gentleman to whose opinions on medical matters we attach great weight. He always gives us good advice. He is an able doctor, and on medical questions, which frequently come up in these cases, we always pay the greatest attention to his views. But outside of that he does not know more than any one else, so far as evidence is concerned. We always like if

there is an adverse report to have it presented, but when a member of the committee thinks that the evidence on one side only is entitled to credence it is not evidence of good judgment.

Hon. Mr. WILSON—What I did say was that the evidence produced to corroborate the charges was evidence prepared by Foster, and that the witnesses were employees of the Hadley hotel who came here to give their evidence.

Hon. Mr. KIRCHHOFFER—I am quite able to understand what the hon. gentleman said. It must be understood that the evidence on the other side was the evidence of parties to the suit—the respondent and the co-respondents. We have all heard stories of people who consider that a co-respondent is entitled to come, as was said of the Prince of Wales in the Morduant case—into court and perjure himself like a gentleman. Many people think it is the correct thing to do. We have seen it done by co-respondents over and over again, and what have we found afterwards? Two years ago, in a case from Montreal, a man swore that he had never been alone with the lady in his life—this in contradiction to what other witnesses had sworn to positively. Three weeks after that he was married to the party with whom it was alleged he had been living with in improper relations, in the United States.

Hon. Mr. WILSON—Was the fact that he was living with the woman as her husband evidence that he had committed adultery?

Hon. Mr. KIRCHHOFFER—I mention it to show that we must take with a certain amount of hesitation evidence which is distinctly applicable to the parties themselves, and in which they are concerned. In this case we had evidence on the one side which was absolutely independent. Because a man is a bartender, there is no reason to conclude that he is a perjurer. There was not a man who gave evidence for the petitioner in that case who had reason to give evidence contrary to what is true. On the other side the co-respondent is always anxious to clear himself, especially if he be a young married man. Mrs. Hadley is a very smart, clever young woman. She gave evidence on her own behalf. A good deal has been said about Hadley not having taken notice of his wife's misconduct until the divorce proceedings commenced. As a rule we know that everybody in town is posted about these things before the husband learns of them. As a rule he is the last to hear of them. He has respect for his wife, and while everybody else knows he does not know. What brought this to Hadley's notice was the finding in his bed room of garter buckles with Campbell's initials on them. He questioned her about it, and there is an explanation given as to the intimacy existing between Campbell and herself. It is as follows:

Q. What do you say as to the intimacy that existed between Campbell and yourself during the time you were in Brandon? What was the nature of it?—A. Why, Mr. Bethune, to give it to you in my own words, Mr. Campbell seemed to be the only one in Brandon who interested me.

Q. What do you mean by that?—A. Well, I went into his store one time, and he said to me that I put him in mind of a great actress, one that was leading a double life, and Mr. Hadley and I had some indifferences that day, or some differences, and I started to cry right in the store, and I told Mr. Campbell little parts of my life, and he seemed to understand me, and Mr. Campbell was rather a superior man, and he was a gentleman and an honourable man, so far as I knew and one whom I might say I had been better for knowing, not worse.

Then she was asked at the same time about Maurice Parks:

Q. You have heard to-day some evidence about a man called Maurice Parks?—A. Well, yes I did.

Q. Do you know Maurice Parks?—A. No, sir, not to my knowledge.

Q. Did you ever know any such man as Maurice Parks?—A. If I had his photograph I might say 'I have seen that man' or 'I know that man,' but to the best of my knowledge at this moment I do not.

Q. You do not know any man of the name of Maurice Parks?—A. No, Mr. Bethune. I did not know this man Forester that was here to-day. I never saw him to the best of my knowledge until to-day.

Q. Never saw him?—A. No, sir, not to the best of my knowledge.

And further down she is asked:

And you swear that you do not know any person by the name of Maurice Parks?—A. Yes, I swear.

A little further on we get some evidence of her intimacy with this man Campbell, when a question is asked about the garters he gave her:

Q. What are Campbell's initials, do you know ?—A. W. M. Campbell.

Q. Did you ever wear garter buckles with W. M. C. on them ?—A. Yes, sir.

Q. Where did you get those ?—A. Well, I took those from Mr. Campbell.

Q. You mean you took them as a gift ?—A. No, not exactly. Mr. Campbell showed me these garters in the store one day without any initials on them and he told me he was going to give them to a certain young lady, mentioning the lady's name and I said 'you are,' and he said 'yes,' and the next time I was in Reesor's he showed them to me with his initials on them, and asked me if I did not think they were pretty, and I told him yes, and he said, 'I am going to give those to that young lady on conditions. I said 'what conditions.' Well, he would not tell me for a while, and I said 'well, tell me what conditions ?' 'Well,' he said 'on conditions that I put them on.' 'Why, I said, Mr. Campbell you would not do such a thing. I know you would not. You would not be the Mr. Campbell I think you are if you would,' and he said he was going to do it, and I did not go near Mr. Campbell for quite a while, and when I did go in there I said, 'Well, how did you get on with the garters ?' and he said 'I thought better of it, and did not do it,' and I said, 'You have not got them,' and he said, 'Indeed I have and showed them, and just in fun I picked them up and I said 'I will remove the temptation from the weaker brother' and I put them under my arm and walked off with them, just for pure devilment, and I kept them in the top drawer of my dresser for a couple of months—well, scarcely that—we were cleaning at the time, and I put them in the top drawer of the dresser, and then I put them in my trunk, and I thought I must take those garters to Mr. Campbell, but I forgot all about it, and one day I said 'I have got to bring those garters down. I have been intending to bring them down all the time and I forgot,' and he just said 'Mrs. Hadley, you just keep them,' and I said 'I do not want to' and he said 'You just keep them' and Mr. Hadley saw them, and to save a row I told him they were Winnie Cameron's initials, but they were not. They were Campbell's initials that is true.

Q. You wore them ?—A. Yes.

Q. With his initials ?—A. Well, not because they had his initials. I did not wear them because they had his initials.

Q. You did wear them ?—A. Oh, yes.

Q. And you did not tell Hadley how you got them or where ?—A. No, Mr. Hadley asked me whose initials they were and I told him they were Winnie Cameron's, and I cut all the elastic pieces out of them and put the little sterling silver bits away, and I do not know where they are.

Innocent little woman !

Hon. Mr. WILSON—You would not think that there was any guilt established by that evidence ?

Hon. Mr. KIRCHHOFFER—Oh, no, it was the most innocent thing in the world. Then the question came up afterwards about this man Maurice Park. Maurice Park was sworn and examined and asked how many times he had met Mrs. Hadley. His evidence is as follows :

By the Hon. Mr. Lougheed :

Q. Approximately how many times have you met Mrs. Hadley ? If you had been mealing there in the hotel from August till March, I suppose you would have met her fifty times at least ?—A. That is a question.

Q. I mean in a casual way to say good-day to her, or see her ?—A. I may have.

Q. I do not refer to meetings between you?—A. I may have met her casually just the same as I would meet anybody else.

Q. Could you explain to the committee why Mrs. Hadley made the statement that she did not know that such a person as you existed ?—A. She might easily do it in three years' time.

Q. With the knowledge both of you had of each other ?—A. She might easily do it inside of three years.

Q. That would be your explanation ?—A. That would be my explanation.

Q. Although you and she knew each other at the time, yet in that time she would entirely have forgotten that you existed ?—A. Yes, she might.

Q. How long ago is it since you left Brandon?—A. Well, it was on March 28th, 1903.

Q. Did you return to Brandon after that ?—A. I was there twice.

Q. During what time ?—A. 1903.

Q. And for what length of time did you stay ?—A. The first time I stayed over night. The train got in about 6.30. I had my time.

Q. And the next time ?—A. The time of the Brandon Fair, I do not remember the date.

Q. Did you stay there?—A. I was there a day and a half.

Q. Did you see Mrs. Hadley on either of those occasions ?—A. No.

Q. Did you go into the Palace Hotel ?—A. Not the second time.

Q. You did the first time ?—A. Yes.

Q. And you have not seen her, nor has she seen you since that time ?—A. Not until the night before last.

Q. Do you think that possible she could have forgotten your name during that period ?—A. Why, yes ; she might have done it. I know I have forgotten names in that length of time.

By the Hon. Mr. Wilson :

Q. Did you go by the name of Park or Parks ?—A. Park is my name, some call me Parks.

Q. Do you think it would be possible for her to confound your name, as the name given was Parks; and she did not understand that it was Morris Park ?—A. No, I do not think so.

Q. She always called you Park whenever she spoke to you ?—A. I do not remember whether she called me Park or Parks.

By the Chairman :

Q. Do you remember her ever addressing you by name ?—A. Mr. Park or Mr. Parks, I do not remember which.

Now this was the lady who gave evidence stating that she did not know there was such a man in existence as Maurice Park. My hon. friend tried to make out that it was a different name and that she was entitled to lenient treatment when she said that she

did not know the man on account of this 's' being added to his name. I do not wish to go over the other evidence that has been given. It is claimed that she would not likely have known Park, because of the wig he wore. It was not a question of her recognizing him now, it was a question whether she knew him in the past. Now in all these cases we have to judge, where there is contradictory evidence, by such extraneous circumstance. We have to inquire whether the parties have any interest in the matter and, if such is shown to be the case, I would not weigh their evidence in the same way as if it appeared to be entirely independent. But where a party is caught in a direct falsehood as the respondent was in this instance, that would as far as I am concerned cause me to give less credence to a great deal more of the evidence she gave. For my own part I do not care how this case goes. It is out of our hands when we make our report, so far as I am concerned. If the House sees fit to turn down the report of the committee they are welcome to do so. I have been 14 years on the committee and I am sick and tired of it. I do not utter this as a threat, but no matter which way this case goes, if there is anybody who wants my place he can have it. It will be a relief to me to have done with it altogether. I shall not consider the vote of censure, only if the House does not consider that the six or seven gentlemen who hear the evidence and see the parties, and the manner in which they give their evidence, are not entitled to form a good judgment as to whether that evidence is trustworthy or not, we are not fit to be there. If the House is satisfied that our report is wrong then it would be really a wrong thing for us to remain in our places.

Hon. Mr. LANDRY—I regret that the hon. gentleman should have chosen to conclude his speech with a threat.

Hon. Mr. KIRCHHOFFER—I distinctly stated that it was not a threat.

Hon. Mr. LANDRY—I may say to another party 'I am going to threaten you, but we wont call that a threat'. Well, we will say this is not a threat, but we will take it as such.

Hon. Mr. KIRCHHOFFER—I assure you it is not a threat. I think hon. members ought to take the word of a gentleman.

Hon. Mr. LANDRY—All right I will say it is not a threat. But if we don't accept what the committee says, the hon. gentleman will resign from the committee, isn't that a threat ?

Hon. Mr. KIRCHHOFFER—I said I would do it whether you accept the report of the committee or not.

Hon. Mr. JONES—It could only have been said to influence the vote of the House, or else to advise the House that the hon. gentleman intended to resign anyway.

Hon. Mr. KIRCHHOFFER—I don't want the House to be influenced by what I have said and the hon. gentleman can show that he is not influenced, if he wishes.

Hon. Mr. LANDRY—I am glad to learn that we are not obliged to accept the hon. gentleman's ruling, on pain of his resigning his position. I know that is not his intention ; but it has already happened once that we differed from the hon. gentleman, that the House took a view different to that held by the committee on divorce, and if I remember right the whole committee tendered their resignation—they went on strike, but they came back to the fold. I hope we shall not be threatened with such a disaster in the near future. Whatever the committee may decide, the moment the report is brought into the House the House should be left at perfect liberty to draw their own conclusion. Why should we not differ from the committee when we see the committee differing among themselves ? We hear of differences of opinion which have taken place in the committee. We have seen one member of the committee advocating one thing, and another member of the committee advocating another. If those hon. gentlemen can enjoy that kind of sport why should we not enjoy it ourselves ? and why should we not be at liberty to differ ? Now two or three questions have been put to the witnesses to which I would like to draw attention, one on page 24; it is Mr. Geo. Hadley who is answering as a witness : The question is put to him—a very good question :

Q. You are prepared to say on your own part that you have lived a proper life, and had no connection with any woman since that ?

What does he answer? 'No.' That is all the answer he gave. I think that matter should be dealt with at greater length.

Hon. Mr. MACDONALD (B.C.)—What does 'No' mean there?

Hon. Mr. LANDRY—It means that he is not prepared to answer. Now Mr. Forester, one of the witnesses heard in the case, swears (page 26) :—

Q. And what did you do after you had seen what you have told us happened in the Fleming block?—A. I did not say a word to anybody.
Q. You have spoken about it since to somebody?—A. Yes, I have to Mr. Foster.
Q. When?—A. This was in 1904, I think, some time after the separation.
Q. Did you ever talk to Mr. Hadley about it?—A. Mr. Hadley never knew a word about it till here a month ago.

The petition was fyled before a month ago. In that petition Mr. Hadley complained of that fact, and when he sent the petition he knew it. That is in contradiction of what the witness says further on page 27 :—

Q. Did it ever occur to you that Hadley should know how his wife was behaving herself?—A. I did not think it was my business to go and tell.
Q. At any rate you did not tell?—A.No.

Further on we find the following :

Q. Was there any reason why you should mention it when you did to Mr. Foster?—A. No. In conversation Mr. Foster was telling me about Mr. Hadley. She was a nice woman and it was too bad, and I told him what I had observed.
Q. Did you ever tell any person?—A. I told Mr. Hadley.

He swore two or three times before that, he had never told Hadley, but he did tell Hadley. The examination continues :

Q. When did you tell Mr. Hadley?—A. Shortly before Christmas.

That was on the 25th day of April he swore Mr. Hadley did not know it till a month ago, and in that same deposition he swears that he told him shortly before Christmas. That shows the kind of evidence that was adduced before this committee. Now, with reference to Maurice Park, everybody knows what memory is. There are different kinds of memory. One man will remember dates. One man will remember facts. Another man will remember faces? If I were asked about a person I would say 'I do not know him,' but if I would see him face to face I would say 'I recognize that face, but I forget the name.' There is not always something in a name, as we know. What does the respondent say in her evidence? She is asked :

Q. Do you know Maurice Park?—A. No, sir, not to my knowledge.
Q. Did you ever know any such man as Maurice Park?—A. If I had his photograph I might say 'I have seen that man' or 'I know that man,' but to the best of my knowledge at this moment I do not.

And that is what the hon. gentleman calls perjury—because it amounts to that. That is the truth, the real truth—she did not remember the man. She says that if she had seen the man she might have said 'I know him, but I cannot from memory give the name.' It was in a hotel where everybody goes, and very few live a very long time. She might have seen the man and might have known the man at the time, but she does not remember, and how could she say she knew him when she did not remember? And because she tells the truth she is charged with committing perjury. If she were committing perjury, why should she be a party to ask that man to come here to give testimony in favour of her contention? If she had been a perjurer she would not have desired to procure his testimony. The mere fact that the respondent applied to the committee to have that man brought here to give testimony proves that she was in earnest and that in her evidence she spoke the truth. Besides that, what do we hear today? The hon. gentleman from Wellington says 'A co-respondent is never a credible witness. We never put faith in what a co-respondent says when he is in the box.' If that is so, why did they bring him here? And further than that, they ordered a certain amount of money to be paid to bring that co-respondent here. Why did the committee adopt that course? They either believe or do not believe the word of the witness they bring here. Otherwise, why should they force the petitioner to pay that man $90 or $100 to bring him to Ottawa? If we do not believe in his testimony, if his testimony is to be cast aside in advance, there is no use in taking his evidence under oath. The fact that the committee has forced the petitioner to supply that money to pay the expenses of that witness, proves that the committee placed reliance in the testimony that was to be given. For all

these reasons I think the report of the committee should not be accepted.

It being six o'clock, the Speaker left the Chair.

After Recess.

Hon. Mr. LANDRY resuming the debate said: If we look over the whole case we find that the charges against the respondent are two in number. We have the Campbell case and the Park case. In the Campbell case the fact is established by the evidence of one witness and it is denied by two. In the Park case also there is one witness on one side for the affirmative and two on the negative side. This should have its weight in the minds of the members of the Senate, coupled with the other facts which have been elicited. Mr. Hadley, who seems to be so scrupulous about his wife's conduct, should have had more regard for his own. Turning to his testimony at page 20 I find the following

> I never saw Campbell in the house until—oh, it was a long time after that, we had a banquet for the hockey boys, and he came in there and took a little girl that was stopping there up to the hockey match, and I saw him the next following summer. There was a prostitute there, Madam Van Lester, I do not know how many men she lived with, and he came in, and I was right behind him, and he said: 'What room is Mrs. Lester in, Mr. Hadley'? She was a palmist.

I think it was a very bad example for Mr. Hadley to set in his own hotel allowing a woman to remain there that he calls a prostitute.

Hon. Mr. MACDONALD (B.C.)—I suppose she paid well.

Hon. Mr. LANDRY—I suppose so. Further on at page 35 I find the following in the evidence of John E. Smith

> Q. Did you know a Madam Van Lester ?—A. Yes.
>
> Q. What was she ?—A. She was a palmist. Mrs. Hadley and her slept together the last week before Mr. Hadley come home, and I carried them up beer to the room and they drunk it up there. They were both in bed and I carried it to the room where they were.

That is further evidence that this woman was living at the hotel and receiving all the attention she wanted. For a man who was so scrupulous about his wife's relations with other men he set a bad example in keeping such characters in his house simply because they were paying well. I would also call attention to the fact that all these offences charged against the respondent have been settled by the separation. Hadley fixed a sum of money and gave it to Mrs. Hadley in settlement of the differences between them, and that arrangement having been made he has no right to ask afterwards for a divorce.

This is certainly a condition; the whole matter was arranged and the woman went away with the money. If she were the guilty party which he pretends her to be, no doubt after she received the money she would have behaved very badly, and I think it was a great mistake on the part of the committee not to inquire more fully as to her conduct after the arrangement was made. The committee should have ascertained if possible if she had conducted herself as a good woman or as a prostitute as Hadley pretends she was. That evidence is missing; I think it is a pity that the committee did not allow that evidence to be given. They took it for granted that she conducted herself well. The Chairman of the committee says: 'We did not want that evidence, we took her word, we supposed that she conducted herself in a fair way.' Let that be the proof, the admission of the chairman of the committee that she had conducted herself in a respectable manner. If that be accepted as proof then all these accusations fall. If she conducted herself in a respectable manner why does this action come before us? Evidently because Mr. Hadley now, I suppose, finds another party whom he wishes to marry. It is not only divorce he wants, he wishes to marry again. That is the only conclusion we can come to after reading the evidence.

Hon. Mr. McMULLEN—The man swears he did not want to marry again, that he has made no contract of marriage.

Hon. Mr. LANDRY—I believe he did not make a contract, but I believe him also when he says that he is not prepared to say on his own part that he has lived a proper life and had no connection with any woman since that. At all events the hon. gentleman is so ticklish, when Park gives his evidence, asks 'Where will you find a co-respondent who will admit the fact of his guilt?' I say where will you find a petitioner who will

admit his guilt. How could he exact from the petitioner an avowal that he had entered into a promise to marry again? Certainly the hon. gentleman cannot have too weights. He must put the evidence of the parties in the same scale and weigh them with the same weights. There is not a single accusation brought against her of wrong-doing after the settlement which took place, and this House will admit that all the witnesses that appeared during the last portion of the inquiry are witnesses that have been driven here, and they all knew what they had to say. When they come here with the measurements of the windows in that hotel they all had the same measurements, and they say that they took those measurements without any notion at all of what was going on at Ottawa ; nobody having spoken to them in any way. They were suddenly inspired, and they ran down to the cellar like rats.

Hon. Mr. ROBERTSON—Miraculously.

Hon. Mr. LANDRY—Miraculously, and they took these measurements. Nobody asked them to do so. Foster never said a word to them except that they were subpœnaed and they came here to give evidence. I say that the testimony of all these people must be set aside. It is false testimony in that particular. I think we should lay stress on the fact that the respondent in the case did all that was in her power to bring witnesses here. She brought every body with whom she was connected, to give evidence in her favour ; and all those who came here after the adjournment of the case, coming from far distant places, testified in favour of the respondent. For these reasons, and for others which would take too long to recite in this discussion, I feel that it is our duty to reject the Bill. I am not speaking from the point of view of religious feeling in the matter. I am speaking as a common lawyer would do before the court ; as a man of common sense would do on reading the evidence that is now before us. We must come to the conclusion that this report which is submitted for our consideration should not be adopted. Everybody knows now that the committee was nearly equally divided when the report was made, and if a minority report has not been produced to this House, it was I suppose because the evidence in support of the petition was so frail and of so little weight that everybody would perceive for himself that the report should not be adopted. I shall certainly vote against it, not only as a Catholic, because I should do so on principle, but also because the evidence itself cannot sustain the contentions of the petitioner.

Hon. Mr. KERR (Toronto)—Before the question is put, I wish to say a word or two as to what guides me in the decision which I have come to and how I shall vote in this instance. There is distinct evidence if it is to be believed, of such improper conduct on the part of Mrs. Hadley as entitled her husband to a divorce. That is definite, as to the acts and definite as to the circumstances under which the acts were committed. The witnesses are not interested parties in any way. There is no reason shown in the evidence why their testimony should not be accepted and believed. The only contradiction that we have is the contradiction of such a character that it must be influenced by the circumstances in which the person who gives that evidence was placed. We have the conduct and demeanour of all the witnesses before the committee, and no written statement of the evidence can convey everything in the way of facts, information or justification for accepting one statement or respecting the other, as much as the personal hearing and observation of the demeanour and appearance of the witnesses. Under those circumstances, it appears to me that if we have confidence in the judgment and discernment of the committee—and I believe we all have that—and if we have confidence in their ability to determine questions of fact, we ought to take the same position as any court would take in reviewing the judgment of the judge who heard the witnesses, saw their demeanour and passed judgment on their credibility. In this case the court was the committee ; the committee have arrived at a judgment observing all that could be observed calculated to enable them to pass judgment on the credibility of the witnesses. After seeing the witnesses on the other side they have chosen to discredit the contradiction, and we are therefore bound in justice to the committee, in justice to the applicant, and in justice to ourselves, hav-

ing appointed a committee in whom we have confidence, to sustain the finding and judgment of that committee. Just one word further as to a reason why I am very strongly disposed not to accept the contradiction of Mrs. Hadley. We had the account of the incident respecting the garters. I do not think any one will say that that incident is one of an innocent woman, talking to a man on such terms of intimacy as, at all events, would lead to a suspicion of his being her paramour—taking from him a pair of garters. The conversation that ensued on the occasion when he referred to the garters and said they were to be given to another lady on conditions, the conditions being that he was to be permitted to put the garters on the other lady's legs.

Hon. Mr. WILSON—Will my hon. friend say that was a criminal act.

Hon. Mr. KERR (Toronto)—I do not say it was, but I say it was an indecent act for an innocent woman to be guilty of. An act of levity on the subject which no respectable or virtuous woman would be guilty of—walking into a shop, picking up a garter, entering into that conversation, taking the garter and saying she would help a weaker brother, and appropriating it to herself with his initials on it, putting it away in her cupboard drawer and afterwards when her husband's attention is called to it, lying to him as to where she had got it, and whose initials they were. Had she been an honest woman, without any feeling of having a guilty intimacy with Campbell, would she not have told the truth to her husband that the initials were Campbell's and explained how she got it ? But she tries to lie and deceive him, speaking of the initials as those of 'Winnie Cameron,' a young lady they appear both to have known—some young woman acquaintance that they appear to have had. That circumstance so discredits her in my jugdment, in connection with the story of guilt which is told with reference to her, that I cannot accept her denial, and I think, therefore, that the only course to adopt here is to vote for sustaining the report.

Hon. Mr. LOUGHEED—I feel I would be doing an injustice to the members of the committee who made this report, of whom I am one, if I did not make some observations as to the evidence which induced me to come to the conclusion that the petitioner had established his case. I quite concede the right to every hon. gentleman to review the evidence which is before him and to exercise his own judgment as to what conclusion he shall arrive at. He is perfectly at liberty to do so. The only position I take is that the members of the committee are in a very much better position than gentlemen who are not on the committee to judge of the credibility of the witnesses and as to whether the facts are established or not which are placed in evidence. Now it would seem to me that the impression is fixed in the minds of some hon. gentlemen that cases of this kind are cases in which one's sympathetic nature should play a prominent part instead of his reasoning faculties. That, of course, does justice to the humanity within us, but cases which come before the Divorce Committee are peculiarly cases in which the head and not the heart is called upon to play the leading part. It is almost impossible for hon. gentlemen to judge of the credibility of the witnesses without having had the opportunity of hearing them. Now taking the present case for instance. I would appeal to hon. gentlemen who have spoken against this Bill as to what they would do under the circumstances which I am about to review. In the first place, the duty devolves upon the petitioner to establish his case ; the duty is then upon the respondent to answer that case—to explain away if possible the incriminating evidence which has been placed before the committee. In this case we have no less than six witnesses, five of whom swear positively, practically, to having seen the respondent in flagrante delicto with the parties named, and we have the confirmatory evidence of one other witness. In the first place, we have the evidence of Mr. Forrester, and if hon. gentlemen have the evidence before them they will find on pages 25 and 26 the statement of Mr. Forrester. Hon. gentlemen will not conflict the two witnesses Forrester and Foster. Forrester swears positively to having found the respondent under incriminating circumstances with the party named. Forrester is an insurance agent in Brandon, and not in the

employ I might say of the petitioner. The only witness who has positively sworn to have seen her under the incriminating circumstances alluded to is Foster, pages 28 and 29 of the evidence. These were two eye witnesses of two different cases; one, Forrester, dealt with the case of the man Parks; the other Foster dealt with, the case of the man Campbell. Now if any hon. gentlemen who is not actuated by sympathy will read the facts stated under oath by these two witnesses, I fail to see how any other conclusion can possibly be arrived at than that which would warrant the committee and they had no alternative other than to report the Bill.

Hon. Mr. LANDRY—That makes only one witness for the fact.

Hon. Mr. LOUGHEED—No, we have the witness Forrester as to the case of Park and the witness Foster as to the case of Campbell. If hon. gentlemen will look at the evidence of the witness Smith, pages 34 and 35, they will find there two distinct cases in which the guilt of the respondent is clearly established. There can be no question about that.

Hon. Mr. WATSON—If you believe the evidence.

Hon. Mr. LOUGHEED—I will deal with that phase of the question afterwards. Now we come to the evidence of Voight, on page 75, in which he states that he saw Campbell go into her bed-room and at an hour of the night when only one conclusion could be arrived at by any man who applies his brain to determining the presumption to be drawn from certain facts. That evidence is not controverted in the slightest, and Voight's evidence is practically confirmatory of Smith's evidence as to Campbell having gone on several occasions to her bed-room at a very late hour of the night, and having remained there. Then we have the evidence of Clapp on pages 78 and 79 in which he stated he saw her go into Park's room, and on another occasion he saw her at a late hour of the night in Campbell's room. If hon. gentlemen will refer to these pages they will find that Clapp's evidence is unquestionably clear upon that point.

Then we have the evidence of Mr. Howden, which I term as corroborative of the statement of Park. Howden is a respectable professional man, as I understand, a man of good standing in the community. It surely cannot be said that because he happened to be the solicitor of the petitioner he deliberately perjured himself to establish a statement made by Park? What was that statement? Park denied that he made any statement to Howden. Howden stated under oath that the criminatory statement was made by Park as to the respondent having visited his room and that was corroborated by Foster, who happened to be in another section of the room and heard Park make that statement, and the confirmatory evidence of Foster is to be found on pages 100, 101 and 103. These statements will appear clear and most conclusive evidence. If there had been an arrangement between Foster and Howden; that is to say, if the statement were a fictitious one, they would have agreed in the minutest details as to that statement, but I think hon. gentlemen reading the two statements will find them sufficiently different not to be contradictory, but to establish a presumption in the mind beyond all doubt that the evidence was truthful and not manufactured. Therefore, we have the evidence of Forrester, Smith, Voight, Clapp and Howden, all establishing beyond all question in my mind the guilt of the respondent. Now we come to the evidence of Boyd, the chief of police of the city of Brandon, a man occupying a responsible position, and a man whom I think it difficult to conceive, would deliberately come down 2,000 miles with manufactured evidence against the respondent. In his evidence on pages 66 and 67 he states that for over two hours he watched her movements on a particular night, saw her go into Campbell's room and remain there for that time, and her going into the room under such suspicious circumstances and at such a time that there could be no doubt as to the purposes for which she went there. With this array of evidence before us, I ask of hon. gentlemen who have presented their argument against this Bill, what would they have done if they were on the committee, with six witnesses who practically swore to seeing the defendant commit the offence charged against her? Can there be any question in the

mind of any reasonable man sitting upon that committee, with six witnesses swearing positively as to the respondent's guilt, that there was any other conclusion to be arrived at than the one reached by the committee? They very reluctantly were obliged to find that the charge was clearly proven against the respondent. It has been said by the hon. gentleman from Portage la Prairie, who opposed this Bill, that the evidence consisted of that of a detective and also of employees, and I think my hon. friend from Toronto accentuated that idea that this evidence is not to be relied upon. Let me say in the first place there is no good reason why the evidence of a police officer or a detective should not be accepted in a case of this kind where it is consistent, where it is presented to the committee in such a way as to lead to the impression that it is truthfully told. The petitioner and the respondent were represented by counsel. A rigid examination took place of every witness heard before the committee. The most rigid cross-examination that could have taken place. In fact there were four counsel in the room most of the time, two on each side. It, therefore, cannot be said that the proceedings were loosely conducted or that there was not such a thorough ventilation of all the evidence as would be conducive to extracting the truth from the witnesses. Such were the circumstances under which this evidence was taken. Against that array of evidence what have we? I think every hon. gentleman in this Chamber, even those who have opposed this Bill most vigorously, will conceive that with that evidence before the committee there could not be any question as to the committee being justified in reporting the Bill. Now let us look at the other picture; what was there before the committee to disturb that evidence? If it had been answered sufficiently to seriously disturb it and lead to the impression that it was manufactured evidence, then of course we would have found for the respondent. The first witness to answer the case of the petitioner was the respondent. I do not think that any hon. gentleman here would say, or seriously think for a moment, that even though the respondent were guilty of the charges brought against her she would go into the witness box and deliberately admit them. There is something in human nature by which a woman will sacrifice all to establish her chastity. That is the experience of every lawyer, and I think of every man who has had occasion to weigh evidence, to analyse human nature, and to form a conclusion as to what had been done or said. I have been on this committee since 1890, and although there have been many contested cases, I cannot recall a case in which the respondent has ever gone into the witness box, no matter how strong the evidence against her, and admitted for one moment the slightest infirmity in her chastity. The first impulse under all circumstances is to protect her chastity at the expense of truth. Consequently my hon. friend to my right would not have expected under these circumstances that this respondent would have affirmed the charge; she must have denied.

Hon. Mr. FERGUSON—The point I desired to make was that she would not contest the case if she came here to plead guilty.

Hon. Mr. LOUGHEED—That is equivalent to saying that all a respondent has to do is to come here and deny, and the presumption is that she is not guilty.

Hon. Mr. FERGUSON—Oh, no.

Hon. Mr. LOUGHEED—That is the only presumption that can be drawn. I am addressing myself to the House to ask the attention of hon. gentlemen to this point; what evidence was there before the committee—and I am attempting to review the evidence—what evidence was there before the committee to disturb the conclusion which was absolutely fixed in our minds by the evidence of the petitioner? I said a few moments ago that the first witness in the defence was the respondent. She denied absolutely, of course, the statements which had been made, and that we would expect her to do. Then the co-respondents were called. The first man was Campbell. My experience has been—and I think it is the experience of every member of this House who has watched the proceedings of the Divorce Committee for years—that the co-respondent invariably and without exception denies the charges brought.

Hon. Mr. JONES—Have there not been co-respondents during the present session who have admitted the fact?

Hon. Mr. POWER—In the Vaughan case.

Hon. Mr. JONES—I have read evidence in one case where the witness admitted it.

Hon. Mr. LOUGHEED—Yes, they were brought here as witnesses.

Hon. Mr. POWER—The hon. gentleman says they were brought here as witnesses. But have we not co-respondents here ?

Hon. Mr. LOUGHEED—I know that, but I am using the term as a convenient one. We would not expect this man Campbell, whom my hon. friend from Portage la Prairie has pointed out occupies a responsible position in the community, to affirm the charges brought against him, but I do say that there was such evidence obtained from Campbell as to lead us to the conclusion that the charges brought against him were established.

Hon. Mr. WILSON—They did not lead me to that conclusion.

Hon. Mr. LOUGHEED—It may be more difficult to convince my hon. friend than seven or eight other members.

Hon. Mr. WILSON—There were only five on the committee.

Hon. Mr. LOUGHEED—There was the evidence as to Campbell's frequent visits to her place, and the admission as to the garter incident referred to by the hon. gentleman from Toronto, and other small collateral facts from which we drew conclusions. As to the evidence of Park, my hon. friend from North Wellington has pointed out the peculiar position in which Park was placed. We would have expected Park to deny. Every hon. gentlemen in this room would expect him to deny the charges brought against him, and he did deny them, but could we accept the denial of those three parties who were the three principals in the charges brought against the parties? Could we expect those witnesses to affirm what had been alleged by the other six ? We have Campbell's evidence contradicted by the chief of police. Campbell denied being in the building referred to by the chief of police, on pages 66 and 67 of the evidence, and the chief of police at Brandon, who occupies a responsible position, who is a responsible officer of the law, swore to Campbell being present in that building on that particular night for at least two hours. That fact being established, and its being a material fact the other evidence of Campbell would go for naught.

Hon. Mr. WILSON—The hon. gentleman states that Campbell was there two hours. Will he be kind enough to let me know when Campbell went in there, and when he came out so as to locate the two hours.

Hon. Mr. LOUGHEED—If the hon. gentleman will peruse pages 66 and 67 of the evidence he will find the fact clearly established.

Hon. Mr. WILSON—What is it ?

Hon. Mr. LOUGHEED—The hon. gentleman has the evidence before him, I will not take up time reading it. It is the evidence of Boyd, I refer to as chief of police. The evidence of Park is contradicted by witnesses who were not employees of the petitioner, independent witnesses who could have no object direct or indirect in giving their evidence other than to establish the truth. With those facts before us, I ask hon. gentlemen in all seriousness, that that committee having before them six or eight witnesses who swore positively to those acts having been committed, and having simply the denial of the principal, a denial made under such circumstances that 999 people in a thousand would make the same denial, I ask what conclusion can we come to ? The evidence of the detective, unless impeached, I submit should be accepted. The evidence of employees should be accepted just as much as the evidence of disinterested parties. I ask the hon. gentleman from Toronto who accentuated the point that the evidence of employees should not be accepted, what would he think if he had a case before a judicial body and he called responsible employees and the counsel on the other side said : 'Those employees, from the very fact of their being employees, cannot be believed.' I do not think we, in all seriousness can advance a proposition of that kind and accept it seriously.

Hon. Mr. LANDRY—The hon. gentleman referred to the evidence at page 67. The question is asked 'what became of Mrs. Hadley,' and the answer is 'Mrs. Hadley was upstairs.' There was no doubt about that, because she was not in the store.

Hon. Mr. LOUGHEED—If the hon. gentleman will read the whole of the evidence on pages 66 and 67 and not pick out any isolated passages he will find——

Hon. Mr. LANDRY—It is a conclusion he gave. He saw nothing at all.

Hon. Mr. LOUGHEED—He saw her go in there and knew she did not come out until two or three hours. She went into Campbell's room and the only exit from that room was through a particular passage or door which was watched by the police. Allow me to again say that the committee in coming to this conclusion had a very unpleasant task before them. Their duties are certainly unpleasant ones. It is no pleasure to them to have to report a Bill dissolving the tie between man and wife, and particularly when the wife, as in this case, is an attractive woman possessed, apparently, of certain charms and very much opposed to the dissolution taking place. I am satisfied, without casting the slightest reflection upon the observations made by gentlemen who have opposed the report of the committee, that sympathy is playing a very much larger part in the position which has been taken against the report than the reasoning faculties.

Hon. Mr. WILSON—I should like to know upon what grounds the hon. gentleman makes the bold assertion that sympathy rather than reason influences their statements or the vote they are likely to give?

Hon. Mr. LOUGHEED—I say it does credit to the heart and humanities of hon. gentlemen who have come to that conclusion. But I have a perfect right to arrive at any conclusion that I deem just with references to the analyses which hon. gentlemen have made of this evidence, and if I conclude that the reasoning faculties have not played as prominent a part as the sympathies, I think I am justified in saying so.

Hon. Mr. JONES—Does not the hon. gentleman think that sympathy would be much more likely to be felt by those who have heard the evidence and seen the witnesses than by those who have not seen the parties or witnesses in the case at all?

Hon. Mr. LOUGHEED—With all due deference to the good sense of my hon. friend, in my judgment he took a most startling position when he arose in this Chamber to oppose this Bill. He said a certain reflection was cast upon a certain employee with whom he had been associated. He had known him for a great number of years, and had such a very high opinion of his character, that under no consideration could he permit this Bill to be dealt with without vindicating the character of the deceased gentleman; and he indicated that that was the reason he took such a strong stand.

Hon. Mr. JONES—I said that was one of my reasons.

Hon. Mr. LOUGHEED—If that principle were accepted for the weighing of evidence, and for disposing of cases of this kind, it would place courts of law and the administration of justice in the most serious jeopardy. It would be utterly impossible to administer justice on well accepted principles of evidence if a proposition of that kind be accepted in this House as to evidence because gentlemen may favourably know the parties, and because of that knowledge set at naught sworn testimony establishing facts contrary to the conception of the character of the party, then I say we might as well wipe out the whole machinery of this committee, and decide cases upon the superficial knowledge which we have of human nature. Now I regret just as deeply as any hon. gentleman who has opposed this Bill that we were forced to arrive at the conclusion which the evidence warranted, but we have a duty to perform. We had sworn evidence before us and unless that evidence was impeached, and unless the evidence of the respondent was so overwhelmingly strong as to lead us to conclude that we could place no credibility on the evidence of the petitioner, then, as I said before, no alternative presented itself, than to report the Bill notwithstanding our reluctance to do so.

Hon. Mr. POWER—I do not make a practice of interfering in discussions of

this kind, but the hon. gentleman who has just sat down has made two or three statements which seem to me to call for some reply. The hon. gentleman stated that it was very important to hear the witnesses and to observe their demeanour. Now the reason I venture to say anything in this case, is that I did what I rarely do, I happened to go into the room where the Divorce Committee were sitting, and I heard some of the witnesses giving their testimony and observed their demeanour. I saw a lady who, I was informed, was the respondent sitting there ; and although I do not pretend to be much of a physiognomist I ventured to say to myself : 'That woman has not the appearance of a vicious woman'. I did not propose to remain any time in the room, but as it happened the respondent, Mrs. Hadley, was put on the witness stand a few minutes after I entered the room, and I heard her give her evidence for some quarter of an hour or so, and I was impressed with the fact that she gave her evidence in the matter of a witness who was telling the truth. I also heard the witness Park. I did not feel quite as clear about him, but I saw nothing about his manner to indicate that he was not telling the truth. I should not have had any remarks to offer if I had not happened to go into the room and heard these two witnesses, and observed their demeanour. This case is a singular case in some respects. It is a fact that with the single exception of the man Forrester, about whom we do not know anything, all the other witnesses who have testified on behalf of the petitioner, are in some sense the employees of the petitioner, bartenders or bookkeepers, or other employees of the hotel. There is a private detective whom he employed to hunt up evidence in order to secure this divorce, and there is a police officer who is probably a pal of the private detective. Now I wish to refer to a book which was cited by the hon. chairman of the committee the other evening as a good authority in divorce cases, which it undoubtedly is—Browne and Powles on Divorce—and I wish to call the attention of the House to what this work says upon evidence of this character. It will be noted that one of the witnesses said that his way had been paid by the petitioner to enable him to visit his home in Ontario and to go back to Brandon. This work says, at page 415 of the 5th edition:

> Evidence given by paid witnesses—called testes lupanares—and accomplices was looked on with suspicion in the Ecclesiastical Courts, and since the institution of the divorce court, where in support of a petition by a wife for a judicial separation, direct evidence was given of several acts of adultery committed by the husband, in consequence of the improbability of that evidence, of the discrepancies in the statements of the witnesses, and of the improper manner in which it had been got up by the private detectives employed by the petitioner, the court refused to act upon it and dismissed the petition.

This man Forrester was apparently the only independent witness procured on behalf of the petitioner. We do not know what his connection with the petitioner may be, but apparently he is independent ; and the hon. leader of the opposition laid a great deal of stress on Forrester's evidence.

Hon. Mr. LOUGHEED—What about Clapp ? He was not an employee ?

Hon. Mr. POWER—That evidence is so ridiculous that it would strike any one as being incredible on the face of it. I do not propose to go into the evidence, but I wish to refer to this particular witness. It is a question of the credibility of Forrester. At page 26 he is asked with respect to what took place in the Fleming block :

> Q. You have spoken about it since to somebody ?—Yes, I have to Mr. Foster.

Now, remember that these gentlemen were neighbours of Hadley's; that these events took place in 1902, and that the separation took place in August, 1904. The proceedings for divorce were taken in the spring of 1905. Now here is a man, a neighbour of Hadley's, who knew of these things and never said a word to Hadley about them.

> Q. Did you ever talk to Mr. Hadley about it? —A. Mr. Hadley never knew a word about it until here a month ago.

That would be March. I turn to page 27 on this very point, and find that in reply to a question from the hon. gentleman from London, the witness testifies in a very different way. The hon. gentleman asks him:

> Q. Did you ever tell Mrs. Hadley ?—A. No, I never knew her personally to speak to. . .
> Q. Did you ever tell any person else ?—A. I told Mr. Hadley.
> Q. When did you tell Mr. Hadley ?—A. Shortly before last Christmas.

Here is a witness who in the space of a quarter of an hour contradicts himself em-

phatically on what is really a vital point. I say that is the only independent witness, and I think that these two statements of his when put together go to show how much value is to be attached to his evidence. I claim that all these men are in some sense in the employ of the petitioner, and consequently their evidence is to be regarded with a certain amount of suspicion. You find that all of these witnesses were aware of the alleged facts in 1902. They were men employed by the petitioner. They knew, if their story was correct, that this man was being most frightfully wronged by his wife, but not one of them ever thought of mentioning the circumstance to his employer or to any body else. And it seems to me that it is a most incredible thing that not until Foster, three weeks after these events took place, began to look around to get evidence for a divorce for Hadley did any of these witnesses divulge the things they knew. I appeal to hon. gentlemen : is that consistent with our knowledge of human nature ? Would it not be just the other way? If these men had known these things would they not have been common talk within a week, particularly with men of that stamp ?

Hon. Mr. MACDONALD (B.C.)—They did not like to tell the man about his wife; it is a delicate matter.

Hon. Mr. POWER—If any body, Howden, who was the solicitor of the petitioner, was bound to protect the interests of Hadley and guard his honour. What do we find? On page 101, where Howden is cross-examined by counsel for the petitioner, he is asked when he told Hadley :

Q. When did you first tell him about this statement Park had made..?—A. I never discussed this with Hadley until 1905 ; that is about the time we took proceedings to get the divorce.

This professional gentleman had been acting for Hadley from 1903. In August, 1904, this gentleman prepared an agreement of separation between Mr. and Mrs. Hadley, under which Hadley agreed to pay his wife $5,000. What opinion must hon. gentlemen form of a solicitor, the confidential professional agent of a man, who would allow his client to pay out $5,000 when he had in his own possession knowledge which showed that the man should not pay a dollar? That is a circumstance which you cannot get over. There is another circumstance; there is the point made by the hon. gentleman from Marshfield, when interrupting the hon. member from Calgary, which I think really embodies an argument of the strongest character. If Mrs. Hadley was a vicious woman she had her $5,000 and why should she oppose the divorce? She had nothing to gain by opposing the divorce; she had everything to lose. She did not propose to come back and live with her husband. She had the $5,000 and why should she oppose the divorce if she were the woman she is described? There is one other circumstance to which I think proper to refer, and that is the extraordinary character of the actions attributed to the respondent by these witnesses. The hon. gentleman spoke of his experience on the Divorce Committee. I do not know much about the evidence that is brought before the committee, but I venture to say that no such story as that which is told of the respondent and Park was ever told before a Divorce Committee before; and then that other tale about this woman getting in through a window 2 x 3, and 4 feet from the ground, even according to the witnesses produced by the petitioner to rebut her own evidence, all these statements are to my mind in themselves simply absurd and incredible. If the tales that were told were credible, reasonable stories, I should have more difficulty in voting against giving this divorce

Hon. Mr. MACDONALD (B.C.)—Will the hon. gentleman say that all these employees who appeared as witnesses were guilty of perjury ?

Hon. Mr. POWER—I have not said anything of the kind. We all know with what suspicion such evidence is regarded.

Hon. Mr. MACDONALD (B.C.)—If Campbell and the others wish to clear their skirts, they can enter an action for libel.

Hon. Mr. FERGUSON—There is one unfortunate circumstance that attends all these divorce discussions in this House, and it is not unnatural. It arises from the anxiety of the committee, to find their judgment sustained. I presume that if any of us were in their place we would have the same desire to have our judgment sustained. I do not find any fault with them for that, but I do find fault with appeals made to

the House such as the appeal made by the hon. senator from Wellington that it was our duty to sustain the committee. There are just two classes of divorce cases that come before the House about which I would always have a considerable amount of doubt, and on which I should be inclined to apply my own judgment. The first is cases not contested. When a woman is the respondent and she is out of the country and has no means to protect her own interest, we have a right to look very closely into the case, and for this reason, that the committee are not prosecutors. It is their duty to hear a case as it is put before them, and where there is no attorney watching the interest of the party who is absent, the petitioner might have it pretty nearly his own way. There is often a danger of the evidence not being carefully sifted. I had occasion to speak of that once before; it made a strong impression on my mind. It was the first time I had seriously considered the question, and I then pointed out that the committee should be in a position to call upon some lawyer to discharge the duties which the King's proctor discharges in England—that is, to bring out all the facts and show the weak points in the prosecution so that the committee might come to a proper decision. I was rather gratified to find that in a discussion on a divorce case in the House of Commons some three days ago, the leader of the opposition, Mr. Borden, expressed himself in exactly the same way, holding that there should be some intervention in Canada like that of the King's proctor in England, in cases where there is no defence set up. Where there are lawyers employed on both sides, and witnesses are thoroughly examined by competent attorneys, and the committee makes an unanimous finding, I for my own part, would not be inclined to go very much beyond it. Of course if I had read up the evidence, and my judgment did not coincide with theirs, however unanimous they might be, I would be disposed to hold to my own opinion. But in cases where there is a difference of opinion in the committee, the House is properly called upon to exercise its own judgment in the matter. I am not going to discuss the evidence. That has been done very fully, perhaps as fully as the House is at all willing that it should be discussed. The hon. member from Calgary has pointed to some, what he considers and what I dare say he is right in considering, pretty strong evidence against the respondent in the case, but I have heard the other side and have followed the evidence pretty closely, and have found very strong points made in favour of the respondent and against the contention of the petitioner. I may say that my feeling in favour of the report of the committee was not strengthened when I heard the acting chairman of the committee referring to this garter incident as strong evidence against the respondent, and I was rather surprised to find the hon. gentleman from Toronto (Hon. Mr. Kerr) referring to it in the same way. To my mind the garter incident ranks with the 'chops and tomato sauce and don't trouble yourself about the warming pan' incident in the celebrated Bardel case, in the Pickwick papers. We remember all that was made about that remark by Sergeant Buz-Fuz. I think I know of people who are inclined to joke with each other, perfectly innocent people and just as virtuous as any member of this House is, might use just such remarks as that without the slightest harm. There is nothing in it from beginning to end, as the woman tells that story, that would be sufficient to criminate her. As to weighing the evidence in other respects, I will not do it, but I take this ground where the committee was divided, and, from the long argument we have heard, the evidence is divided, it is our duty to find against the divorce. Every hon. gentleman will agree with me when I say that under any circumstances the most you can say for divorce is that it is a necessary evil, and that where the evidence is anyway balanced between the two contestants, with all respect for the members of the committee, I think it would be our duty to refuse to give our assent to the Bill. I notice that my hon. friend from Toronto and, to some extent, my hon. friend from Calgary, seemed to take what I might regard as peculiarly the lawyers view, that if a certain amount of evidence points to the petitioner's case and establishes it in their minds pretty strongly, there is no other duty before the House but to do precisely what they would do in a court of law under similar circumstances. What I want to submit to hon. gentlemen is that this House in dealing

with a divorce case is something different from a court of law. When a properly constituted divorce court or any other court tries a case and hears the evidence the case is decided according to the preponderence of evidence, irrespective of all other considerations. The court must find a verdict according to the weight of evidence. I hold that in dealing with divorce in this House we have a higher duty than that. It is true a divorce petition in this House is to some extent a trial between individuals, but it is more than that; really, if you follow it back to the origin of parliamentary practice, the application is just the same as any other private Bill for the redress of grievance or wrong and after the complaints of all the parties are heard and settled on in the minds of those who are acting judges, parliament has still to consider the general well being of the community. Let me read to hon. gentleman what a very eminent man, still a member of this House, and an hon. gentleman who has had more experience in divorce than any other member of the Senate has to say on this point. In 1891 when discussing this question of divorce in the House, Judge Gowan made these remarks on a Bill introduced by my hon. friend from Victoria (Mr. Macdonald) for the establishment of a divorce court. Judge Gowan argued against the establishment of a divorce court mainly for this very reason, that if a divorce court were established it would be bound to grant divorces according to the practice and requirements of the courts, in a great many cases where parliament, on account of its superior authority and superior obligations would be justified in refusing the divorce. Here are his words:

> 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.
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> 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 inquiry, is what ought to be? And he only inquires 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 inquiry and there his inquiry stops.
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> 'Tis true applications for divorce have always been based upon a specific charge and the facts necessary to support that charge established by satisfactory evidence, 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.

I think this is a case where we should exercise the high functions of parliament and consider the well-being of the community. Some of the very best men in the House have given their consideration to it, and they have come to us divided. The evidence is so balanced that they are agreed in their finding. We have had a long argument on the case, and I have not delved into the evidence far enough to form an absolute opinion for myself. The argument is pretty evenly balanced, and with that state of affairs I feel it my duty, holding the view Judge Gowan held in reference to divorce, to vote against the Bill, I do it on another consideration akin to the one I have stated and it is this, divorce applications are becoming day by day more numerous. We only had 11 divorces in the first 17 years after confederation. We have 24 applications this year. I do not know how many Bills have been passed, but think altogether fifteen or sixteen. At the rate at which these applications are increasing this Senate will be swamped with divorce proceedings before very long, and I believe it is our duty when there are cases in which the balance of evidence is at all close, to vote against the divorce and in that way we will be discouraging applications and preserving the best interests of the community as a whole.

Hon. Mr. KERR (Cobourg)—Before the debate closes I should like to make two or three observations. Some hon. gentleman has remarked that the divorce committee naturally wish to have their report sustained. That is the natural feeling on the part of the committee, but while I admit that, I wish to say as a member of that committee and I think I voice the views of the other

members of the committee, that we are more anxious that when this Senate gives a decision, whether it be to accept or reject that report, that the decision is right, because the Senate is the court of final appeal, so to speak, in these matters. Now to say that the committee on all occasions exercised the utmost care and judgment of which they are capable is simply to state what I believe every one present will admit to be true. The committee are anxious from the time they enter upon one of these inquiries, until the last word is appended to their report; their conduct, their judgment, and their whole dealing with the divorce case is liable to be submitted to the scrutiny of the searching light of this Senate; not only that, but the same evidence has to go before another critical chamber, so that we have not only the judgment of this Senate before our eyes, but we know that the report has to run another ordeal elsewhere. It is some consolation, some gratification to that committee—I feel very proud of it personally—that although I have had the honour of serving on that committee for seven years and have dealt with a great many divorce cases, no single case has arisen in which the report of that committee has been rejected by this Chamber and only once so far has a report been rejected, in the other chamber. I understand that some Bill was reported on adversely, but it has gone back to that committee again, so that I say we have a proud record, and whether our days be many or few upon that court, it is my purpose that so far as I am concerned we shall never be ashamed of what we have done there. It was hinted some days ago, in connection with another Bill, that the members of that court were very human, that they were susceptible to female charms or to personal attractions. I took occasion to say then, and I repeat it now, that so far as I am concerned I am blind in hearing the evidence and coming to my conclusion upon it. I see nothing but what I believe the evidence established, and I will not accept proof until I get sufficient legal evidence. There is only one way in which I could have brought in a report recommending the rejection of this petition, that is as I see it, by ignoring the evidence not only of the petitioner but the evidence for the respondent—the whole of it—by ignoring the evidence and by disregarding my duty, which I will never do while I am on that committee. I am trying to make my words as weighty as I can. I do not know that this report is right; it is right according to my judgment. That is as far as I will go, and I hope the Senate feel, as I have no doubt they will feel and will act with a sense of that responsibility that they see they are called upon to assume in rejecting that report. My hon. friend from Toronto alluded to an incident—it was only an incident—but to my mind it was a very damaging one and told heavily. It was not conclusive in itself. I refer to the incident of the garters. But it established at least this much, that here was a young woman, a young girl I might almost say, much her husband's junior who went into a public shop in a town where she was a comparative stranger and talking to a person whom she had only met for the first or the second time, had this conversation which, in my view, showed that she was a very forward, a very bold woman, and not a very modest one. I do not think the hon. member from Toronto commented too strongly upon that incident. It was a very damaging one, and it was unfortunate for the respondent in this case that she participated in it. While every member of that committee would like to have spared that young girl—my sympathies all went out for her—if I could allow my sympathies to go out to her, I could not ignore the evidence, and I will not ignore the evidence as I see it. We would have gladly spared her the great mortification and humiliation of having a decree of divorce pronounced against her for the cause for which alone divorce is granted by this parliament; but even that painful thing had to be done as many another painful thing has to be done when a man believes he is doing his duty. I believe that committee, those of them who recommended that report, did their duty conscientiously. I have thought of it almost every day and every night since that report was brought in, asking myself had I made a mistake, had I by any chance overlooked any point, or had I given credence where credence ought not to be given; had I relied upon any one who was a broken reed. I cannot throw away the evidence of these men Foster, Forrester, Smith, Howden and Voight, and say that they are not worthy of

belief. I cannot do it and I will not do it. Now, hon. gentlemen, you have a high responsibility before you, and I hope you will be equal to it. I have said this much according to my view of the evidence: I would have gladly done anything I could to save that young woman from the consequences of this report; but I cannot do it and I will not do it.

Hon. Mr. BOSTOCK—A good deal has been said about opposing the view of the committee in this matter. Now, I appreciate very strongly the pains taken by the committee in going into these questions which are brought before them, and I think every credit is due to them, but it seems to me that in this case there is considerable difference of opinion even in the committee itself, as may possibly be shown when a vote is taken in the House on this matter. Therefore we may be in the position of supporting that side of the committee that has not said very much in this matter, but at the same time have, I presume, given all the attention to it that was due to the case. Now in the matter of this evidence, there is one point which has struck me very strongly, that is the evidence given by this man Howden. His evidence was admitted, but it seems to me it was rather curious evidence to admit in a case of this kind, in face of the fact that, before the separation he had this information which is said to be very damaging, but he made no mention of it to Mr. Hadley. He acted as Mr. Hadley's solicitor in February, 1903, and at the time that the separation deed was drawn up he allowed Mr. Hadley to give his wife the sum of $5,000. He stated before the committee that he had this information in his possession in 1903. Further on in his evidence he says: 'I never discussed this with Mr. Hadley until 1905.' Now that is part of the evidence on which my hon. friend from Calgary based his plea in this case, and from the way in which he put the case, what he deduced from the evidence would lead one to suppose that this Mrs. Hadley was an exceedingly bad woman. All this evidence of Howden's is allowed to be put in, but when the question is brought up of bringing evidence to show the life that Mrs. Hadley led after the separation, that evidence is not allowed to be put in. Now it seems to me that if Mrs. Hadley is the bad woman she is made out to be in this case, evidence showing that she had not led that life after the separation that she is presumed to have led while she was a married woman, was rather important evidence to put in.

I think if she was as bad as she was made out to be before the separation deed was signed, she would not have suddenly changed and become a good woman after the separation and before this divorce was applied for. It seems to me a very curious fact that no evidence of that kind was allowed to be put in, and for that reason I feel that in this particular case a divorce should not be granted.

The Senate divided on the motion which was lost on the following division:

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Bowell	Lougheed,
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Carling (Sir John),	(Victoria),
Kerr (Cobourg),	McMullen,
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Kirchhoffer,	

Non-Contents:

The Honourables Messieurs

Bernier,	McHugh,
Bostock,	McSweeney,
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Casgrain,	Riley,
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David,	Ross (Halifax),
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Jaffray,	Watson,
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McDonald,	Young.—34.
(Cape Breton),	

Hon. Mr. LOUGHEED—I would suggest to the House that inasmuch as this motion is carried, and that the debate appearing upon our records might prove an injustice to the respondent, much as I disagree with the finding of the House, I would move that the proceedings be expunged from the debates.

Hon. Mr. FERGUSON—I second that motion.

Hon. Sir MACKENZIE BOWELL—Since the last discussion on the question of divorce took place, I understood that all these discussions were to be conducted with closed doors. I think that was the understanding arrived at at that time. If that were carried out in future, there would be no necessity for our reporters doing the amount of work they have to do and then having to expunge it.

Hon. Mr. WATSON—As far as I am concerned, I have no particular desire to see the debate recorded, but it appears to me that it ought to have some importance and appear on the record, because it is a debate lasting for several hours to-day on a report of the committee, which is rejected; and surely if the record is worth anything at all the arguments advanced, good or bad, should be recorded in some way. I do not think that during the whole debate anything has been said that has been objectionable or which would be termed light reading.

Hon. Mr. FERGUSON—I entirely approve of the motion of the hon. gentleman from Calgary. When the House has come to the decision it has in the matter it would be very unfortunate for this woman and her child, and in fact for all concerned, that this argument should go on record. It might be quoted and they might be confronted with it, and it might do a great deal of harm.

Hon. Mr. WILSON—I think for the protection not only of the woman and also the child the proceedings should be recorded.

Hon. Mr. FERGUSON—The vote will tell the story.

Hon. Mr. WILSON—We want it upon the fyles of the Debates. I see no object in withholding it, I cannot for the life of me understand the reason why the leader of the opposition should desire the debate expunged from the record. It is a proceeding of which we should not be ashamed, and if we do things in the dark and hide them from the general public we will be censured more than we are at the present time.

Hon. Mr. FERGUSON—The motion is to strike it off Hansard and the result will remain in the Journals.

Hon. Mr. LOUGHEED—My hon. friends who have fought this battle against the Bill feel that the delicacy so to speak, of the woman's character will not be impugned by reasons of the reflections made in the argument. I shall willingly withdraw my motion, but it seems to me in justice to that woman, who practically, has been vindicated by the vote of the House, a report of this nature which will go broadcast will certainly prove a very serious reflection upon her character, and that of her child in the future, and it was purely for the purpose of not placing her in the embarrassing position of having to confront the criticism which might be made upon the arguments advanced here that I made the motion. I can assure my hon. friends behind me that I have no objection whatever that the remarks that I have made should go broadcast. I have no hesitation in assuming all responsibility for the argument which I have made with reference to the evidence which was adduced before the committee, but if the friends of the respondent choose to look at it in the way indicated I shall consent to withdraw my motion.

Hon. Mr. ROSS (Halifax)—The debate has been conducted with a good deal of circumspection, and there is nothing discreditable in the whole discussion, and if it is not generally published in the press, the Toronto 'Globe,' the Montreal 'Herald,' The Star' and all the leading papers in the Dominion will have a very fair outline of the debate to-morrow and I think it will be just as well for us, because I think it is about the best debate that we have had on this unfortunate subject of divorce, which should never appear in this House at all.

Hon. Mr. GIBSON—I should just like to add one word to what has been said by some gentlemen who took the same view I did. I neither voted for nor against the resolution. I did not read the evidence and was not in a position to decide on the merits of the case. I do appeal to hon. members on the ground that the newspapers will no doubt report part of the proceedings of the House this afternoon and to-night. At the same time it must not be forgotten that the papers will disappear and the evidence with them, but the evidence taken in this House will never disappear; it will always be brought up in testimony. Asser-

tions have been made for and against the respondent this afternoon, and for the sake of the honour and dignity of the House and for the sake of the children of the marriage I appeal to the House to carry out the suggestion of the hon. leader of the opposition.

Hon. Mr. POIRIER—If the reasons which prompt us not to divulge the evidence taken by the committee to the public are good, those reasons ought to be also good, to prevent this debate going before the public. We sit here as a high court of justice, and the public is not more interested in having the details of this case than they would if it had been a divorce case before a judge. The evidence taken before a judge in such a case, as hon. gentlemen know, is with closed doors; they are not open to the public. There is no good reason that I can see why anything else but the verdict in this case should be printed. The newspapers will not be able to give the details, especially if our reporter is instructed not to furnish notes of the debate to the press. I believe that in all decency, and out of consideration for the woman who will now go before the world as an honest woman, the discussion which has taken place in which her character was more or less besmirched should not go to the public. I therefore hope that my hon. friend will maintain his motion and that it will be carried.

Hon. Mr. ELLIS—With regard to the observations of hon. gentlemen so far as the press report is concerned, it cannot be stopped. The report of the afternoon's discussion has been sent away, but the reporter can be guided by our expression of opinion and suppress as much as possible of what has taken place since eight o'clock.

Hon. Mr. JONES—I hope this motion will be carried, and I think it ought to carry with it an understanding in this House that the Chamber will not put itself in this position again, but that hereafter discussions of this character shall be conducted with closed doors. Then we will be absolutely in control not only of the official record of the House, but also as to what should reach the newspapers. We cannot help what has been sent to the newspapers, but we can expunge the official record if this motion is carried.

Hon. Mr. GIBSON.

Hon. Mr. JAFFRAY—I hope that in the interests of the woman whose character has been discussed before us that the report will be suppressed. It is stated that the newspapers will have it. As I understand the newspapers will get the report from our press reporter, and it is in the power of our reporter to prevent any report being sent to the newspapers. I am sure no decent newspaper wants to report more of this class of matter than they can help, and I hope that this House will not do more than record the vote. That is the best justification of what we want to arrive at, namely that we believe that this woman should not be divorced.

Hon. Mr. POWER. As a matter of fact, the report of what took place in the afternoon was sent out by our special reporter at six o'clock, and we cannot recall that. Further I submit hon. gentlemen that there is no special reason why we should undertake to suppress this discussion. As my hon. junior colleague has stated, the debate was conducted with a good deal of prudence. There was no unnecessary discussion of the evidence and I do not think that if the official report is printed there is any thing in it to offend the feeling of the most refined person. In future it is not at all unlikely that the report of this discussion will be referred to on many occasions in dealing with the question of divorce, and really it seems to me that there is no sufficient reason for departing from our usual rule that our proceedings, which are conducted with open doors, should be on the record.

Hon. Mr. McMULLEN—While I usually bow with a great deal of respect to the hon. gentleman from Calgary in matters connected with proceedings in the divorce court, and I have learned to respect that ability in this matter I do not quite agree with him for the simple reason that I believe the debate that has been held upon this case will in all probability contribute more to the establishment of a divorce court than any debate that has yet been held.

Some hon. MEMBERS. No, no.

Hon. Mr. McMULLEN—I have the right to form my own opinion. There is in this country a very strongly pronounced opinion held in favour of a divorce court. That has

been expressed. It has been supported and urged by the best journalists in the province of Ontario that we should have a divorce court.

Hon. Mr. WILSON—I rise to a point of order.

Hon. Mr. McMULLEN—I am speaking to the question before the House, will the hon. gentleman sit down a minute. I say this debate will be taken notice of by the public of this country and it will tend more and more, in my humble opinion, to show the necessity of a divorce court. I never was myself in favour of a divorce court. The fact is I have opposed it on the ground that in that portion of the Dominion where we have not had a divorce court there have been fewer divorces than in the provinces where there are divorce courts. At the same time, in view of the discussion, and the decision of the House, and the evidence submitted in this case, which no doubt will be open to lawyers and others for investigation, I believe it is a valuable contribution towards pointing out clearly the necessity for the establishment of a divorce court at an early day, if we are to have divorces at all. I think it is better that we should have them, and in view of that fact I want to see all this debate on record so that those who are disposed to consider the question will have an opportunity of doing so and of coming to their own conclusion and whether, under all the circumstances, the verdict arrived at to-night would be the proper one in the event of a court or judge sitting on it in place of the Senate.

Hon. Mr. LOUGHEED—I should be very sorry indeed to forfeit the good opinion the hon. senator from Wellington has been good enough to express with reference to myself, and I therefore shall very gladly withdraw the motion with the consent of the House. I moved it, not with respect to any wishes I myself had except to do a bare act of justice to the woman in question, and I am bound to say and I am very strongly of the opinion that, in justice to this woman, in view of the vindication of her character, the proceedings should be expunged. However, as there is no unanimity I, with the consent of my seconder, beg leave to withdraw the motion.

Some hon. GENTLEMEN—No, no.

Hon. Mr. LANDRY—I think the hon. gentleman is not in order. His motion is one which might initiate or continue a debate and requires notice. No notice of the motion has been given.

The SPEAKER—I am disposed to decide the point of order against the hon. gentleman.

Hon. Mr. LANDRY—Was there a notice of motion given ?

The SPEAKER—No notice has been given, but this is a matter of routine proceedings which I think the House can dispose of.

Before the beginning of this debate any one could have moved that it take place with closed doors. This would have had the same effect as this motion has: the debate would not have been reported. If a notice was exacted the object of the motion would be debated.

The motion was agreed to.

SECOND READINGS.

Bill (No. 88) An Act respecting 'La Compagnie d'Assurance Mutuelle contre le feu des Comtés de Rimouski, Témiscouata et Kamouraska, and to change its name to 'La Compagnie d'Assurance contre l'incendie de Rimouski.—(Hon. Mr. Tessier.)

Bill (No. 114) An Act to incorporate the Anglo Canadian Insurance Company.—(Hon. Mr. Casgrain, Windsor.)

EXCHANGE OF SCHOOL LANDS FOR DOMINION LANDS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (163) An Act to authorize the exchange of certain school lands for other Dominion lands.

(In the Committee.)

Hon. Mr. SCOTT—When this Bill was up for second reading the question was asked, for what special purpose was the land referred to in the first clause required. I was not then sure whether it was part of a forest or a forestry station. I find, however, it is for the latter use the land is needed. It may be a matter of interest to know

that it is being largely used now for the propagation of seedling trees. Five years ago 40,000 seedlings were distributed. Now the distribution amounts to 2,000,000, and the demand from farmers for the young trees is so great that within two years it is expected that the distribution will come up to 4,000,000.

Hon. Mr. LOUGHEED—Will my hon. friend say from what stations the distribution will take place ?

Hon. Mr. SCOTT—On this particular lot described in the Bill.

Hon. Mr. LOUGHEED—Is this from the Experimental Farm at Indian Head ?

Hon. Mr. SCOTT—No. It is the land described in the Bill. In the memorandum which I have, the character of the land referred to for this purpose is described. While it would not make good farm land, because it is rough and broken, it is better adapted for the purpose that it is now used for, than for any other purpose.

Hon. Mr. FERGUSON—In what part of the Northwest is this ?

Hon. Mr. SCOTT—This is the only discription I have of it.

Hon. Mr. LOUGHEED—It is near the Indian Head farm.

Hon. Mr. FERGUSON—What seems to me to be singular is that it is included in any reservation now or hereafter to be made. We should know if there is a reservation already made there.

Hon. Mr. SCOTT—There is a reservation there. For many years it has been used as a nursery to distribute plants to the farmers.

Hon. Mr. FERGUSON—The particular section and part of the section is here described. The government must know now whether that is included in the area they have already set aside.

Hon. Mr. SCOTT—No, it is not in the forest. It is a forest nursery, and has no connection with the forest itself.

Hon. Mr. FERGUSON—From the language used here it seems to be a case where they are hereafter to establish a forest nursery

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—This land is established as a nursery for the growth of trees to be distributed among the farmers of the Northwest.

Hon. Mr. FERGUSON—Then why this particular phraseology 'now or hereafter to be established,' if the nursery is now in existence?

Hon. Mr. SCOTT—I do not know. I did not draw the Bill. This is not a new feature. Repeatedly during the last 25 years school lands have been taken for special purposes. Sometimes persons have settled on them without knowing they were school lands. At other times, for special reasons, Acts of parliament have been passed directing that the Governor in Council may set apart these lands for general purposes.

Hon. Mr. FERGUSON—But when the gov. ernment know precisely the half section they want for this purpose, they must also know whether they have the forest nursery which would include it or not. Why use this language ?

Hon. Mr. SCOTT—I think it is drawn in harmony with the policy of the department. This is a reservation set apart for a special purpose. It is taken away from the school lands, not to be sold to individuals, but to be continued as a nursey for the propagation of trees to be distributed among the farmers of the Northwest.

Hon. Mr. LOUGHEED—This is one of the peculiar anomalies of the Department of the Interior. Here is a peculiar condition requiring an Act of parliament for the government to appropriate a half section of school lands for a public purpose, yet we find the Minister of the Interior vested with power to practically alienate the whole public domain at $1 an acre. I point it out to my hon. friend as one of the anomalies that confront us in the transaction of public business. Let me instance the case where the Minister of the Interior, on his own responsibility, alienated 250,000 acres of the public domain at $1 an acre, without the parliament or the government having anything to say about it ; and yet here is a case for the purpose of promoting public forestry where the government has to come for a special Act of parliament to appropriate a

half section of school land. It seems to me that this proposition lacks that particularity which should characterize all Acts of parliament. The school lands are held in trust by the Dominion government, and it seems to me that a value should be placed on this particular half section and an appropriation made that should be carried to the credit of the school fund.

What machinery is to be set in motion to carry out the exchange and who is to judge of the land which will be conveyed for school purposes in exchange for this particular half section? I apprehend the government has no land of equal value in this vicinity. The whole of the public lands near Indian Head, I presume, have long since been disposed of. School lands there I judge would be worth in the vicinity of $30 or $40 an acre.

Hon. Mr. SCOTT—The Act requires that the government shall set apart land of equal value. The course which is proposed to be adopted here has been followed in a dozen different cases in the past, particulars of which I have in my hand. Without the authority of parliament it is impossible for the government to dispose of school lands otherwise than by public auction. It is proposed to take this lot out of the category of school lands, and in place of it to donate from the public domain a lot equivalent in area and of equal value. Surely the Department of the Interior can be trusted to do work of that kind. I cannot see that it has any possible connection with the illustration my hon. friend has given; they are entirely different. Under the General Public Land Act school lands can only be sold by auction and the money is vested for the benefit of the schools. It has been a common practice in the past from time to time for the government to take authority from parliament to divert school lands in this way and substitute other lands in lieu thereof. In 1893 an Act was passed to amend the Dominion Lands Act, empowering the Minister of the Interior to grant homestead entry to a number of persons whose names will be found in the statutes for school lands of which they were in occupation prior to the first day of January, 1880. The Act went on to provide that the minister might cause to be selected in lieu of these school lands an equal area of Dominion lands for the purposes of the school endowment. In 1895 there was a similar Act passed; in 1897, for reasons set forth, certain school lands were withdrawn and disposed of. There is nothing peculiar about it. I may say that this particular parcel of land does not appear to be prairie land; it is not specially suitable for wheat growing.

Hon. Mr. LOUGHEED—What I take exception to is that it is not a clear cut proposition, considering that school lands are held in trust for specific purposes. The government should not baldly propose to make the exchange, but should carry to the credit of the trust the value of that particular parcel of land. The trust fund would then be augmented by that amount. The public would then know the value placed upon the property in question. The system by which the exchange is left possibly to some official in the Department of the Interior, is, I think, very unsatisfactory except it is done upon some principle.

Hon. Mr. SCOTT—Probably it was taken up before the school lands were set apart. We have an instance of that in the next clause of the Bill.

Hon. Sir MACKENZIE BOWELL—The difficulty I see in carrying this out is the one pointed out by the hon. gentleman from Calgary. This half section is situated where lands, as I understand, are the most valuable in the Northwest Territories. This school land is to be removed from the reservation for school purposes. Will an equal quantity of land be taken in its stead? If so in what section of the Northwest Territories or Manitoba are you likely to get as valuable land? Has anything been done to ascertain the actual value of the land which is to be expropriated, if I may use that expression, because that is really what it is? If the land be worth $30 an acre, and another half section be substituted for it which is only worth say $10 or $20 an acre;—the hon. gentleman may shake his head, but there is nothing improbable in that. Supposing you passed a Bill to exchange a lot on Sparks street, Ottawa, for a lot somewhere else, you would have to consider the value of the two properties, or it would not be a fair transaction; and unless the land which is taken in lieu of the half section

which is to be reserved for forestry purposes be of equal value, then the school fund will be deprived of the difference in value between the two. I have not seen any explanation as to how that is to be carried out, either in the debates in the Commons or in the remarks made by the hon. gentleman. If this land be now valued and it is understood that the land which is to be substituted for it is to be of equal value as well as equal in area, then the school fund would be protected.

Hon. Mr. PERLEY—It has been the habit in the past to set an upset price on all the school lands sold either in Manitoba or the Northwest Territories. Two or three years ago they had a sale of school lands in the district near where this land is, and the highest upset price was $9 an acre, and although some of the lands were possibly worth more than that, generally the buyers make a bargain among themselves that they will not compete against each other and perhaps divide the section up into quarter sections and so secure it for the upset price.

Hon. Sir MACKENZIE BOWELL—That is a fraud.

Hon. Mr. PERLEY—No, the land was sold legitimately and fairly by public auction, but it only brought about $9 an acre even in that vicinity. The advantage of having a good nursery for the benefit of the farmers in that locality will be very great, and I do not think the government would lose anything by the exchange.

Hon. Sir MACKENZIE BOWELL—I think the statement of the hon. gentleman is one which the government should take cognizance of, that there is a combination among those who go to bid for school lands in order to divide it among themselves at the upset price. The sooner that is brought to an end the better. That is little less than a combination to secure property at less than they would have to pay for it if there was no combination. A good deal has been said against combinations both here and in the provincial legislatures. My hon. friend tells this House that this is the mode in which the public lands have been sold in that country, and school lands in particular, which makes it all the worse.

Hon. Mr. PERLEY—The hon. gentleman comes to a wrong conclusion. School lands are sold by the quarter-section. There is not nearly as much competition for a quarter-section as there is for a whole section. By selling by quarter-sections the land is only available for the farmers living around it, and the result is that it sells for about the upset price.

Hon. Mr. MACDONALD (B.C.)—They combine to keep the prices down.

Hon. Mr. PERLEY—There is nothing illegitimate about that. If you and I were to go to an auction sale here, and we were to agree that I would not bid against you there is nothing wrong about that.

Hon. Mr. TALBOT—As far as the province of Alberta is concerned, the Senator from Wolseley is wrong, for I know personally that the sale of school lands held there realized much more than the upset price. The land sold from $30 to $60 an acre, while the upset price had been $15.

Hon. Mr. WATSON—I don't think the hon. senator from Wolseley can be serious because the government do not recognize the combining together of bidders to keep down the prices.

Hon. Mr. PERLEY—I did not say they did.

Hon. Mr. WATSON—The hon. gentleman from Belleville says that the charge has been made that the government has allowed that, and he wants the government to take cognizance of it. There was some little work of that kind done in Manitoba a few years ago, but the government did not permit the sale to go through, and the land was resold. So far as the exchange of land is concerned, school lands have never suffered by the exchanges. Probably a hundred quarter-sections have been exchanged in the province of Manitoba where squatters or homesteaders had gone on the land, and the Government took other sections instead. In many cases I know that the school lands fund did not suffer from the exchange, because land was generally selected of equal or even greater value. So far as this particular half section is concerned, probably the government would have power to deal with it without a special Act, but it is all along the line

of education. I believe this is the Indian Head experimental farm extension, and it is for the purpose of encouraging forestry in the territories. No one need fear that the Government will not have just as good land substituted for it.

Hon. Mr. SCOTT—I would call the attention of the House to the language of subsection 2, which makes it clear that land of equal value as nearly as may be is to be selected. Surely that ought to satisfy the House.

Hon. Mr. LOUGHEED—There is no objection to the principle involved in making the exchange. The whole question is centred upon the mode of exchange.

Hon. Mr. SCOTT—No other mode could be fairer. It seems to me that there was a suspicion that the Department of the Interior had some job to put up.

Hon. Mr. MACDONALD (B.C.)—There is good reason for that suspicion.

Hon. Mr. SCOTT—I don't think they are likely to go into a small job like this.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has a distinct recollection of a case to which the attention of the committee was called by the senator from Portage la Prairie. Those who have taken any interest in the disposition of lands in that country know that there was a job put up among the officials at that time, and when it was exposed it was of such a flagrant character that the government were obliged to cancel the sale.

The clause was adopted.

On clause 2,

Hon. Mr. SCOTT—In reference to this case, I may say that many years ago, before this land was surveyed, and before it was known to be school lands, a prospector named Mr. Aldrich was examining the country for oil, and he selected this lot as a suitable one and spent considerable money on it. Subsequently he formed a company, known as the Western Oil and Coal Company, and they have, I understand, expended over $20,000 upon this land. It is now proposed that the land shall be withdrawn from the school lands and sold to this company, land of equal value to be transferred to the school fund.

Hon. Mr. LOUGHEED—Does this exchange carry the minerals with it?

Hon. Mr. SCOTT—I do not suppose it would.

Hon. Mr. LOUGHEED—I doubt the conclusion of my hon. friend, because the provincial government is entitled to the minerals in the school lands, or at least the trust fund would be augmented by the value of the minerals. Is the government divesting itself of its title to the minerals in the land which is to be conveyed to this party for $1 an acre? It seems to me there should be a reservation made of all minerals excepting oil. Is there any necessity in conveying to a company of this kind, of making a gift of the oil, because $1 an acre is simply a nominal consideration, to hand over the minerals as well? This land is in the coal bearing area and consequently that point assumes some importance. This might be adopted as an evasive means of securing mining lands of very great value for a nominal sum. I am casting no reflections upon the company to whom the sale is to be made, but would simply point out that an application might be made—I do not understand what the regulations require as to what money shall be expended by the discovery of a claim, but I understand that evidence must be submitted to the minister showing what has been done by the prospector. If that evidence is satisfactory, the government conveys the land at a dollar an acre. Now let us assume that that applicant was aware of this being very valuable mining land, and with the object of getting it for a nominal sum he should say that he had discovered oil, and had expended a certain amount; I can very well fancy his securing a large area of land at a nominal figure in that way.

Hon. Mr. SCOTT—I am told that a very large expenditure has been incurred in this instance, over $20,000, in experimenting in borings, &c., and therefore, under the regulations of the department, the party would be entitled to the land at a dollar an acre. At the time when the experiments were begun it was not known that it was school lands—it was not even surveyed. It would be very unfair to a prospector to deprive him of his expenditure in developing an industry of that kind.

Hon. Mr. LOUGHEED—I am not questioning that.

The clause was adopted.

Hon. Mr. JAFFRAY, from the committee, reported the Bill without amendment. It was then read a third time and passed.

REVILLION BROTHERS LTD. BILL.

SECOND READING.

Hon. Mr. COFFEY moved the second reading of Bill 76 'An Act respecting Revillion Brothers, Ltd.

Hon. Mr. MACDONALD (B.C.)—I would call the attention of the House to this Bill. It is an important one, as will be seen from a perusal of its clauses. I suppose the Bill will go to committee, and I hope there it will be shorn of some of the powers which are asked for. They want to carry on the business of bankers and to do all kinds of things. Sections 9 and 10 read as follows:—

9. The company may carry on the business of a money fowarder by post, telegraph, or other means.

10. In connection with its employees and servants, its posts, settlements or offices, the company may carry on the business of a savings bank, with the powers incidental thereto which are set out in an Act respecting certain savings banks in the province of Quebec, being chapter 32 of the statutes of 1890, which Act shall apply to the company in so far as it does not conflict with the provisions of this Act.

The Bill is an important measure and requires close scrutiny before it becomes law.

The motion was agreed to.

Hon. Mr. COFFEY—I move that this Bill be referred to the Committee on Banking and Commerce.

Hon. Mr. LOUGHEED—I would reserve to myself the right to take exception to the Committee on Banking and Commerce dealing entirely with this Bill. It involves the work of all the committees, practically. It is a Bill for the Private Bills Committee, the Banking and Commerce Committee, and the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. COFFEY—It might be better to let it go to the Committee on Miscellaneous Private Bills.

Hon. Mr. LOUGHEED—No, I would object to that. When it goes to the Committee on Banking and Commerce, objection might be taken to the other clause being dealt with by that committee, and then the Bill might be referred to other committees.

The SPEAKER—If the principal object of the Bill carries it to that committee and the others are only incidental, that committee can still deal with the principal object of the Bill, but I do not know what is the principal object of the Bill, so that I take it for granted it must be referred to the Committee on Banking and Commerce.

Hon. Mr. JAFFRAY—I think this Bill is of such importance and of so wide a scope that we should be very deliberate about it, and it would be much too soon to bring it before any of the committees to-morrow. I suggest that it be left over for a day or so.

Hon. Mr. LOUGHEED—It cannot go before the committee to-morrow.

The motion was agreed to.

Hon. Mr. COFFEY moved the suspension of rules 70 and 60.

Hon. Sir MACKENZIE BOWELL—What is the effect of that?

The SPEAKER—It is to dispense with the week's notice. To send it to the committee this week.

Hon. Sir MACKENZIE BOWELL—If we dispense with all the rules, the objection taken to the rapid progress of the Bill will be defeated. I think my hon. friend wants to suspend the rules to enable him to send it to the committee at once.

Hon. Mr. JAFFRAY—I think we ought to have time to consider Bills of this nature. It was laid on my desk this evening, and that is the first I have seen of it, and I would object under the circumstances to the suspension of the rule.

Hon. Mr. LOUGHEED—The posting of this Bill for 24 hours would not be at all unreasonable; it was only distributed this afternoon. It is not printed in French yet. Still I do not take objection on that ground. I think sufficient time should be given so that the law clerk may be able to inspect the Bill and make a report to the committee to which it should be referred.

Hon. Mr. COFFEY—I have no objection, so long as it gets to the committee this week.

The motion was allowed to drop.

FORT WILLIAM AND PORT ARTHUR TERMINAL RAILWAY AND BRIDGE COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (120) An Act to incorporate the Fort William and Port Arthur Terminal Railway and Bridge Company.

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

Hon. Mr. WATSON moved the suspension of rules 17 and 60 so far as they relate to this Bill.

Hon. Sir MACKENZIE BOWELL—I do not know that it is necessary to take any serious objections on the ground of provincial rights. The House has passed much more objectionable provisions than are contained in this.

Hon. Mr. WATSON—It is a small Bill.

Hon. Sir MACKENZIE BOWELL—Oh, no. But after the decision of the House on a question of this kind it is folly to raise objections to this Bill such as were raised to the other measure. We have been sinning so long that we may just as well continue it.

The motion was agreed to.

SECOND READINGS.

Bill (149) An Act respecting the Central Railway Company of Canada.—(Hon. Mr. Lougheed.)

Bill (150) An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (158) An Act to incorporate the Burk's Falls and French River Railway Company. —(Hon. Mr. Talbot.)

BILLS INTRODUCED.

Bill (105) An Act to incorporate the Sterling Life Assurance Company.—(Hon. Mr. Ferguson.)

Bill (159) An Act to incorporate the Cobalt Range Railway Company.—(Hon. Mr. McHugh.)

Bill (176) An Act respecting penitentiaries. —(Hon. Mr. Scott.)

Bill (198) respecting the British American Assurance Company.

The Senate adjourned until Three p.m. tomorrow.

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SENATE.

OTTAWA, Wednesday, June 20, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SALE AND MARKING OF MANUFACTURES OF GOLD AND SILVER BILL.

AMENDMENTS CONCURRED IN.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (U) An Act respecting the sale and marking of manufactures of gold and silver, with amendments.

Hon. Mr. SCOTT—This Bill was very thoroughly discussed in the committee on two occasions, and on the first occasion an order was made by the committee to have it redrafted. It appears now in a very much simpler form than it did on its introduction. I may say also that the trade—that is the manufacturer and dealer, all persons engaged in the manufacture of gold and silver as well as those who sell it —were fully heard. The differences of opinion between the varied interests were not very great. So far as the stamping of articles of gold and silver was concerned, there was a consensus of opinion, except on the one point, as to whether such articles should be stamped and sold in Canada of a grade lower than ten carats. There was not very much opposition to it, and the better opinion was that we should not reduce the standard below ten carats. In regard to the marking of gold and silver there was practically no difference of opinion between the different members of the trade—those who simply sold and those who manufactured. In regard to plated articles, there was a difference of opinion, but in the judgment of the committee, I think I am safe in saying, they thought that the better way to protect the public would be to adhere to the provisions set forth in the Bill as to the proper stamping of articles that were professedly not gold and silver according to the classification given in the former paragraph of the Bill, to what were known as plated articles. Certainly no subject that ever came before a committee, as far as I can remember, was more intelligently or

more fairly and freely discussed than the one we had the opportunity of considering to-day, and I think the Bill as it now stands will be satisfactory to the great majority not only of purchasers, but also of those in the trade. Evidence was given that the Bill was demanded by the trade ; that there was a general demand for some legislation, because it was said that the public were being defrauded day by day, and those who were honestly manufacturing articles of gold and silver stood at a disadvantage, because others who were disposing of cheaper goods were taking advantage of the fact that there was no law on the subject to sell goods of inferior quality representing them to be of a higher grade. At this stage of the session I hope the House will concur in the amendments so that we may proceed with the Bill.

Hon. Mr. MACDONALD (B.C.)—How will the inspection be carried out, and what will become of goods imported from the United States, Germany and other parts of the world, which are below the standard ? Will they have to be confiscated ?

Hon. Mr. SCOTT—The Bill provides that it shall not come into force for a year, and that goods already in the country shall not be subject to its provisions. The only point seriously discussed in the committee was as to whether we should allow goods to be marked which were below the standard of ten carats. The Bill as a rule conforms closely to the law as it exists in the United States. I have forgotten the number of states in which a similar Bill has been passed—something like twenty different states, and a Bill has also been passed by the Congress of the United States to apply generally on the same lines.

Hon. Mr. MACDONALD (B.C.)—Will the inspectors be attached to the customs house, or how will they operate ? It will require a great many all over the country.

Hon. Mr. SCOTT—All parties need not mark their goods if they choose to sell them as they appear, but if they do mark them they must take the responsibility of making them of the requisite standard. That is the whole purport of the Bill. If the mark is put on, it must be an honest one. I move concurrence in the amendment.

Hon. Mr. SCOTT.

Hon. Mr. DeBOUCHERVILLE—(In French.)—I think it would be well that the amendments should be printed, and that the report of the committee should be considered to-morrow. That will give hon. gentlemen an opportunity of acquainting themselves with the nature of the amendment.

Hon. Mr. SCOTT—I have no objection, only that it endangers the Bill, because the House of Commons yesterday put through six or eight government measures, evidently showing a disposition to close up the session as rapidly as possible. As this Bill has to go to the other Chamber, I would ask my hon. friend to allow the amendments to be concurred in.

Hon. Mr. DeBOUCHERVILLE—It will only be twenty-four hours delay.

Hon. Mr. SCOTT—That may decide the fate of the Bill. Of course if the hon. gentleman is not willing to withdraw his objection, it will not be possible to proceed.

The motion was agreed to.

BILL INTRODUCED.

Bill (KK) An Act for the relief of William Edward Ogden.—(Hon. Mr. Frost.)

ENROLMENT OF MEN IN THE VOLUNTEER FORCE.

INQUIRY.

Hon. Mr. LANDRY inquired :

Does the Militia Act allow the enrolment of men in the volunteer force, at any time, provided that it takes place in the establishments that it is wished to fill ?

If the Militia Act authorizes the enrolment or the recruiting of men at any time in the volunteer force, in order to fill its establishments, is it the intention of the government to make a restriction or a limitation of the Militia Act by decreeing that in future no such enrolment or recruiting shall take place during determined periods to be fixed by the Department of Militia ?

In virtue of what section of the law, could such a restriction or limitation be decreed ?

Hon. Mr. SCOTT—The answers are as follows:

To the first question, yes.

To the second question, there is no such intention at the present time.

To the third question, by virtue of section 26 of the Militia Act, 1904.

Hon. Mr. LANDRY—I call the attention of the government to this fact because a

militia order has been issued, No. 64, which reads as follows :

It is notified for the information of all concerned that commanding officers whose corps are authorized to perform annual training in camps of instruction shall be required to forward service rolls of their respective commands so as to reach headquarters not later than seven days before the commencement of camp, and that no pay shall be issued nor transport furnished to militiamen whose names are not on service rolls forwarded to headquarters accordingly. This regulation will be rigidly enforced.

By the Militia Act a man may be enrolled at any time, as the hon. minister has just stated, enrolled any day of the year. When he signs the service roll and takes the oath of allegiance, his time begins with the signing of the roll and he is engaged for three years, but there is a provision in the law which says he may retire from the militia on six months' notice and cease to be a member of the corps. According to this regulation, which is the law of the land, every militiaman is engaged for three years, wth the exception I have just mentioned. Suppose a man has given six months' notice and that the time at which the notice expires is three days before camp, there is a place vacant in the company; you cannot engage a man except to fill up the list. If the commanding officer engages that man three days before camp, he is not paid, according to that militia order. I contend that the militia order is against the law. It might act very fairly perhaps in cities and towns, but take the rural districts; take a district like the Temiscouata, or like the Montmagny and L'Islet, the length of which is about 100 mies, if you impose on the officers the obligation to send their pay rolls before the camp starts; it is really impossible in a territory so vast as the one that covers the regiment to enroll recruits, and if they do enroll recruits they are notified by the militia order that the men will not be paid either for transport or for the time they are in camp. So that I contend that this order is directly the intention and wording of the military law, and I do not know why they should limit to a certain date the enrollment of officers against the provision of the law. For that reason I bring this order to the attention of the minister so that it may be modified in consequence and not interfere with the law as it stands now on the statute-book.

Hon. Mr. SCOTT—I shall be glad to call the attention of the minister to the observations made by the hon. gentleman. Section 26 gives power to the Governor in Council to make regulations which practically have the effect of law. The hon. gentleman is familar with section 26.

Hon. Mr. LANDRY—Yes, but it is not to make regulations against the law. They have a right to make regulations to provide for things that the law does not provide for, but not regulations against the law.

Hon. Mr. SCOTT—I will call the attention of the department to it.

ERROR IN MINUTES.

Hon. Mr. BAIRD—Before the Orders of the Day are called, I desire to bring to the attention of the House the fact that in the Votes and Proceedings of yesterday my name is not recorded as voting. I wish to say that I was present and voted against the report of the committee in the Hadley case, and I should like to have my name recorded.

The SPEAKER—The clerk will make the change.

CONSTITUTION OF THE SENATE.

DEBATE RESUMED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David : That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.—Hon. Mr. Perley.

Hon. Mr. PERLEY—I have always made it a practice since I have had the honour of a seat in the Senate not to attempt to speak frequently, nor to make very long speeches. I have always endeavoured to listen carefully to the remarks made by hon. gentlemen in discussing the various questions which have come before the Senate, and then make up my mind and vote. This question, however, is an exception to that rule. If hon. gentlemen had discussed the subject in the manner in which I think its importance demanded, I would have remained silent, but notwithstanding that there have been able and clever speeches—

speeches which will reflect credit on the Senate, they have not voiced my sentiments in regard to the reformation of this chamber, and for that reason I desire the indulgence of the House for a short time this afternoon. I conceive it to be my duty to express my high appreciation of the honour done me by the hon. Secretary of State. The motion was on the order paper for the greater part of the session, but the hon. member, out of kindness to me on account of my going home to-night, had it placed at the head of the orders of the day. Therefore I appreciate the compliment he paid me very much ? I propose to leave for my home to-night and I must say that my associations, under the leadership of the hon. Secretary of State this session, have been very pleasant in all respects. I think all members of the Senate will agree with me that the hon. gentleman has led the Senate in a creditable and satisfactory manner, and I will carry home with me not only pleasant recollections of this Chamber so far as the hon. Secretary of State and leader of the government is concerned but also with regard to every member of the Senate. I realize the importance of the resolution which I am about to discuss—as presented to us by the hon. gentleman from Mille Isle. He is deserving of the credit of every hon. gentlemen of this Senate for placing a motion of such importance to the people of Canada on our order paper. Whilst the hon. gentleman has included in that application all that he perhaps thought was necessary, he did not to my mind fill in all that should have been inserted. In addition to the petitions and the resolutions that have been presented to the government from time to time in respect of the Senate, he should have added the speeches made by several hon. gentlemen who are at present members of the Senate, when they were in opposition in the House of Commons before this government came into power. I am sure many of those would have been in striking contrast to the speeches made by the same hon. gentleman since they have occupied a seat in this Chamber. So far as I am concerned, I believe this Senate should be an independent branch of parliament. I do not believe that any partisan speeches should be made here.

Hon. Mr. PERLEY.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. PERLEY—I do not hesitate to say that I think it should be non-partisan. The constitution of the Senate would imply that it was to be non-partisan, and when we divide this Chamber into government and opposition we assume a position that is not worthy of the Senate, because if the Upper House is anything it should be independent, and maintain a position of independence as between the people on the one hand and the parliament and the government on the other, and when you undertake to resolve yourselves into partisans and make partisan speeches in this House, as has been done, in my judgment it is a breach of etiquette on the part of the Senate of Canada that should not be countenanced. The hon. gentleman from Portage la Prairie would imply by his interjection that perhaps I had myself made party speeches on some occasions.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. PERLEY—But if I have, I challenge any one to say that I made such a speech as the agressor himself. It was only in defence of the party to which I belong ; when that party was assailed I felt it incumbent upon me, in the discharge of my duty, to defend my position, and that is the only circumstance in which any hon. gentlemen can impute to me that I have made partisan speeches. That is in striking contrast with the speeches of many other hon. members, because if I have violated the rules of the senatorial decorum, I only follow the lead of the Minister of Trade and Commerce (Hon. Sir Richard Cartwright), because he never made a speech since he had the honour of occupying a seat in the Senate that had not a party leaning in it. My hon. friend from Wellington (Hon. Mr. McMullen) had to spice his speech the other night with strong partisan sentiments entirely outside of the issue before the House. Not being a very fluent public speaker—because like the hon. senator from Ottawa (Hon. Mr. Edwards), I belong to the farming class and farmers generally are not fluent speakers—I shall, like farmers generally, come to the point very quickly.

I divide my subject into three parts, first, the Senate of Canada, to serve the purpose

which it was intended to serve, must be independent of all party influences as it was at the start. Secondly, I purpose to refer to the fact that the Senate as now constituted is not independent of party influence; and thirdly, I intend to perform my duty and point out how the senator can be appointed and not be partisan. That is a task that a good many hon. gentlemen have undertaken, but so far without success, and it prompts me to make a few remarks on the subject myself. I speak from my own judgment, not only in the presence of hon. gentlemen who hear me, but before the whole people of Canada, and I am willing to be judged by them whether my views are correct or not. The Senate of Canada, to fulfil the functions it was intended to perform, must be an independent branch of parliament. If you make the Senate partisan you destroy its usefulness and it would be better to abolish it altogether and increase the representation in the House of Commons if larger representation is desired. In order to perform its proper functions under the constitution, the Senate must be independent, otherwise it cannot serve as an equilibrium between all parties. When the Senate was first appointed, it contained representatives of all parties; even the religious faith of the people was recognized in the constitution of the Senate. All classes of business, trades and occupations and politics were represented, and that Senate has been regarded as the [illegible] that Canada has yet seen. I did not know very many of its members from the west, but I knew quite a number of senators from the maritime provinces personally, and they were a good class of men. Therefore I say that to be of service the Senate must be as independent as it was when first appointed.

I need not use any elaborate argument to show that it is not at present independent, because it is generally accepted that this Senate is as partisan as the House of Commons. I am wiling to stake my reputation before the country upon that assertion. The Senate is not independent. Why would it be? The moment you say that a senator should be independent and should not vote against the government, you virtually say that he must be a man without gratitude. The first principle I wish to lay down is that we are servants of the people; we are the power between the people and the parliament and the government. That is to my mind the true function of the Senate; the highest mandate we have is that of the people. We are their servants, but we are to be independent, and in order that we may be independent we are appointed for life, so that as far as the people are concerned we are beyond their reach. That makes us still more responsible for the discharge of our duties in a way that is creditable to ourselves and satisfactory to those whose servants we are. The Senate is often recruited with men who have not the sanction and support of the people. I do not say it as a reflection upon senators, but it is well known that this Senate is largely made up—and I am not speaking in regard to this from a party standpoint, I am simply taking the case as I find it—of men who have been defeated in electoral contests. The appointment of these senators was not by the mandate of the people, but by the mandate of the government. The independence of the Senate is at once destroyed the moment the government appoint a man who has been defeated by the people. Such a man can scarcely help feeling grateful to the government which appointed him, and thus his independence is destroyed. It is a characteristic of most men to be grateful. It is a noble trait in the mind of any man, and when a government takes a man from the cold shades where the people have left him and puts him in the Senate, it is a commendable trait in that man's character to feel that he must support the government. He must be partisan, and he is partisan; the evidence shows it clearly. I say, therefore, that the Senate as now constituted is not an independent branch of parliament. In every speech which has been made on this subject the cry has been 'We want the system of appointing senators changed.' Could anything more strongly support my argument that this body is not independent? The whole gist of the speeches has been that the Senate is wrongly constituted because the appointments are in the hands of the government. Almost every hon. gentleman who has spoken has admitted that, but no one has yet defined a workable policy by which the evil could be remedied. He sees the evil, but he has not the constructive genius to provide a remedy. This of itself is proof

that the Senate is not what the members of this Chamber think it ought to be. Another evidence of that is found in the fact that the constitution under which we live and have our being so far as the Senate is concerned has been constantly violated. The British North America Act provides that we should have a certain number of senators, yet in the representation of the city and county of St. John in this Chamber there has been a vacancy—and the same is true of other parts of New Brunswick—for two years and a half. Why is that vacancy in the Senate not filled? Simply because the government are holding that appointment back in order to influence the House of Commons, and the effect is not only to corrupt the Senate, but the House of Commons as well, by having the prestige and power of appointment in the hands of the government. If the reason I have given is not the true reason, why have they not filled that vacancy in the city of St. John? If this Senate is to be independent, that vacancy should have been filled within 24 hours; but I would not have the government act so hastily as that. I would give them a month or six weeks. The fact that it has remained a vacancy for such a long time certainly shows that the Senate is not constituted in the manner it should be. While the power remains in the hands of the government to appoint the members of the Senate, it is a weapon by which they can use undue influence over the members of the House of Commons, many of whom have in times past been appointed to this Chamber, and many more of whom are expecting a seat here. It is not human nature for a member of parliament to act independently when he has an eye upon the red Chamber, when he wants to enter into this place of repose, and ease and quiet, to get away from the excitement and turmoil of elections. It is not natural I contend for such a man to act the independent part which a member of the House of Commons should play. If he does act independently, he may displease the government, and then he loses his chance for the coveted seat in the Senate. I am willing to let it go to the judgment of the country, and I am convinced that there is not one man in 500 who will not say that I am right. Now the Senate can be improved; it can be made independent if properly appointed. This is the crucial point in the whole matter. The hon. Sir Richard Cartwright launched out first. He is one of our cleverest men, and one of the most brilliant debaters in the Senate. Yet when he was through with his argument no one could tell what he proposed to do. He is a skilled lawyer, but you cannot tell half the time what a lawyer means when his argument is made. The right hon. gentleman had several schemes which he proposed. The hon. gentleman from Wellington (Hon. Mr. McMullen) endorsed his views; then the hon. gentleman from Marshfield (Hon. Mr. Ferguson) had another scheme; and half a dozen other hon. gentlemen propounded schemes but none of them are practical. I am not a constitutional lawyer, nor a great parliamentarian, but I have undertaken to provide a plan,—not one but two—my mind is fertile—two methods by which a senator might be appointed under such conditions as would enable him to exercise the highest functions of a senator, because he would be independent of everybody. I will take one constitutency, say the city of St. John, N.B., because it has been robbed of its rights for a long time. It is a great commercial centre, but if it were a backwoods constituency the principle of the violation of the constitution, would be just the same. St. John is the great commercial emporium of the province of New Brunswick, and if there is any city in the Dominion of Canada which has a right to be represented in the Senate it is that important port. If it is not considered necessary to appoint a representative from that constituency, it is the strongest argument one can advance that there is no need of a Senate. Now, taking the city of St. John as an example, I will tell you in my humble opinion the way in which a Senate could be created which would be representative of the people of Canada, and which would fill the bill in every respect. When a vacancy occurs, no matter under what circumstances, it is soon known to the whole of the Dominion of Canada that a certain constituency is vacant. At that moment I would have the clerk of the Senate notify the Prime Minister, whoever he may be,

the leader of the opposition whoever he may be, the chief justice of the province of New Brunswick, or if there is more than one chief justice, as there is in Ontario and Quebec, then the one nearest the vacancy, that such a vacancy has occurred and that he was going to hold a court at a certain time to fill it. Then I would provide in the Act that the Prime Minister should select eight of his cabinet. I give the government a preponderance in numbers because they have the majority of the people behind them. Then I would notify the leader of the opposition to select six out of his supporters, and it would be his bounden duty in the interest of the party and of himself to select good representative men in the House of Commons. Then I would notify the chief justice who would select three of his colleagues. The eight selected by the government with the Prime Minister would make nine ; the six selected by the leader of the opposition with himself would be seven, making 16. The chief justice of the province with three of his colleagues would be four making twenty in all. Twenty men of the highest standing for intelligence politically and otherwise, men of the people, representative men in every respect. Then I would have the clerk notify these men on a certain day to hold a ballot here. They would come here with the clerk and the ballot box, and each of these men would write on a ballot the name of the man that he thought fit and qualified by virtue of his intelligence and his knowledge of the business of that particular district to fill the vacancy ; and they would elect him by ballot so that the man with a majority of votes would be the senator for that district.

Hon. Mr. LANDRY—And if every body votes for himself ?

Hon. Mr. PERLEY—That is unreasonable, because he would not be here to vote—he could not vote for himself. The man elected would be chosen by 20 good men from all parts of the country and would not know who elected him. He would therefore be under no compliment to the government or to the opposition. The government would have a majority on the committee, and then the independent chief justice and his colleagues would certainly make an independent, honest electorate. They would be unbiased, or if they were not, the man elected would be unbiased because he would owe allegiance to no one party. His honour and character and reputation would be at stake to discharge his duties fairly and properly. I may be confronted with the objection that I am not competent to interpret the law. I am free to confess that lawyers in framing acts of parliament do not always use language to carry out their intention. I shall now refer to the British North America Act. We know the circumstances under which that Act came into existence. There was a deadlock between upper and lower Canada so that the public business could not be carried on, and the maritime provinces were solicited to join in a confederation. The Confederation Act provided for a union with the maritime provinces, but it included only Nova Scotia, New Brunswick, Quebec and Ontario, and provision was made that each of the three sections should have 24 senators. This is an Act of parliament and not a royal proclamation, an Act of parliament such as we can pass here to the extent of our power. Section 10 of that Act reads as follows :—

> The provisions of this Act referring to the Governor General extend and apply to the Governor General for the time being of Canada, or other the chief executive officer or administrator for the time being carrying on the government of Canada on behalf and in the name of the Queen, by whatever title he is designated.

However, that is not the most important clause. Section 7 provides :

> There shall be a council to aid and advise in the government of Canada to be styled the Queen's Privy Council for Canada ; and the persons who are to be members of that council shall be from time to time chosen and summoned by the Governor General and sworn in as Privy Councillors, and members thereof may be from time to time removed by the Governor General.

There is a definite and distinct power and authority given to the Governor General to select his own cabinet and the power to dismiss them. I am quite well aware of the fact that some of the Governor General's functions have been usurped, first by Sir John Macdonald, and he being a good authority in politics, his successors have followed his practice. I hold that Sir John Macdonald interpreted that Act to suit his own purpose, and I am only astonished, if I am

at all right, that hon. members of the opposition, when the Conservative party was in such a large majority in this Senate did not then detect where the error was and try and have it remedied. There is a large portion of clause 12 which has reference to the provinces which it is not necessary to read. The latter portion of the clause reads :

Or by those governors or lieutenant governors individually shall as far as the same continue in existence and capable of being exercised after the union in relation to the government of Canada be vested in and exercisable by the Governor General with the advice or with the advice and consent of or in conjunction with the Queen's Privy Council for Canada or any members thereof, or by the Governor General individually.

There is a distinction between his powers. He can act under and with the advise and consent of the Privy Council, or he has powers relegated to him in that Act by which he can act individually. Then paragraph 13 reads :

The provisions of this Act referring to the Governor General in Council shall be construed as referring to the Governor General acting by and with the advice of the Queen's Privy Council of Canada.

It provides that he can act in conjunction with the Queen's Privy Council of Canada. I now come to the appointment of senators. So far I have been referring to general powers of the Governor General. Paragraph 21 reads:

The Senate shall, subject to the provisions of this Act, consist of 72 members who shall be styled senators.

Paragraph 22 provides :

In relation to the constitution the Senate of Canada shall be deemed to consist of three divisions :—
1. Ontario.
2. Quebec.
3. Maritime provinces, Nova Scotia and New Brunswick, which three divisions shall, subject to the provisions of this Act, be equally represented in the Senate as follows :

This is the constitution under which we were created and which we are working under. The paragraph proceeds :

Ontario by 24 senators, Quebec by 24, maritime provinces, 24 senators, 12 thereof representing Nova Scotia and 12 thereof representing New Brunswick.

Since Prince Edward Island came into confederation two have been taken off Nova Scotia and two off New Brunswick, so that the representation in the maritime provinces is twenty-four—ten from Nova Scotia and ten from New Brunswick, but there has been a violation of the constitution. It was one of the planks of confederation that they were to have a fair representation in the Senate to see that their rights were not sacrificed to the other provinces. The constitution has been flagrantly violated, and at the present time Nova Scotia and New Brunswick have only eight senators each. A vacancy in Nova Scotia has existed for the last year, and in New Brunswick this session and last session, and there is now another vacancy in New Brunswick. That shows that under the sanction and approval of the government the provisions of the constitution have been broken. It proves conclusively that if a Senate is necessary appointments should be made, and if they are not appointed then the Senate is no use, and the interests of those provinces is being sacrificed. Why do they not fill the vacancies in Nova Scotia and in New Brunswick? It is because the appointments are dangling before the eyes of certain people to give the government power—

Hon. Mr. McSWEENEY—In what way have the interests of the people been sacrificed ?

Hon. Mr. PERLEY—I was going to say that that was a foolish question, but I won't say it, but if you have a right to a certain representation and you do not get it, you are injured and the bargain giving you that right has been violated.

Hon. Mr. FERGUSON—For political purposes.

Hon. Mr. PERLEY—Yes, and I am surprised at the hon. gentleman, because he is the one who should rise and condemn the government for permitting his province to be insufficiently represented in the Senate. The constitution of the Senate is not being complied with in that respect. Consequently it is wrong. I am coming now to a more important point, and certainly that is a very important point—it shows that the Senate is beyond peradventure partisan to the core, because if it was not for party purposes, why are not these appointemnts filled up at once? Why are these provinces denied their rights? Why are the maritime provinces at the mercy of Ontario and Quebec? I say the constitution of the Senate

is not being complied with. Clause 24 is the important clause in my estimation. It provides how the Senate shall be appointed. It reads as follows:

> The Governor General shall from time to time in the Queen's name by instrument under the great seal of Canada summon qualified persons to the Senate, and subject to the provisions of this Act, every person so summoned shall become and be a member of the Senate and a senator.

It does not say the Governor General in Council. It says the Governor General. And in a previous section referring to the constitution of this country it says the Governor General had certain authority by and with the advice of his ministers, and in another part it states that he can work individually, 'by the Governor General individually'. Here is one of the cases where the Governor General individually can appoint a senator and it is his function: they appoint the Speaker of the Senate and it goes on to say that the House of Commons shall then elect a speaker and the province of Ontario and Quebec shall elect their speakers in a similar manner. So it makes a distinction from start to finish showing the Governor General has the appointing power. Now coming to the point, who would be more qualified or a better authority to fill vacancies than the Governor General? He is a statesman, a man familiar with the constitution and the requirements of the legislature. He is, by virtue of his life-long training, a statesman of the highest class. We look upon Governors General as of the highest class. He is elected for that position because of his fitness, and he does not know Grit or Tory. He comes out to fill up the Senate with what he considers to be fair, honourable, creditable and worthy men. He does not have to select them from the whole of Canada, but from certain points in Canada, and it would not be very difficult for him to find out who would be a good representative man in a certain district. No man would undertake to approach him and make a political hack of him. His dignified position would prevent it. Even now he is very reserved, and does not associate with the people, by virtue of the fact that he is supposed to be impartial and to act fairly between parties. He is a qualified man in every sense, and he would take means personally to find out who, in the city of St. John, for instance, would be a competent man to fill this position. It is a reflection upon St. John that the government does not make the appointment. It is as much as to say 'We have no man in our party fit for it'. But the Governor General will select a man not because of partyism, but because of his eminent fitness in every particular for that high function and the very fact of the man being so selected and not being amenable to any party would make him independent. He would have no gratitude to extend to any one, but his highest ambition would be to discharge the duties of his position in a creditable manner.

Hon. Mr. ROSS (Halifax)—How would he receive the information that would qualify him to make the appointment?

Hon. Mr. PERLEY—I have known every Governor in Canada from Lord Lisgar down, either personally or by reputation, and I desire to say to the hon. gentleman who interrupted me that I never felt prouder of being a British subject than I did when I heard Lord Lisgar speak alongside of the President of the United States, when the President arose and said: 'Mr. Chairman and gentleman, I thank you.' Lord Lisgar made a statesmanlike speech, such as every English Governor General can make, and I was proud to know that in Canada we had as our official head a gentleman who could make a speech that would cast the President of the United States at that time into the shade entirely, and I say every Governor General from that time to the present has been a gentleman of high attainments—a credit to the country, and the people of Canada have always expressed their satisfaction with his conduct as Governor during his term of office. Therefore, if the Governor General of Canada would not be a fair and impartial man to select senators, God knows where we could get one. I have in these few remarks endeavoured to put my case as plainly and as fair as possible. In his speech on this subject the hon. gentleman from Wellington made a reference to the gerrymander. He waxed eloquent and wrathy. He got furious all at once, and the old partisan spirit arose in him; he forgot the spirit of independence he used to boast of so much and he got down to the spirit of partyism.

As far as I am concerned, as a senator I desire to explain my own position and others can do the same if they wish. During the regime of Sir John Macdonald the first well defined policy we have had since confederation was formulated in 1878. It was the protective tariff, the national policy, so-called, and it was the railway policy of building the Canadian Pacific Railway. Those were the two great features that Sir John A. Macdonald initiated as the national policy. It is not within the recollection of any hon. gentleman here —it is not within my recollection any way —that any pledge or promise that Sir John Macdonald made during the time he was leading the Conservative party, the whole eighteen years, was ever violated. When he made a pre-election promise he always carried out that pledge by an Act of parliament, having the mandate of the people. We in the Senate have a right to look to the people and to serve their interests. We followed suit and supported the measures which he submitted, because he had the authority of the people and we took that authority as our authority to act in the way we did. There is a striking contrast between the policy of his government and the policy of the present government, because it is a well known fact that with few exceptions they never attempted to carry out a pre-election promise, consequently when the Reform party in the Senate undertake to vote for certain measures they have not the mandate of the people for the measures they are voting for. When the hon. gentleman from Wellington talks about gerrymander he knows very well that it did not deprive any man of a vote. If he did not vote in one place, he voted in another. How can the hon. gentleman tell that a man's grandson is of the same politics as himself? How does he know that I am of the same politics as my grandfather?

We are living in an age when men's political views are mainly based on the measures introduced by the government from time to time. My own policy is to support the government whose policy is in my judgment best calculated to promote the interests of Canada, and I have pursued that course in the Senate. I have supported many measures introduced by this government and it is only when I think they are wrong that I vote against them. That is very different from the position taken by hon. gentlemen on the other side, who vote for the government right or wrong. I support the government when they are right, and oppose them when they are wrong. The hon. gentleman from Wellington spoke about the Gerymander Act as he called it, condemning it as being unfair to the Liberal party. The people of Canada did not think so. On different occasions when the electors were appealed to they supported the government that passed that Act. But when the hon. gentleman undertook to compare the policy of the late government with that which has been pursued by the present government, I expected that he would blush, and if he had the modesty of any ordinary man he would have blushed, when he undertook to defend the conduct of the present government. We know how partisans of the present government stuffed ballot boxes and sunk others in the waters of the lake in order to hide their crimes against the people. The hon. gentleman speaks about voters being disfranchised; the Gerrymander Act did not disfranchise any man, but partisans of the present government have disfranchised their opponents. We know that in the province from which I come the Prince Albert election was managed and controlled by partisans of this government who stuffed ballot boxes with one hundred and fifty ballots that never were polled within 150 miles of the district where the election was held. I wonder that the hon. gentleman did not blush for shame when, in view of these facts, he undertook to criticise the Gerrymander Act of the late administration.

Hon. Mr. POIRIER moved that the debate be suspended. The motion was agreed to.

THIRD READING.

Bill (S) An Act to amend the Criminal Code, 1892, as respects lotteries.—(Hon. Mr. Ellis.)

PLACER MINING IN THE YUKON TERRITORY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (153) An Act respecting Placer Mining

in the Yukon Territory. He said: In submitting for the consideration of the House this Bill respecting placer mining in the Yukon Territory, I may observe that in the past the Yukon Territory has been largely administered by orders in council. It is now proposed to pass an Act creating a law affecting the mining industry. I may say that the policy of the government with reference to the government of the Yukon has been more criticised than almost any other part of the policy of the administration. The reason for that is quite apparent. When in 1897, I think it was, gold was discovered there, the time required to reach the Yukon was probably 5 or 6 months. During the winter season it was absolutely inaccessible, and the original arrangements were, no doubt, very crude. From time to time they met with the opposition of the miners more particularly interested, and changes were suggested. Radical changes have been made since 1897. It is now proposed to consolidate those regulations and make very material changes at the instance of the Yukon council. The people in the Yukon were, no doubt, persons who had been somewhat familiar with the methods of mining in other countries, and therefore had very positive views as to the best mode of administering the various claims, so that considerable embarrassment has arisen from time to time. It was therefore decided, on the advice of the Minister of the Interior, to allow the Yukon council to submit for the consideration of parliament this Bill which has largely been drawn up on the suggestions of the persons forming the council at Dawson. The changes could much more properly be considered when the House is in committee, as they are more in the nature of details of administration, than of any general principle. I may perhaps briefly refer to some of the principal suggestions made by the Yukon council. Free miners' licenses are abolished. This was a tax with the absurd penalty of forfeiture of property if not paid. The loss of revenue will be nearly made up by increase in other fees. This relates to section 3. By section 5, mining rights are made paramount, and possible conflict between holders of surface and mineral rights is abolished. The person holding surface rights has the prior claim to any rights below the surface. The terms in use are simplified. 'Placer Claims' on creek or elsewhere is substituted for 'Creek Claims', 'Hill Claims', 'Bench Claims', 'Bar Claims', &c. A definition is given for the term 'Creek' which avoids the present serious difficulty of distinguishing between 'Creek', 'Gulch' 'Draw', 'Pup', &c. As to surveys, the side lines of creek claims are to be surveyed in future with base line. The prospector by section 20, is encouraged by being allowed to prospect ground for a long time before recording. By section 21 he is allowed to stake two claims for his grub stakers. Section 27 deals with the security of title. By section 30, jumping of claims and taking advantage of technicalities is done away with. Co-owners are compelled each to do his share of assessment work (section 31). By section 37 grouping can only take place in cases of genuine partnership in claims grouped. Under exceptional conditions claims not contiguous can be grouped. As regards water rights, fuller notice has to be given to the public, and the holders of such rights are compelled to use them. The sale of rights is subject to government supervision as to price and distribution. By sections 60, 62 and 64 a speedy method of arbitration is provided for the settlement of disputes. Litigation is discouraged and in many cases prevented. Concessions cannot be granted in future; all placer mines must be acquired by the one process, under section 91 of the Bill. These are the material points. I do not pretend to be familiar with the mining industry, and therefore must ask the House to allow the Bill to be considered as to its various details as they come up for discussion when the House goes into committee.

Hon. Mr. LOUGHEED—While I am not prepared to controvert the principle which enters into the Bill, it is regretable that at this very late hour in the session so important a Bill, involving so much expert knowledge, should have been introduced into this Chamber. I am quite within the mark when I say that there are few subjects involving so much technical knowledge, or so much controversy in local circles as mining regulations or mining laws. The difficulty which I see before us in dealing with this Bill at the present moment is

that at this hour of the session one cannot say that the mining community in the Yukon district has any knowledge whatever of the regulations which are embodied in the measure.

Hon. Mr. SCOTT—It emanates from the Yukon.

Hon. Mr. LOUGHEED—I would point out that in the first place the Yukon council is an absolutely irresponsible body. It is not an elective council and it does not, I am safe in saying, represent public sentiment in the Yukon. It is within my memory that memorials have been presented during the present session asking that the present system of government in the Yukon be changed, and that the people be given a voice in the administration of their local affairs, that the nominative council, which as I understand, simply represents the commissioner of the Yukon, should be wiped out, and that the voice of the people should be heard in the administration of its own affairs.

Hon. Mr. POWER—Half of the commissioners are elected by popular vote in the Yukon.

Hon. Mr. LOUGHEED—Yes, but the majority of the council is nominated, not elected. Furthermore, I understand from these memorials that that council is not representative, as at present constituted, of public opinion and of public sentiment in that country. I know exactly how the same machinery of government worked in the Northwest Territories in the early days. It simply reflected the voice of government officialism, and not that of the public. That of course is no reason why this legislation should not be passed, but it is a reason for saying that the widest publicity should be given to this legislation which, possibly, may entrench very seriously upon the rights of the mining public in the Yukon. I have been told by those who are interested in this subject that the Bill is characterized by very great crudities and evidently has been prepared by those who do not understand placer mining, particularly placer mining under the conditions to be found in the Yukon Territory. The gentleman who informed me of that fact is a most responsible individual and, I might say by the way, a very great supporter of the present government. I, however, do not accept that bare statement as warranting any condemnation of the Bill, but I do desire to point out that it is unfortunate at this time of the session that we are not in a position to ascertain whether the mining public of the Yukon has been made aware of this legislation or to obtain expert knowledge as to its practicability as well as its desirability. Whatever the government may do, I hope my hon. friend will have this Bill sent to one of the select committees and not have it sent to the Committee of the Whole House, so that it may be possible to have expert knowledge as to the practicability of its provisions brought before the committee.

The motion was agreed to.

Hon. Mr. SCOTT—Personally, I should see no objection to the Bill being referred to a special committee where parties could be heard. I presume it is not likely that any one from the Yukon would be here just now who could give us an intelligent view of its provisions, but it may be that officers of the Interior Department could be called who would be aware of any representations which have been made pro and con. As I understand, this Bill has been for some time in preparation, and as it was suggested by the members of the Yukon Council by those on the spot, it was thought by the government that we would be able to secure a Bill which would be acceptable to the people there. Every hon. gentleman knows that it has been quite impossible for the government to meet the views of all parties, there was so many conflicting interests and so many different suggestions made from time to time. Orders in council were passed, only to be amended or changed within a few months, and it was felt that the people who were immediately on the spot would be better able to give advice as to the best law to be adopted to meet the peculiar conditions which exist there.

Hon. Mr. MACDONALD (B.C.)—I think the member for the Yukon in the other House could give very important information. My hon. friend from Regina (Hon. Mr. Ross) knows a great deal about mining matters, and if he were to scrutinize the Bill he might be able to point out some of the defects in it. I have very little faith

in a Bill prepared by a council of officials. It should be prepared by free miners who know the conditions. I had a great deal to do with mining regulations in the early days, and the gold commissioners in British Columbia, when coming to the council, used to bring the opinions of the miners, and from year to year the regulations were amended so as to suit the condition of the country, and there has never been a hitch about water rights or mines in British Columbia. From year to year the regulations were amended as the result of the experience gained by the gold commissioners from the miners on the spot; and if the miners of the Yukon were to meet together before this Bill became law and scan its provisions and give their opinions upon them, we would have a good Act I believe.

Hon. Mr. SCOTT—A Bill of this kind, in the ordinary course of proceeding, goes to the Committee of the Whole House, where every hon. gentleman has the opportunity of considering and discussing it. Perhaps we had better follow that rule, and if it appears afterwards that the House desires that any parties should be heard in connection with the Bill, there is no objection to its going to one of the special committees, the Committee on Banking or any other which may be named. We might first go through it ourselves and discover exactly what objections exist. A good deal of it, no doubt, will be found to be not of a controversial nature. I move therefore that the Bill be referred to the Committee of the Whole House to-morrow.

The motion was agreed to.

MONTREAL, OTTAWA AND GEORGIAN BAY CANAL COMPANY BILL.

SECOND READING.

Hon. Mr. LOUGHEED (in the absence of Hon. Mr. Edwards) moved the second reading of Bill (57) an Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

The motion was agreed to.

Hon. Mr. LOUGHEED moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. BERNIER—This Bill, I suppose, deals with the construction of the Ottawa canal. It seems to me that a Bill of such importance should be referred not to the standing committee, but to a special committee.

Hon. Mr. LOUGHEED—This is peculiarly a Bill for the Committee on Railways, Telegraphs and Harbours, inasmuch as it deals particularly with the subject of the construction of a canal, and heretofore Bills relating to this project have gone to that committee. Still I do not know that it makes any difference.

Hon. Mr. SCOTT—The Committee on Railways and Telegraphs and Harbours is the proper committee.

Hon. Mr. POWER—The Bill is safe to be carefully considered.

The motion was agreed to.

PACIFIC MARINE INSURANCE COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. BOSTOCK moved that the amendments made by the Standing Committee on Banking and Commerce to Bill (54) an Act to incorporate the Pacific Marine Insurance Company, be concurred in.

Hon. Mr. LOUGHEED—I understand that the promoters of the Bill desire that it should be referred back to the committee, to make some explanation as to the changes which are made in it. The Bill came before us yesterday as a derelict, nobody being in charge of it, and I understood they had spoken to the hon. member from Yale, who has charge of the Bill, to ask that it be recommitted so as to allow an explanation to be made.

Hon. Mr. BOSTOCK—I did not know anything about the meeting of the committee yesterday or I would have been in attendance. The promoter of the Bill came to see me this morning, and I got the record of the amendments and discussed the matter with him, and the affect the amendments would have on the Bill. At the time he left me he said he was quite satisfied to let the amendments go through. That was about a quarter after eleven. I do not know whether he saw my hon. friend before or after that time.

Hon. Mr. LOUGHEED—About that time —probably before.

The motion was agreed to.

SECOND READINGS.

Bill (JJ) an Act to incorporated the Temagami, Cobalt and Temiskaming Railway Company.—(Hon. Mr. McHugh.)

Bill (105) an Act to incorporate the Sterling Life Assurance Company.—(Hon. Mr. Lougheed.)

Bill (159) an Act to incorporate the Cobalt Range Railway Company.—(Hon. Mr. McHugh.)

PENITENTIARIES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (176) An Act respecting Penitentaries. He said: Since the year 1886, when the laws of the Dominion were consolidated, there has been no revision of the Acts relating to penitentaries, although very considerable changes have been made from time to time. The object of this Bill is to consolidate all the laws and to make a few changes to which attention can be called at a later stage of the Bill. Provision is made, however, by this Bill for the establishment of a penitentiary at Edmonton for the two provinces of Alberta and Saskatchewan. The material change, I think, is in the arrangement of the salaries. Since the salaries were fixed it has been found that the cost of living is somewhat increased and so the salaries of all the officials connected with the penitentaries—there are six penitentaries—have been revised, and the results are contained in the schedule to this Bill. When the Bill is in committee I shall endeavour, with the assistance of one of the wardens, to give the House any explanation that may be desired where changes are made from the law as it at present stands.

Hon. Mr. FERGUSON—Might I ask my hon. friend how this consolidation will fit into the general consolidation going on this year. Is this a measure which will find its place in the new consolidations.

Hon. Mr. SCOTT—Oh, yes; it is with that view that it is being brought forward this session in order that it may be included in the new revised statutes. That is the main object of it.

Hon. Mr. FERGUSON—It would be very convenient in the consideration of this Bill, which is very voluminous, if we were supplied with information which would show wherein we are dealing with the old law and where the new provisions come in. The old law has run the gauntlet so long that most of its provisions that remain, we may be satisfied, will work well, but the changes to be made we would like to know something about.

Hon. Mr. SCOTT—I have a detailed statement under my hand now showing the changes made in each clause of the Bill, where clauses have been altogether changed, and where others have been struck out. The language of several clauses have been simplified to a very great degree. I have that information which I will read to the House when we are in committee.

Hon. Mr. FERGUSON—It would simplify matters very much if the hon. gentleman would supply copies to members. It would save a great deal of discussion.

Hon. Mr. LOUGHEED—I feel reluctant to be censorious and to again refer to bringing down comprehensive legislation such as this so late in the session. I think this will be an opportune time for my hon. friend to impress on the government the desirability of our dealing with legislation of this kind, particularly in the Senate, earlier in the session. Recurring for a moment to what my hon. friend said as to the statutes, may I ask the leader of the government when we may expect the new revision to be issued?

Hon. Mr. SCOTT—Not until after the session. All the laws passed this session will be embodied in that, and the revision will be continued for some little time after. It will probably be August or September.

Hon. Mr. LOUGHEED—Are the statutes published?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Will they be ready for distribution during the recess?

Hon. Mr. SCOTT— Oh, yes.

Hon Mr. LOUGHEED—That is the revision?

Hon. Mr. SCOTT—Yes, the revision is complete, but of course the legislation of the present session is not embodied. The object of this consolidation is, as some changes no doubt have been suggested in the long period since former amendments were made, to consolidate them by an Act of parliament so that it would be transferred bodily to the new statutes to be issued during the current year.

Hon. Mr. LOUGHEED—But invariably legislation is introduced by the government with reference to the revision itself.

Hon. Mr. SCOTT—That has been done in advance. It does not again come before parliament.

Hon. Mr. LOUGHEED—Legislation is had for the revision, but I doubt if the revision will become law until it is adopted by parliament.

Hon. Mr. SCOTT—I was very much of the opinion expressed by the hon. gentleman myself, but the late Minister of Justice thought differently. He thought it would be proper, as some delay would arise after the session involving the loss of a year or more, to pass an Act providing for the revision, and the issuing of the authorized volumes of the statutes.

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

INDIAN ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (194) an Act to amend the Indian Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: As the law at present stands where lands are sold for the benefit of a tribe, the tribe get directly only ten per cent of the amount, the balance, the ninety per cent, is funded and very often where it is in the interest of the public and even in the interest of the band itself to sell lands, particularly where lands belonging to the tribe do not form part of the reserve, the tribe object. They say: 'We get so small an amount of it that it is not worth while.' It is proposed where lands of that kind are outside of the reserve, when it is in the interest of the band, from increased value given to the land or other causes, to make a sale, that the band should have distributed among them fifty per cent of the amount instead of ten per cent.

Hon. Mr. LOUGHEED—Does it give any increased power to the government to take or sell those lands?

Hon. Mr. SCOTT—Oh, no, that stands as the law is, but the percentage up to the present time, by various statutes, has been limited as I have described, and the bands have been rather unwilling to allow the lands to go. It is thought that it would be an inducement to them to allow the lands to be sold if a larger sum is distributed.

Hon. Mr. LOUGHEED—Has the government considered the propriety of taking to itself larger power to dispose of many Indian reserves contiguous to settlement, rendering it undesirable that the Indian should be there in the first place, and in the second place that the lands should be withheld from settlement.

Hon. Mr. SCOTT— I do not think any provision has been made.

Hon. Mr. LOUGHEED—That, I might say, is becoming a matter of considerable importance to growing centres in the new provinces. Very large tracts of land are tied up immediately adjoining important centres of civilization and settlement, and it is both prejudicial to the Indians and prejudicial to settlement that such be the case.

Hon. Mr. SCOTT—Yes, I appreciate that.

The motion was agreed to.

BILLS INTRODUCED.

Bill (171) An Act to amend the Interpretation Act.—(Hon. Mr. Scott.)

Bill (195) An Act respecting the Court of Appeal for Manitoba.—(Hon. Mr. Scott.)

Bill (199) An Act respecting the Western Assurance Company.

CURRENCY ACT AMENDMENT BILL

FIRST READING.

A message was received from the House of Commons with Bill (196) 'An Act respecting the Currency.,

The Bill was read the first time.

Hon. Mr. SCOTT—I move that the Bill be read a second time to-morrow.

Hon. Mr. LOUGHEED—May I ask what the Finance Department propose to do in regard to redeeming defaced currency ?

Hon. Mr. SCOTT—The clause of the Bill reads as follows :

1. The Minister of Finance and Receiver General may, under regulations of the Governor in Council, redeem any silver, copper or bronze coins which may have been issued for circulation in Canada and which by reason of abrasion through legitimate usage are no longer deemed fit for circulation.

The motion was agreed to.

MILITIA PENSION ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (200) 'An Act to amend the Militia Pension Act, 1901.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said :

This Bill provides, in regard to pensioning officers, that the time served in regular forces may be counted in certain cases.

The motion was agreed to.

MILITIA ACT AMENDMENT BILL

FIRST READING.

A message was received from the House of Commons with Bill (201) : 'An Act to amend the Militia Act.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said :

In the taking over of the Esquimalt and Halifax Garrison, a number of non commissioned officers and men belonging to the imperial force have come over. It was thought it would be to some advantage, and this Bill provides that the term of service they have given in the imperial ranks shall be counted in their pension when they retire.

Hon. Mr. LOUGHEED—The imperial government I suppose is paying their proportion of the pension.

Hon. Mr. SCOTT—Yes.

The motion was agreed to.

ROADS AND ROAD ALLOWANCES IN ALBERTA AND SASKATCHEWAN.

FIRST READING.

A message was received from the House of Commons with Bill (202) An Act respecting the roads and road allowances in the provinces of Saskatchewan and Alberta.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow.

He said : The object is to vest in the Crown the present road allowances in the township of these provinces. The surveys of roads and trails are likewise vested in the provinces.

The motion was agreed to.

CONSTITUTION OF THE SENATE.

DEBATE RESUMED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David :—That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.—(Mr. Poirier.)

Hon. Mr. POIRIER—On the 23rd April, 1890, I had the honour to move, in my seat in this House, that an humble address be presented to Her Most Gracious Majesty, praying for the amendment of the British North America Act so that senators shall henceforth as their seats become vacant be appointed by the provincial legislatures, the Crown to retain the right to the appointment of three or six additional senators, as it now has under the constitution. That motion, a similar one to the one under consideration to-day was taken up sixteen years ago by the Senate and discussed fully, just as the present resolution has been discussed for a week or more. Most of the senators took part in the debate. I need not say that my views were not concurred in. But I, as a young senator then, having entered this parliament without being at all prejudiced and with an open mind, at any rate, could see without being a prophet where the Senate was drifting and would land if the government continued to appoint senators exclusively from the Conservative side of politics. I took the stand then that there

was something wrong in the appointment of senators; that if we were here as representatives of the provinces, the provinces should exclusivly have the nominating of senators. I particularly studied at that time the constitutions of the civilized countries of the world, and found that nearly all had two Houses. I found, as any hon. gentleman may find and as you likely all know, that in all other countries of the world but our own the chambers are elected by those whom they are called to represent, and that any other mode of election is illogical. You cannot, either in Europe or America—other countries, as we know, have no free institutions—find a place where the lower House is not elected by the people, and the upper House by those whom they represent. I am talking here of the people that enjoy free institutions. Countries which have not free institutions but have two chambers, are supposed to derive their power from the autocrat by whom the country is governed. We will not refer to them. But all civilized countries enjoying the privileges of free institutions have the right to elect or appoint their own legislators; any other system of election or appointment, I say, would be illogical. Even in monarchical countries like Germany, you find that the council of the empire is constituted of representatives from the twenty-five kingdoms, states or principalities which compose the empire, and that they sit by virtue of the mandate they get. These kingdoms and principalities even keep to themselves the right of recalling their representatives in case they do not properly represent those whom they are sent to represent. Such also, at least to a certain extent, is the case in Italy, where there is a mixed representation in the upper house. So it is in Spain. But if we go to countries that bear a closer analogy to our confederation, say in Switzerland, there you find twenty-two cantons, and two representatives from each canton, whether large or small; and in order to ensure a true and faithful representation, those representatives are paid by the cantons they represent, and the mode of their election is determined absolutely by each canton. The same condition exists in South Africa, in the Argentine republic, where the different provinces nominate the upper House. You have another example, the United States, which also is represented in the upper House by the nominees of the different states of the union, but I will refer to that later on. I know that our Chamber is designed to represent to as large an extent as possible the House of Lords. But we must not forget the exegesis of the House of Lords and ours is quite different. The Lords owe their origin, not to popular favour, or even to the Kings, but to their own status in the land. They were the peers, the equal of the King in many respects. The Kings of the Saxons, were merely the first amongst their equals, and, although the King held the sway, the peers and barons were, of their own right, the councillors of the King. You find no instance, no epoch, in the British history where the House of Lords has been created with a set purpose. We have been. We could not, of course, rely upon our ancestry. We were created for a set purpose, and that was to represent the provinces. Hon. gentlemen know the history of the upper House in Canada.

In 1763 a council was nominated to govern Canada, with General Murray at its head, which was all right at that time, because we had no representative institutions. In 1774, under the Quebec Act, the council was also a nominated one, which was logical because the authority then was derived from the Crown, was in the Crown. At the separation of the two Canadas, in 1791, the Upper Chamber was also a nominative one, which was again logical because we had not then representative institutions; but after the union of the two Canadas there came a time when the Upper Chamber, a nominated Chamber, sitting along with an elected Chamber came into pretty much the same extremity in which we are here today. It was found necessary to change the order of things, and this change took place 1856. In 1856 the Upper House from being a nominated one was made an elective one, and let me read a few remarks made by Sir John Macdonald which will show that the state of things which exists now practically existed then:

'It is admitted on all hands,' said Sir John Macdonald in the course of the debate 'that the present upper Chamber is not an efficient check. Without wishing to speak disrespectfully of the upper House I may say that we all know, except in some few isolated cases,

they have contented themselves with being mere registrars of our Bills, which they read over and perhaps correct some errors in spelling or grammar and then send them down to us. They have exerted no real influence in the state. They are of no use, and all that can be said of them is, to employ the language of the member for Lambton (Mr. Brown) they have done no harm.

That was the dire state to which the upper Crown nominated chamber had fallen in 1856. I think we have to admit that it is pretty much the state in which we are today. It was then found necessary to have an elected Senate to legislate for a people enjoying civil and political rights. In my estimation there is no other way for us to attain to that status, that importance, that utility which is expected of us, but to have the mode of our nomination changed so that we shall be appointed by the provinces which we are here to represent. We all know that at confederation the reason for the Senate being called into existence was to more especially represent the different provinces, 24 members being appointed from the Maritime provinces, 24 from Quebec and 24 from Ontario. Now do we really and truly represent our provinces? I say no. We hail from our respective provinces, but we and each of us represent here the parties that appointed us, and the parties that appointed us are the several political parties. We hail, true, from the provinces, but the provinces have nothing to do with our appointment. We are not amenable to them, what is more, having been appointed by the Crown we fail to get that authority which we otherwise would have and hold. I would go further and say it is an anachronism, an anomaly. It is illogical for us here to have legislative and judicial powers given to us by a power which does not itself possess them. We are appointed by the Crown. Article 24 of our constitution reads as follows:

> The Governor General shall from time to time, in the Queen's name, by instrument under the great seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act, every person so summoned shall become and be a member of the Senate and a senator.

We derive our authority from the Governor General who holds it from the Crown. Now the Crown has no power to legislate such as we have. The King of England has not the power to legislate which the House of Commons or the House of Lords possesses. How can the governor or the Crown logically delegate a power which it does not possess. That is the state we are in; an illogical state. Under present conditions we cannot expect ever to occupy the position in this country which upper chambers occupy in other civilized countries. It has been argued as against my proposition, which in fact was to put our Canadian Senate under a status similar to that of the United States, that the American Senate has acquired too much power; that it is overwhelmingly powerful. It is true that the American Senate has become exceedingly powerful, but that is because by the American Constitution it possesses more power than the House of Representatives. The American Senate has practically all the powers of the lower House, even that of legislating on Bills relating to revenue. They cannot originate such Bills, but they can take a Bill relating to revenue and do with it very much as we do with some motions here, strike out all the words after 'that' and change it altogether, so that practically the Senate in the United States can be said to initiate revenue Bills. It has the exclusive powers of making treaties, conjointly with the president. It has the appointment of all the public servants except those whose appointment is expressely reserved to the president and the other House; practically it has the patronage in its hands. It has the foreign relations in its hands; it has the appointment of judges of the Supreme Court; it has the right of impeachment; and it is on this meat that this American Caesar has grown so great. My suggestion is that the members of the Senate in Canada should be appointed by the provincial legislatures, but that they should not be given such extraordinary powers. It has been said by very many that if the United States Senate possessed only the right to legislate that it would be an ideal second Chamber; such would be our House here if we were appointed by the different provinces. Hon. gentlemen would then come here with a mission. I find no fault of course with the composition, with the personnel of our Senate, but the provinces would then see to it that their very best men would be appointed. As we would have

no patronage to give, the excesses that the plutocracy has fallen into in the United States would not obtain here. We would come simply as representatives of our provinces. Our provinces would look to us to guard their interests, and, in our seats here, we would not be in the humiliating position in which we are. If I may be allowed to speak plainly, I say that I for one, and possibly each of you remember, and must remember, when it comes to a crisis, by whom I was or you were appointed. You know what I mean hon. gentlemen. On very many questions senators have been appealed to—I have: 'You will vote that way because Sir John Macdonald appointed you? Have I not know of late years of Liberals voting here in a certain way, because Sir Wilfrid Laurier wanted them to vote in that way! It is logical, it is simply gratitude; they hold their appointment from Sir Wilfrid Laurier, as I hold mine from Sir John Macdonald. A delegate represents the one who delegates him. The reform of the Senate must come. Hon. gentlemen, it is now more than ever a necessity. We are going down. A bad example was set by the Conservative party in appointing exclusively, except on one or two occasions, Conservatives. It is felt now that before ten years have passed, if the Liberals remain in power—which of course is doubtful—the Senate will be practically all Liberals; and then the cry that was raised against the Conservative Senate will be raised against the Liberal Senate, and the utility of the Senate will be gone. Hon. gentlemen, if you wish to save our Senate; if you want to put yourselves on a solid, on a useful basis, let us be brought into touch, into contact with the power which we represent here, otherwise we are of no use as representatives. We can amend Bills it is true—that sort of work regarding which we have heard so many compliments delivered from one to another during this debate. Hon. gentlemen know that in France they have a conseil d'etat, who are practically civil servants, to do such work. What are we? What difference is there between our appointment from the Crown, by the Governor General, and the appointment of the Clerk or the Sergeant-at-Arms? We are—let us admit it—functionaries, civil servants—occupying a higher position, but nothing else. In a democratic country, we do not directly represent the people; in a confederation, we do not represent the provinces. We are a species of functionaries, with more authority than some others, that is all. The checking power we have—I would like to know what check the country may to-day expect the Senate to exercise upon any legislation coming from the other House? Very little indeed. We are here to represent the governments who appointed us; and we are called upon more or less with a whip to do it. Let us admit the whole truth. It may be hard, it may be humiliating; but the fact is that we can, in many instances, be forced, that we can be persuaded to vote a certain way. It is logical. If I appoint an agent, if I give a commission to a man I have a right to have that man look to me for instructions.

If I wish him to do a certain thing I have a right to see that he shall look to me before taking certain steps. We are the appointees of the government and not of the province and the government has a right to see that we vote a certain way, and they do see to it, too. I, therefore, restate the position I took in 1890 that is, that the reform of the Senate should be brought about in a logical way, and that logical way is to derive our authority from the provinces. Now is the time. We live peaceably together. We started with three sections in the confederation; we now have four. Let us equalize matters and make this a harmonious confederation. The maritime provinces started with twenty-four representatives. If Newfoundland should ever enter the confederation I predict that it will insist upon naming its own representatives in the Upper House as a safeguard of its rights, just as each state in the neighbouring republic, whether small or great, has two representatives in the Senate, so that state rights may be protected.

Hon. Mr. DAVID—Does the hon. gentleman want to have the senators appointed for life or elected for a term of years by the provincial legislature?

Hon. Mr. POIRIER—That is another question. I would prefer the life tenure, but if you read the constitutions of different countries you will find that the members of the

Upper Chambers very seldom have life tenures. In France they started with life tenure; now they have abolished it. In Germany the different states vote, not individually, but en bloc, each state, principality, or kingdom voting as one, just as was the case in the United States before 1789. The different members of the union voted not a personal but a state vote. The life tenure would be more in keeping with the traditions of the House of Lords which we are here to imitate, and which we do follow to a large extent. There would be a sufficient guarantee that the interests of the province would be maintained if we only held our positions from them. But I was referring to the growth of the confederation. The west is now being settled, and will before long have a dense population. Let the west have its twenty-four senators. Then each section of the Dominion will have equal representation in this House. Before 100 years the Northwest will have a population of probably 50,000,000. With my system, the eastern parts of the Dominion will be able to hold their own in the Senate and in the country. Quebec will be as strong as Ontario, and the maritime provinces will be able to maintain an equilibrium which the western provinces will not be in a position to destroy. While in the House of Commons the different provinces will be represented by population, there will be a check upon undue influence on the part of the most populous sections because of a different basis of representation in the Senate. We must not be so optimistic as to imagine that troubles will not come in this country. Troubles have arisen in other countries and may arise in Canada. Then it will be the Upper Chamber that will prevent the possible disruption of the confederation. The Minister of Trade and Commerce spoke very appropriately, as he always does, of proportional representation. Peopled as this country is by different nationalities we could enlarge upon that principle. We could, for example, for the sake of harmony, and in order to build up here an ideal Dominion for intelligence, progress, harmony and liberty, enlarge upon his idea, and have in the Upper House proportional representation for the different nationalities. That would be conducive to peace and harmony. It would be easy, before appointing a senator, by referring to the census, to find out the representation to which each nationality is entitled, and the following table would show how such representation would work out:

——	Total.	French.	English.	Irish.	Scotch.
Quebec	1,620,482	13,222,115	114,710	114,842	60,068
		Senators.	Senators.	Senators.	Senators.
	24	19	2	2	1
Ontario	1,928,099	158,671	701,413	624,332	399,530
	24	2	9	8	5
New Brunswick	317,068	79,979	104,683	83,384	48,310
	10	2	4	2	2
Nova Scotia	442,898	45,161	159,753	54,710	143,382
	10	1	4	1	4
Prince Edward Island	105,629	13,866	24,043	21,992	41,753
		1 (?)	1	1 (?)	2

In the case of the Irish population, I take the Catholic and Orange together.

Hon. Sir MACKENZIE BOWELL—What are you going to do with the Irish Protestants who are not Oragemen?

Hon. Mr. THIBAUDEAU (Rigaud)—And the Jews?

Hon. Mr. POIRIER—That would be a matter for further subdivision. The census will tell all about that.

Hon. Sir MACKENZIE BOWELL—What are you going to do with the Germans ?

Hon. Mr. POIRIER—A race must come up to a certain standard of population before being entitled to representation in the Senate. They must have sufficient population to entitle them to one representative. It simply goes to show that if the constitution is to be remodelled, these are facts which are worth being taken into consideration, and if we are going to have proportionate representation certainly the adoption of such a scheme as I propound here would be conducive to general harmony. The re-modelling of the Senate is an old idea that was discussed at the time the Tories were in power and in resuming the discussion to-day we are simply dealing with what was very elaborately discussed sixteen years ago.

Hon. Mr. ELLIS moved the adjournment of the debate until to-morrow.

The motion was agreed to

HUDSON BAY EXPEDITION.

INQUIRY.

Hon. Mr. LANDRY—Before the House adjourns I would ask the hon. leader of the House if there is any choice made of the master of that new vessel of 300 tons that is going into the Hudson bay waters ? I am told that they are trying to get a master from Newfoundland. We have in our own country masters who are able to man those ships, and I think the government should appoint a Canadian before going to Newfoundland. I therefore want to know if any action has been taken and what the action was ?

Hon. Mr. SCOTT—I do not know. It rests with the Minister of Marine and Fisheries. It has not come under the notice of council yet.

The Senate adjourned until three p.m. to-morrow.

SENATE.

OTTAWA, Thursday, June 21, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RIMOUSKI FIRE INSURANCE COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (88) An Act respecting La Compagnie d'Assurance Mutuelle contre le feu des Comtés de Rimouski, Temiscouata et Kamouraska, and to change its name to La Compagnie d'Assurance contre l'incendie de Rimouski, with amendments.

He said : The amendments inserted in the Bill were proposed to secure the interests of the original stockholders in the event of the project of the formation of a further company being carried out.

Hon. Mr. TESSIER moved that the amendments be now concurred in.

Hon. Mr. LANDRY—We do not know what the amendments are. They have just been submitted, and I think they should stand until to-morrow.

Hon. Mr. TESSIER—The amendments are very simple, and provide that the Bill will only come into force with the consent of all the shareholders, which may be given at a general meeting convened for that purpose.

Hon. Sir GEORGE DRUMMOND—The amendments were proposed by the promoters of the Bill.

Hon. Mr. LANDRY—I am not against the Bill at all, but I want to see that all interests are protected. I understand that the hon. senator from Rimouski (Hon. Mr. Fiset) was opposing the Bill, and as he is not here I wish to have an opportunity of seeing what kind of amendments are brought in.

Hon. Sir GEORGE DRUMMOND—I think the answer I gave just now ought to be sufficient. The amendment was proposed by the promoter of the Bill.

Hon. Mr. LANDRY—I do not care at all about that. A man may be the promoter of a Bill which may affect the interests of third parties.

Hon. Sir GEORGE DRUMMOND—It met with the approval of the gentlemen who where opposing the measure.

Hon. Mr. LANDRY—I see the hon. senator from Rimouski has now taken his seat, and I ask him whether he is willing to accept these amendments, as he is the most interested party ?

Hon. Mr. FISET—The committee accepted the amendment this morning. I accept it also.

The motion was agreed to.

Hon. Mr. TESSIER moved that rule 70 be suspended and that the Bill be now read a third time.

Hon. Mr. LANDRY—I oppose that. I want to see the Bill before it is read a third time.

Hon. Mr. TESSIER—Then I move that it be read a third time to-morrow.

The motion was agreed to.

THIRD READING.

Bill (D) An Act respecting the Northwest Commercial Travellers Association of Canada.—(Hon. Mr. Young.)

GRAY RELIEF BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. KERR (Toronto), from the Committee on Miscellaneous Private Bills, reported Bill (122) An Act respecting certain patents of Franklin Montgomery Gray, and moved that the said Bill be read a second time to-morrow.

Hon. Mr. POWER—When this Bill was at its second reading I directed the attention of the House to the fact that it did not follow the usual form. The usual form protects the interests of all persons who have made or sold the article up to the time of the passing of the Act. This Bill does not do so, but only protects those who used, sold or manufactured up to the 22nd of March last. I call the attention of the hon. member from Toronto to the fact that that is not the proper form.

Hon. Sir GEORGE DRUMMOND.

Hon. Mr. JONES—The Bill is objectionable, as I pointed out to the House the other day. I am not a member of the committee, but I had the advantage of being present at the meeting of the committee when this Bill was under consideration, and I pointed that out to the committee ; but because the House had put through a Bill this session with this objectionable feature in it, the committee thought, apparently, they would not be doing worse with this Bill than with the other and that because the House had done wrong on one occasion they would be justified in doing wrong a second time. Personally I am not in favour of the Bill as it stands, and if there is an opportunity offered I shall vote against that feature of the Bill. I can see no reason why the Bill should provide that any citizen who had begun manufacturing after the 22nd of March and before this Bill becomes law should not be protected in his right. The advertisement did not appear until some fifteen or eighteen months after the patent had been practically void, because the article had not been manufactured in Canada. The advertisement, as I understand it, appeared in the 'Gazette' about the middle of March, and the Bill provides that if any citizen of Canada had begun to sell or use or manufacture the article between the date of the first appearance of the advertisement and the time that this Bill becomes law, he should not be protected.

As I understand it, this House assumed that if any person in Canada began the manufacturing of the article after the applicant for this legislation had inserted an advertisement in the 'Gazette,' indicating to the country that it was his intention to ask the Parliament of Canada to enact this law to vest in him the rights which he had in the earlier years, that they ought not to be considered. My view is that that is not a principle that this House ought to accept. No citizen has a right to conclude that because an advertisement is published in a paper, indicating that an application will be made, that that request will be granted, and I claim that between the time of the advertisement, the first publication, and the time that this Bill becomes law, it was public property just as fully as it was public property previous to the time of publication, and that the Bill in that regard

should not provide that the citizen who began the manufacturing previous to March should be protected, and the citizen who began after March should not be protected. It is a principle that I do not think the House ought to endorse. I know that in one or two cases it has been done. My own view is that it is a mistake. If it is a mistake it ought not to be continued. I do not wish to detain the House by expressing my views with regard to this matter. I hold very strong views in regard to it, and I have every reason to believe personally that in this particular instance no harm would have been done to the applicant, the foreigner who applies for this, or the foreign patent which is being reinstated, if the Bill had read as I think it should read, that the public should be protected up to the time that this becomes law. For that reason I thought it might have been so amended. However, the committee did not see with me in that matter and the Bill comes before the House in what I consider to be the same objectionable condition in which one or two Bills previously passed this House.

Hon. Mr. FERGUSON—There is nothing before the House.

The SPEAKER—The only motion before the House is that the Bill be read a third time to-morrow. Is there any other motion in amendment ?

Hon. Mr. McMULLEN—If we discuss it to-day there might be some understanding arrived at that the clauses of the Bill might be altered.

Hon. Mr. YOUNG—My hon. friend is not in order. Surely he will wait until to-morrow and discuss the matter then.

Hon. Mr. SCOTT—If the hon. gentleman is going to suggest any change he must give notice of it to-day.

The motion was agreed to.

BRITISH AMERICA INSURANCE COMPANY BILL AND WESTERN ASSURANCE COMPANY BILL.

Hon. Mr. YOUNG, from the Committee on Standing Orders, presented the 24th report of the committee on Bill (198) An Act respecting the British America Insurance Company, and Bill (199) An Act respecting the Western Assurance Company.

The report was concurred in.

Hon. Mr. YOUNG—Following the course pursued the other day with reference to these Bills a suspension of the rule is required until we have further light on the matter, I move that rule 49 be suspended in this relation.

The motion was agreed to, and the Bills were placed on the orders of the day for second reading to-morrow.

Hon. Mr. LANDRY—The motion for suspension of the rule applies to both companies ?

Hon. Mr. YOUNG—Yes. One Bill is short one week in its notice and the other I think two weeks. It is owing to an emergency which has recently arisen in the affairs of the company that they have to seek legislation at this late date, and they ask the indulgence of the House on this ground.

COMMANDER SPAIN'S CERTIFICATE.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired :

What is the name of the ship, or the names of the ships, if there are more than one, on board of which Commander Spain discharged the duties of a master of a sea-going ship in the merchant marine, before obtaining his certificate of service on the 2nd February, 1893 ?

What was the length of service thus performed by Commander Spain in the merchant marine, specifying the dates of command which he exercised on each of the ships in question ?

Hon. Mr. SCOTT—I have no answer to this question or to the one which follows.

Hon. Mr. LANDRY—Is commander Spain absent ?

Hon. Mr. SCOTT—I really do not know.

Hon. Mr. LANDRY—I think it would be very easy to get an answer to that question.

Hon. Mr. SCOTT—Not with all I have to do, I have to rely on the department to send me answers.

Hon. Mr. LANDRY—I presume the department is not very reliable.

Hon. Mr. SCOTT—Perhaps not.

ST. THOMAS BANK GAS BUOY.

INQUIRY.

Hon. Mr. LANDRY inquired :

Was the substitution of acetylene light for the Pintsch gas light in the luminous buoy on the St. Thomas bank—a substitution which according to the statement of the government took place on the 24th of October, 1905—announced in the 'Canada Gazette,' and on what date ?

Was it otherwise announced and in what way was it communicated to those interested ?

And when ?

Hon. Mr. SCOTT—I have no answer to this question.

Hon. Mr. LANDRY—It would take five minutes for the department to say whether that was announced in the 'Canada Gazette' or not.

FRENCH TRANSLATION OF MILITIA HAND-BOOK.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

Has the little volume entitled 'Memorandum for camps of instruction, 1906, issued with military order No. 112,' been translated into French, published in that language and distributed to the regiments which are commencing their annual training at the camps at Lévis and at Three Rivers on Tuesday, 26th June instant

If such distribution has not yet been made, will it be made for the date in question ?

Hon. Mr. SCOTT—The memo. has been translated into French and was sent to the Bureau. I am not aware whether or not it is printed yet. I telephoned myself to the Bureau and spoke to Dr. Dawson about it. He knew my anxiety to have it printed at the earliest possible time, and he assured me it would be ready possibly by Saturday or Monday.

Hon. Mr. LANDRY—It might be sent direct to the different camps and distribution take place there.

Hon. Mr. SCOTT—I cannot act for all the departments.

Hon. Mr. LANDRY—The two previous inquiries will stand I suppose ?

Hon. Mr. SCOTT—At present I can give no assurance on the subject. It is quite impossible. The hon. gentleman is the most unreasonable man in this Chamber.

Hon. Mr. LANDRY—If the hon. Minister could only keep cool—I know we are approaching the dog days but I think he should keep cool. I was simply asking if the two previous questions might be permitted to stand ?

Hon. Mr. SCOTT—They will stand of course. I am not going to answer them today.

Hon. Mr. LANDRY—We are not sure that we will ever get an answer to those two questions.

Hon. Mr. SCOTT—Perhaps not.

QUESTIONS IN DISPUTE BETWEEN CANADA AND THE UNITED STATES.

INQUIRY.

Hon. Mr. LOUGHEED—Before the orders of the day are entered upon, may I ask my hon. friend for information with reference to the following cable which appeared in today's Montreal 'Gazette:'

United States and Canada.

Agreement reached with Great Britain, says report.

(Special cable service.)

Birmingham, June 20.—The London correspondent of the 'Post' states that a telegram has been received in an official quarter from Washington to the effect that an agreement has been reached by Sir Henry Durand, the British ambassador, and Secretary Root, on the questions at issue between the United States and Great Britain, with regard to Canada. The agreement refers several points to a small official commission on which Canada is represented. A decision is expected before the end of July. Canada is said to be highly pleased, particularly with regard to the settlement of the fisheries dispute.

May I ask my hon. friend if he has any information to give to the House on the subject?

Hon. Mr. SCOTT—I have no knowledge whatever of it. I have no doubt that Mr. Root, who is an exceedingly polished statesman, a most courteous man, full of suavity, as we know from his recent utterances, and Sir Mortimer Durand, the British minister, who is equally suave, polished and courteous, have assumed at Washington to settle Canada's affairs, but Canada proposes to settle her own affairs so far as that is concerned.

Hon. Mr. LOUGHEED—If my hon. friend has any knowledge—

Hon. Mr SCOTT—I have no knowledge whatever.

Hon. Mr. LOUGHEED—That the representatives of Great Britain and the United States are assuming to act, there should certainly be a protest against any such assumption.

Hon. Mr. SCOTT—I give both gentlemen more credit for diplomacy and skill than to assume that they would make arrangements as to what Canada will do with regard to interests that specially affect the Dominion and no other part of the empire. Canada is quite able to take care of herself. When those questions come to be discussed, Canada will have an opportunity of naming a representative on the commission to look after her interests.

Hon. Mr. LOUGHEED—What led my hon. friend to assume that those parties might possibly interfere?

Hon. Mr. SCOTT—I do not assume anything of the kind, but my hon. friend may have read that very fine address that Mr. Root made on the occasion when Lord Grey attended the Pilgrims banquet in New York. He, no doubt, is most anxious to see those questions settled. I have no doubt that if Mr. Root's advice had been taken they would have been settled, but Mr. Root cannot speak for the United States, and the British minister cannot speak for Canada, unless Canada has been first consulted and given her views on the subject. So far we know nothing about it.

Hon. Mr. LOUGHEED—Have any communications been received by the government suggestive of the good offices of those gentlemen being enlisted in that direction?

Hon. Mr. SCOTT—No, I have heard nothing about it. I think not. It is all born in the fertile brain of a reporter. It is stuffing to fill up, most interesting material no doubt to cable across. A good many people get interested in it, or get excited over it, but no progress will be made until Canada has been consulted. We are ready of course, most anxious that all the questions that have been cropping up for a good many years between Canada and the United States shall be settled. It is a great pity they are not. Canada is most anxious to do so, but we think it would be very unwise to select any one case and drop all the others.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the orders of the day are called, I would ask with all the politeness possible, if we could have in a few days, before the House prorogues, the return to an order given by this House for the production of the papers in the insurance inquiry. I made that motion some weeks ago and I hope the House will have those papers very soon.

Hon. Mr. SCOTT—What particular insurance was it ?

Hon. Mr. LANDRY—The Insurance Commission.

Hon. Sir MACKENZIE BOWELL—The expenses of the Insurance Commission.

Hon. Mr. SCOTT—That commission is still sitting.

Hon. Mr. LANDRY—Well, we might have the return up to the day I made the motion.

Hon. Mr. SCOTT—I do not know that there are any expenses to bring down. I do not know that the commissioners have drawn any money. There was an appropriation made of $15,000 I think for the commission in the earlier part of the session, and in the supplementary estimates there is a further item. I am not very sure about that, and I speak subject to correction. It was quite evident the Insurance Commission would sit longer than we had originally contemplated, and I think there was an additional vote taken or proposed to the House of Commons for, I am not sure as to the amount, but at all events an increase on the $15,000.

Hon. Mr. LOUGHEED—In this connection, may I ask my hon. friend if the government is aware that the senior counsel, in fact the counsel in charge of the investigation, has left for England and does not propose returning until September and what steps the government have taken to fill the office or to proceed with the investigation, or will it stand pending his absence ?

Hon. Mr. SCOTT—I am quite unable to answer. I saw the paragraph in the papers to which the hon. gentleman alludes. I was rather surprised at it, but the subject has not been considered, nor has reference been made to it. Perhaps the Minister of Justice, who is the official specially charged with a matter of that kind, may have considered it and made some proposal, but it has not come before council.

Hon. Sir MACKENZIE BOWELL—The question asked by the hon. senator from Stadacona is not of the character that one would have been led to suppose it was from the remarks made by the hon. Secretary of State ; it was simply asking what retaining fee was paid or is to be paid to the lawyers who have been employed to conduct the case and the per diem allowance and information of that kind in reference to other officials.

Hon. Mr. SCOTT—I will trace it up.

Hon. Mr. LANDRY—I refer to page 512 of the minutes of our proceedings. Hon. gentlemen will find the address was voted there, asking for the names of the commissioners and the officials and other details. I should not have risen to ask that question were it not for the fact that I am leaving for the annual militia drill, and during all the time I will be there the hon. Secretary of State may enjoy peace, but I should not like him to forget me. Therefore, before I depart, I make my last will in his favour.

Hon. Mr. SCOTT—The hon. gentleman's suggestion that he proposes leaving will be an incentive for me to get him the information, in order that he may leave the city.

THIRD READINGS.

Bill (35) An Act to incorporate the Western Trust Company.—(Hon. Mr. Watson.)

Bill (54) An Act to incorporate the Pacific Marine Insurance Company, as amended.—(Hon. Mr. Kerr, Toronto.)

SALE AND MARKING OF MANUFACTURES OF GOLD AND SILVER BILL.

THIRD READING.

Hon. Mr. SCOTT moved concurrence in the amendment made by the Standing Committee on Banking and Commerce to Bill (U) An Act respecting the sale and marking of manufactures of Gold and Silver.

He said : The changes made in this Bill as redrafted are not very important. They are as follows:—

Page 1, line 33.—After 'to dispose of' insert 'for valuable consideration.'

Page 2, line 3.—After 'date' insert '; nor to any article which by regulation made by the Governor in Council under the authority of this Act, may be exempted from the application thereof.'

Page 2, line 4.—Leave out 'in Canada.'

Page 3, line 8.—After 'article of gold' insert 'less than ten carats in fineness.'

Page 3, line 43.—Leave out 'paragraph (b)' and substitute therefor the following :

'(b) A mark plainly and truly indicating that the article or part thereof is made of rolled gold plate, gold filled, gold plate, silver plate, silver filled, or gold or silver electroplate, or of any similar material as the case may be, which mark must be accompanied by a trade mark registered in accordance with the Trade Mark and Design Act, chapter 63 of the Revised Stautes of Canada, may be applied ;' and

Page 4, line 40.—After 'sections' insert '3.'

The motion was agreed to.

Hon. Mr. SCOTT moved the third reading of the Bill.

Hon. Mr. KERR (Toronto)—It is a very unfortunate thing that this Bill should be put through the Chamber with so much haste. I do not want to appear to be saying anything which is not becoming or which might look like a reflection on any member of this House, but I doubt if there are more than three or four members who know the full scope of this Bill. It was only brought down a couple of days ago and pased the committee the following day. It was only seen by members the morning the committee met. and it was put through, it is true after some consideration, but I must say that it is a Bill of so much importance that it ought not to be pushed on until there is more time for the Senate to consider it. One of the great reflections which is cast upon this House is that its legislation is hasty, that it acts without deliberation, that it does not give sufficient consideration to the Bills, and one of the great complaints that was made in this House is that we do not get the important Bills for consideration until it is too late to give them careful study. We have only had such a short time to consider many an important Bill from the Commons that we have not been able to give them that

careful criticism which is due them. That is the complaint on the one hand, and the defence, so to speak, of the Senate on the other. This is, however, a Bill emanating from the Senate. There is no possible excuse for its receiving hasty consideration. There is no reason in the world why it should be hurried on for criticism in the other House, and no reason why the Senate should place itself in the position of being criticised in regard to a Bill, the scope of which they do not thoroughly understand. In order to illustrate what I mean, I would like to put a question to the House. I have asked one or two members of the Senate about it and have not got an answer from them. I should like to ask if any member of this Senate, being in London, purchased for himself a gold watch from Benson's or Streeter's, or any other house of repute, and, having brought it to this country, whether he would be guilty of an indictable offence, because reputable makers like these people not only have their goods stamped, assuming it to be an article of value, with a goldsmith's mark, but they put their name on it and they generally describe it, if it is valuable, with the number of jewels that are in it. The section of the Act which deals with this feature provides that:

It shall not be lawful to make or sell in Canada, or to import or attempt to import into Canada, any article composed either in whole or in part of gold or of silver, or of any alloy of gold or of silver, except the articles mentioned in section 11 of this Act, if to such article there is applied any mark other than—

(a) trade marks registered in accordance with the Trade Mark and Design Act, chapter 63 of the revised statutes of Canada; and

(b) such letter as is, by schedule 'A' to this Act, required to indicate the period of time during which such article was manufactured; and

(c) marks truly and correctly indicating, as required by this Act, the quality of the gold or silver, or alloy of gold or of silver, used in the construction of such article.

What would be the position of a person or a dealer who bought articles manufactured by these people whom I have named into this country? Does this clause not prohibit that? Does it not provide that a person who would do that would be guilty of an indictable offence? Streeter has not registered his name here, and probably none of these people ever will register their names here. It might not be one of them, but it might be another dealer. So that we have then the condition which I have stated. I should like to know if there is an explanation of that state of things, that articles such as I have named and bought from reputable dealers, marked, as they always are, with their own name, and sometimes with other marks on them, too, could or could not be brought in without violating this law? I have looked at the Bill to see how it was, and if I am wrong about that perhaps the hon. Secretary of State will kindly point out to me where I am wrong.

Hon. Mr. SCOTT—If the hon. gentleman had known as much of the history of this measure as has come to my notice, he would not feel warranted in making the criticism he has made with regard to this Bill. It was printed three or four months ago, perhaps longer than that, by the people who are interested in the trade in manufactures of gold and silver. The watchmakers and dealers, the people who make use of gold and silver, both wholesale and retail have taken an interest in the measure. Any gentleman who has given attention to the correspondence presented before the committee would readily understand that every watchmaker and dealer from Halifax to Victoria knows all about this Bill. Certainly no measure that has come before parliament has been more discussed by an intelligent, appreciative body than this. They quite understood what they were discussing.

Hon. Mr. KERR (Toronto)—The very argument which was presented elsewhere for this Bill being pushed forward now, to my mind presented the very reason why we should stay our hand. The argument was that it was presented by those who were promoting the Bill, those interested in the trade and in the passing of the Bill, those who have an interest in the trade being protected in manufacturing, thus preventing competition of a certain kind in a certain line. If this was a Bill emanating from the government who had considered the matter themselves, then we would say that responsibility is with the government, and we could probably relieve ourselves to a certain extent of its consideration; but when we are told that it comes from the promoters of the Bill, and stands

therefore on the same footing as a private Bill although it affects a very large public question, it is our duty to say we must investigate this with more care than an ordinary application and an ordinary Bill. It is said that the promoters of the Bill have spent a great deal of time in preparing it. That is what was stated elsewhere.

They have, according to their own statement, been a year getting this together. They have done what no one here has done, I venture to say; they have consulted all the laws of all the countries using trade marks and have considered which of them would be the most drastic, which would suit them best, and the House adopted not the England trade mark law, for in England it is entirely optional whether a trade mark is used or not, but the American laws which have been framed with regard to the interests of particular states. It is admitted that these laws vary in their character and scope as much as one state differs from another. Many of the state laws on the other hand, are very much on the same lines. This law does not agree so far as I can see with any of them although founded and based on them. I have not examined the law, but I am told that it does not agree with either the German or French law, certainly not with the English law and therefore it is a patch work, a compilation of foreign laws, chiefly taken from the United States, handing over as far as possible the trade in these businesses to particular persons and shutting out from the trade largely those who desire to do business on free lines, and who, although it is said they are selling cheap jewellery, sometimes called bogus jewellery, are probably conducting their business as honestly and as fairly as others who make more pretension. Under these circumstances we should look carefully at what we are doing, and so far as the Senate is concerned, should deal cautiously with the matter lest in future we may be under the necessity of amending the law, finding that we have been acting hastily, and in many instances foolisly. It is said that there is no necessity for opposing the Bill now because it is not to go into force for a year. If so, what is the reason for haste? Why could not the matter be held over until the next session of parliament, five or six months hence, and then the legislation would come into force within a shorter period? What notification has been given to the public about this legislation? How far have those who are interested in the sale of this class of goods been made aware of it? We know that those who are directly interested in the legislation have been notified and consulted, and that they have had committees working for a year past, as was stated by them the other day, obtaining all the information which they required and having it put in order. I am not saying that I oppose the adoption of the Bill; but it is a new proposition; it differs from the law they have in England; and, under these circumstances, I think it would be reasonable to ask that the Bill should be held over for further consideration later on, so that the public might know what it is. Then they could make their voice heard, and we would understand what objections there are, if any, and what different interests are likely to be affected. We could then determine what should be done in the way of an enactment much better than we can at the present time. I would ask hon. gentlemen how far they feel satisfied that they know all they should know before declaring by Act of parliament that men shall be guilty under certain circumstances of indictable offences and punishable by heavy fines and penalties.

Hon. Mr. SCOTT—The hon. gentleman is scarcely paying the House a compliment when he says they cannot understand this Bill. I should like to know in whose interest the Bill has been prepared if not in the interests of the public? The public are the parties protected by it. Its whole purport is that goods shall be sold honestly. There is nothing to force a man to mark his goods; he can sell them without a mark if he chooses, but if he puts a mark upon them it must be an honest mark. Some of the manufacturers say that they are being seriously injured because they are selling articles of gold and silver indicating exactly the purity of the article, while some few of their competitors in the trade, who are not so scrupulous, mark up their goods. These latter are selling washed goods, with a very thin film of gold on them

which would not wear even six or eight years, but which are guaranteed for twenty years. That was stated in the committee, in the presence of all parties. It was not denied or questioned at all. I venture to say that no Bill has ever come before this Chamber which was more thoroughly discussed or more thoroughly understood by the people interested. I think every jeweller, every dealer and every manufacturer from the Atlantic to the Pacific knew of this Bill, had considered it, and was represented before that committee as to any objections he might desire to make. As to the first part of the Bill there was absolute harmony, that is, in reference to gold and silver pure. There was a difference of opinion in reference to the standard of purity, whether it should be a standard of nine carats, the English standard adopted in 1854 before gold became as common as it is to-day, or the standard which this committee adopted, which was only one higher, a standard of ten carats. The ordinary standard is eighteen, so that we were allowing goods to be sold which were marked eight below the ordinary standard. That is the goldsmiths' mark as a rule, because in England they never sell nine carat standard. Evidence was given before the committee pro and con showing that articles sold in England were never marked as low as nine carats. 'We mark them down to nine carats for the colonials,' was the statement made. So that if Canada wishes to come under the class of colonials, then let us mark down our standard and let us have spurious jewellery. It can be had in abundance now; there is no difficulty about getting it. You can get it even under this Bill, because this Bill only provides that if goods are marked at all they must be marked correctly.

If you choose to sell inferior jewellery, sell it, but do not put a mark on it to deceive the people, and do not give a guarantee that jewellery which will not last five years will last 20 years. One gentleman who is very strong on this guarantee, and an expert on the subject, said he thought it ought to be a civil contract; but it was represented by another gentleman that there are other ways of robbing a man than stealing his purse. If you induce a man to pay $50 for an article represented as being value for that amount, but which is worth only $20, it comes pretty near stealing and it is right that a law should be enacted to protect the public. I cannot understand the hon. gentleman's argument at all, because in reference to the first part of the Bill the only objection was to one degree—whether the standard should be raised to ten or allowed to remain at nine. I thought Canada should adopt as high a standard as Congress and some 20 states of the neighbouring union have adopted. Canada is wealthy enough to deal in genuine articles and not have spurious articles pawned off on the public. The clause of the Bill as to which there was some difference of opinion was with reference to electroplating, because it was argued by some experts that the thin film of gold which is put on the baser metal would wear off within a very short time. It was represented that in the trade they simply wash it with good gold. That is the only point as to which there was any substantial difference before the committee, and in the evidence given; but the people who are interested in this Bill, that is the manufacturer, the dealer the importer and the general departmental stores that now sell jewellery, they were all cognizant of this Bill, had all discussed it over and over again. It was sent to Mr. Fielding first some three months ago and correspondence was held, which Mr. Fielding handed over to me. I said: 'I will introduce it in the Senate if you are not prepared to introduce it in the Commons'. All who are interested had notice. We represented the general public here. The general public are protected by this Bill. No man will feel that the Bill has been forced through parliament. It is more likely he will feel that it ought to have been forced through parliament 10 years ago, and he would not have had so much inferior jewllery pawned off on him.

Hon. Mr. FERGUSON—I am entirely in accord with this Bill, and I congratulate the hon. Secretary of State on having introduced it, and on the great pains he has taken in having it thoroughly understood by hon. gentlemen in the committee. I trust it will be similarly explained and understood in this House. In the committee stage of this Bill it has not been my experience during the many years I have been in the Senate

to have ever known a Bill that has been better explained by the gentlemen who appeared in promoting it and those who appeared yesterday not altogether opposed to it, but opposed to some of its provisions. We had the advantage of the clearest and best explanations, and after the first meeting of the committee our law clerk was instructed to go over it along with the promoters and look more carefully into some of the provisions of the Bill in order to assimilate it with the laws of other countries. I know it is not according to parliamentary usage to refer to what took place in committee, but it is quite proper to say, as the hon. Secretary of State has already said, that when the Bill came before us yesterday the line of cleveage between the two sets of advocates that appeared before us was not very great. With regard to the first eleven clauses of the Bill there was only one point of difference, and that was as to whether we should permit the use of nine carat gold or should require a standard of ten carat gold as a minimum. The preponderance of opinion was undoubtedly in favour of using the ten carat. It was held, and not successfully contradicated, that 9 carat gold will discolour, and that 10 carat was as low as we could justly sanction under the operation of this Bill. The line of cleveage between the supporters of the Bill and those who were against that part of it with regard to plated goods, was this, that the latter seemed to advocate retaining the practice which now prevails with regard to plated goods, and that is that a guarantee is given that they will wear so many years, while the advocates of the Bill want to have the law provide that there will be a standard of quality on which the sale shall be made, and not a guarantee that the goods will wear so many years. Hon. gentlemen have only to have this proposition simply stated to them to see what it means. A guarantee of any article where a base metal is used, and finished with gold or silver, that it will wear so many years, is almost fraudulent in the very statement of it.

We were told that a guarantee of twenty years was given in very many cases, where experts would tell you distinctly that the articles could not hold their value for more than ten years, and at that time where was the purchaser to look for redress. He would probably be dead himself, or if he lived he would find the man who made the sale had disappeared. Further than that, it would be so hard to prove the contract that hon. gentlemen will understand at once that it is a form of guarantee which could not possibly lead to honest trade. The Bill provides that there shall be a guarantee of quality and on that guarantee the sale shall be made. The provisions for bringing that about are very simple, and I trust they may prove effective. If they should not be found in every respect satisfactory, time will tell, and like all other Acts we can have this one amended if necessary in future years; but notwithstanding the soft impeachment of my hon. friend who wishes to convey the impression that no member of the committee understood this Bill, I must claim that with the assistance we had I did not find it much more difficult to understand it than many other Bills that have come before us. I found that we soon got down to a few very simple points and beyond that there was no argument whatever. I have much pleasure in supporting the Bill, and I congratulate the hon. Secretary of State on the pains he has taken in putting it before parliament in a satisfactory manner.

Hon. Mr. GIBSON—I think we would be almost at liberty to use the arguments that we heard in committee, because this is a public Bill, and the hon. Secretary of State, in his wisdom, in order that the Bill might be properly discused sent it to a committee where those in favour of the Bill and those who opposed it could be heard on equal terms. The Bill might as well have been passed through the House as the hon. Secretary of State brought it down, but he took the precaution to send it to a committee in order that those familiar with the trade might be heard, and I quite argree with every word that has fallen from the hon. senator from Marshfield. With reference to the nine carat standard, which is the lowest standard in the old country, we were told by those who were opposed to the Bill almost in its entirety that this class of gold did not form a very large factor of the importation from the old country into Canada. What I think should be considered more than anything else are the

views of men who are dealing with matters of this kind in the trade generally. From every part of Canada, from the Atlantic to the Pacific, petitions were signed in favour of the Bill. I care not whether the Bill was promoted by those who favoured it or not; it certainly is a government measure, and we are treating it as a government measure. It is only fair to say that these men have an honest desire to place before the trade of Canada and the public generally articles really of the value and quality they purport to be. I will leave it to any member of the House if he were presented with two rings, or watch chains, or watch cases, one marked to indicate its purity and the other with a guarantee of twenty years, would he not take the one that was hall marked? He undoubtedly would for this reason, because if the quality has been misrepresented he has recourse at law. He can take it to any other jeweller and ask him to test the quality and if it is not up to the standard marked upon it he can have redress. In the case of a guarantee there is no protection. What these men ask, and what the hon. Secretary of State wishes to have embodied in this Bill, is that when a mark is put upon metal of any kind it shall correctly represent the quality of the article. Nothing can be fairer than that, and we are protecting the public when we support this Bill. Yesterday I was shown two gold cases, and it would be simply impossible for any person not familiar with the trade to say which one was the better. They were identical in appearance, but when you examined the one case you found the name of the watch company with a guarantee for so many years upon it, while in the other you had the name of the company and the quality marked upon it. Surely the latter is the fairer condition of things, better than allowing articles to be sold as gold on a guarantee. If the article is stamped you can follow not only the man who sells the goods, but also the manufacturer. Every consideration should be given to this Bill, because its object is to protect not only the middle men, but the general public who are interested in buying these articles. After the discussion that has taken place and the trouble the hon. Secretary of State has taken with the Bill and the thorough explanations given when the Bill was before the committee, I hardly expected this opposition to the Bill to-day.

Hon. Mr. ELLIS—I should like to have a question which was asked by the hon. senator from Toronto answered. If, under the fourth clause of the Bill, a gentleman goes to the old country and purchases an article with a mark upon it, he is liable to the penalties provided in this Bill? We hear a great deal about the desire of the gentlemen who are interested in getting this legislation, but under the Bill itself there may be not only a large measure of protection, but also a desire to prevent the introduction of articles from Great Britain, and in that way it may be in restraint of trade.

Hon. Mr. POWER—I would direct attention to clause 8 of the Bill. I think there is the fullest protection of the outside manufacturer who is an honest man. The hon. gentleman from Toronto suggests that the Bill should be laid over until next session in order to give notice to the public. It is not the practice of the government in introducing measures with respect to inspection and measures intended to protect the public from imposition, to say that these measures shall not become law until they have been before the public for a long time. But clause 15 of the Bill goes quite as far as any hon. gentleman can reasonably ask:

> This Act shall come into force and effect until twelve months after the date of the signification by the Governor General of His Majesty's assent thereto.

That is in order to enable dealers who are interested in the matter to become familiar with existence of the law, and there is a further provision that the Act shall not apply to goods which are in the country before the Act becomes law. I quite agree with the hon. gentlemen who have spoken that it is a meritorous and deserving Bill and that we would make a great mistake if we singled this Bill out as one upon which we should exercise our power to obstruct the government. The hon. gentleman from Toronto has spoken of the Bill coming up during the last days of the session, but this Bill was received and read the first time on the 17th May.

Hon. Mr. KERR (Toronto)—Not this Bill.

Hon. Mr. POWER—The second reading was fixed for Wednesday, the 6th June. The original Bill was referred to a committee. The committee held a meeting and considered the Bill to some extent, and then they had it redrafted by the law clerk with a view to improving and simplifying it. Then the Bill as redrafted and improveed—that was done on the 14th June—was yesterday before the committee, and there is no breach of propriety in saying that the various interests were fully heard. The Bill was considered in the most careful way, and the committee accepted the Bill in the form in which it comes to us almost unanimously. Under these circumstances, I do not think there would be any justification at all to decline to pass the Bill.

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

SECOND AND THIRD READINGS.

Bill (KK) An Act for the relief of William Edward Ogden.—(Hon. Mr. Frost.)

LA BANQUE PROVINCIAL DU CANADA BILL.

AMENDMENTS CONCURRED IN.

The order of the day being called :

Consideration of the amendments made by the Standing Committee on Banking and Commerce to (Bill 49) An Act respecting La Banque Provinciale du Canada.

Hon. Mr. CASGRAIN (de Lanaudière) moved that the report be concurred in. He said : I gave notice that I would move on the motion for the third reading that the said Bill be not now read the third time, but that it be amended by the insertion of the following clause :

5. The bank may use in all its transactions the name of 'The Provincial Bank of Canada' as well as that of 'La Banque Provinciale du Canada,' and may contract and otherwise bind and obligate itself under either of the said names.

I have here an Act passed in 1900, when several other banks were continued in existence, and I call attention to the fact that they have also been allowed to use either the French or the English names. I refer to the Bank of Montreal, the Quebec bank, the Bank of Toronto and others. It is very essential for this bank to have both names.

Hon. Mr. POWER.

Hon. Sir MACKENZIE BOWELL—Is that Act to which the hon. gentleman refers not a translation from the English to the French ? Can the hon. gentleman point out any charter granted to any bank that gives them the right that they ask in this fifth clause, that is, to change their name at any time they see proper ?

Hon. Mr. CASGRAIN (de Lanaudière)—I was only moving concurrence in the amendments of the committee. I must move concurrence, because the Bill is in my own name, and I could not bring it to a third reading unless the report of the committee was first adopted as amended. There are other amendments and I am moving concurrence in them all ; that is why I explain that I wished to reserve the right on the third reading to move this amendment.

Hon. Mr. LANDRY—I will move an amendment afterwards.

The amendments were concurred in.

Hon. Mr. CASGRAIN (de Lanaudière)—I move that the Bill be now read the third time.

Hon. Mr. LANDRY—I move in amendment that the Bill be not now read the third time but that it be amended by the insertion of the following clause :

5. The bank may use in any of its transactions the name 'The Provincial Bank of Canada' in place of 'La Banque Provinciale du Canada, and may contract and otherwise bind and obligate itself under either of the said names.

There is a slight amendment in the amendment. But it is only a change of form.

Hon. Mr. GIBSON—Some explanation should be given. This is a most extraordinary step to take. If a bank is to have two names, as this bank evidently desires, to use either the one or the other as it sees fit, some reason should be given why they want this change.

Hon. Mr. LANDRY—I would give the reason which common sense furnishes me. It is this : all the banks which my hon. friend gave a list of a moment ago, the Banque du Peuple, the Bank of Montreal, and all these others have been translated into French. The charters were given in

English and the names were translated and the translations are admitted in our courts as the French names of the banks. But two or three years ago a new departure took place. The name was given in English or in French as the case may be, but it was not translated. When the translation of the statute is made they repeat the name as it is given, and they translate it as well. That gives an advantage to these banks, because in a French community they can do business under a French name, and in an English community under an English name. We want to give this bank the same advantage; it does not give them any more power but it puts them in the same position. In a French community the bank will be called La Banque Provinciale; among English people it will be known as the Provincial Bank. It is the same bank and the same name; there is no change.

Hon. Mr. GIBSON—My hon. friend will admit this, however, that there is not another bank which adopts both the English and the French names as he suggests. We all know that the French record of the chartered banks has the English and the French translation merely as a matter of convenience, and, as a matter of right, I should say, so far as the French edition is concerned; but none of these have that right by Act of parliament. The Bank of Montreal appears in the French translation as La Banque Montréal, but you do not find in the charter that it should be known by both an English and a French name.

Hon. Mr. LANDRY—Yes. I will show you another. I have here the statutes of Canada, 2 Edward VII., chapter 77, from which we find that certain parties are constituted La Caisse de pension de la Banque Molson, then between brackets 'Molsons Bank Pension Fund'.

Hon. Mr. GIBSON—I have no doubt but what the hon. gentleman is reading is literally correct; but when these banks were chartered was the French name inserted in the English charter?

Hon. Mr. LANDRY—In the French charter it is inserted in English. It gives also the words of the English charter, Molson's Bank Pension Fund. We are not asking more than that.

Hon. Mr. KERR (Toronto)—Would they issue bank notes under both names?

Hon. Mr. LANDRY—That would be just the same as issuing a stamp in both languages.

Hon. Mr. KERR (Toronto)—If that is what is intended, will it not look like two different banks?

Hon. Mr. LANDRY—They intend to issue bank notes in both languages, but not to have two different issues. They could have two names, both the French and the English.

Hon. Mr. LOUGHEED—What would my hon. friend say to this proposition: That parliament is giving to this bank two distinct corporate names? I think that is the point or difficulty that really confronts us. There is no doubt that two distinct names are being given to the bank. The cases cited by my hon. friend are simply the French translations of the English corporate names, and that is the difficulty which I see before us.

Hon. Mr. LANDRY—The consequence of that translation is that to-day you could sign a note in favour of La Banque du Montréal in Quebec or elsewhere with a French name.

Hon. Mr. LOUGHEED—That may be.

Hon. Mr. LANDRY—That is, you have the French statute which is the opposite language to the English.

Hon. Mr. GIBSON—Does the Bank of Montreal issue its currency in French as well as in English?

Hon. Mr. LANDRY—No, only in English.

Hon. Mr. GIBSON—This bank would have that power under the proposed amendment.

Hon. Mr. LANDRY—That is a matter of fact and as a matter of right, taking the French statute, the bank would have the same right to issue it in French.

Hon. Mr. ELLIS—It could not issue any more notes than the law allows.

Hon. Mr. LANDRY—Oh, no. It does not double the number of the issue. The only difference is that when you deal with the French community the business is done in

the French name and with the English in English.

Hon. Mr. GIBSON—My hon. friend must remember the fact that their currency is not confined—and I am glad to see it is not—to the Province of Quebec; the French bank bills find their way into the province of Ontario and into the western provinces, and it would be very misleading if under this Act you were allowed to use the English as well as the French on your bills. There would be a great deal of trouble in connection with it. So there would be with the Bank of Montreal or any other bank.

Hon. Mr. POWER—I feel a great deal of difficulty with respect to this amendment. It struck me, on the face of it, that it was not desirable that a bank should be allowed to call itself the Provincial Bank of Canada and then if it wishes to call itself La Banque Provinciale du Canada. The hon. gentleman from Stadacona spoke of La Banque du Peuple, but I do not think it was ever known as the People's Bank, and there are other People's Banks in the country besides La Banque du Peuple. I am not at all clear that there may not be another Provincial Bank of Canada besides La Banque Provinciale du Canada. I feel that while I may be in doubt as to the matter, the Banking Committee which had this measure under consideration and which I presume gave it careful consideration—because we know that committee always does give measures submitted to it careful consideration—arrived at the conclusion to strike out the fifth clause of the Bill, and the hon. gentleman a few moments ago moved that the report be concurred in. Apart from the merits of the case and from the conclusions which we should draw from the actions of the Committee on Banking and Commerce there is the fact that the House would be guilty of—well, self contradiction at any rate, in agreeing that the fifth clause should be struck out, and immediately afterwards reinserting the same clause.

Hon. Mr. SCOTT—I find that in granting the charter to the Bank of Montreal, chapter 25, 1st George IV., the charter is given in two languages. It was spoken of in one as 'The President, Directors & Co., of the Bank of Montreal' and on the opposite side it is a French version. I find also that in the incorporation of the Quebec Bank there is the English: 'Quebec Bank,' and the French 'la Banque de Quebec.' The charter was given in both languages, evidently indicating that so far as those banks were concerned they would have a right to use either the French or English title. The Bank of Montreal some years later got a new charter, and I do not find that they continued the dual names. I do not think the Quebec Bank ever changed. The charter was originally granted in both languages.

Hon. Mr. COX—I should like to ask if it gives this bank any additional power by reason of having the two names?

Hon. Mr. LANDRY—No.

Hon. Mr. COX—All our banks, in putting up their signs in the province of Quebec, use the French translation and this bank would have the power to do that without this change.

Hon. Mr. LANDRY—No, not since the new departure. They do not translate the names as they did before. They take their names either in French or in English. The statute does not translate the names.

Hon. Mr. COX—What additional power does it give them? Would they have power to issue their circulation in French as well as English?

Hon. Mr. CASGRAIN (de Lanaudière)—Yes.

Hon. Mr. COX—The Bank of Commerce has power to issue their notes in the French language but this is the only bank, as far as I know.

Hon. Mr. LANDRY—No.

Hon. Mr. COX—The chairman of the committee took strong grounds against the two names being used, and the committee were unanimous on that point. If it does not make any difference, why depart from the usual custom of using the one name only in the charter?

Hon. Mr. KERR (Toronto)—Take the case of the hon. gentleman's own bank, the Bank of Commerce; while they might issue their notes in French they would have to observe the name by which they were in-

corporated : 'The Bank of Commerce,' and then put the rest in French, the reason of that is that in the French translation they do not translate the names. They did that at one time but they do not now. In the English translation it would be the French name that would appear, and if there was a French translation it would be the opposite. But what I want to point out is that they are not proposing to change the name or take the double name. They are proposing simply to get leave to use French names; in transactions to use the same corporate name, the same as it is in French. They want the liberty to use in transactions and contracts the English name. It does not seem to me that there is the confusion that was thought of. They are not two corporate names. You might have given them the power to use John Jones in English. Instead of that you give them the right to use the name which represents John Jones.

Hon. Mr. LOUGHEED—I must take issue with my hon. friend on that point. I do not say that I am opposed to the Bill, but they are two corporate names. You cannot give a corparate name to a company and then by a French translation convert that into French and use both names as representing the one corporate identity. These two names are just as distinct corporate names as if an individual would call himself Mr. White and Mr. Blanc. The question would be, could that individual under the English law use both names ? That is a precisely analogous case to the one we are dealing with.

Hon. Mr. McMULLEN—If the law provided that this bank, as well as other banks, should have the right to issue their bills both in English and French there could be no objection. If they wanted to print on the bill the French and English names at the same time I cannot see that there would be any objection to that, and if they enter into a contract with a Frenchman I see no objection to permitting them to use the French language, as long as their bills are issued and printed in English, and if they choose to print them in French interlined with the English there could be no objection. Then again, if they entered into a contract and wanted to use the French language they might be doing business in a province perhaps where they did not understand English.

The amendment was adopted.

The Bill was then read a third time and passed.

PLACER MINING IN YUKON TERRITORY BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (153) An Act respecting Placer Mining in the Yukon Territory.

(In the Committee).

On clause 1,

Hon. Mr. MACDONALD (B.C.)—On looking over this Bill carefully, I find it is an excellent measure, and it would require an expert miner who knew all about the conditions of the country to amend it. I think it had better be sent to the Yukon and distributed among the miners, and they could peruse it and make suggestions. I think clause 18 and clause 21 are excellent provisions. I would accept the measure as it is.

Hon. Mr. ROSS (Moosejaw)—I may say that in the Yukon last summer a committee was formed partly of the council and of miners from every portion of the territory. They visited every creek, took evidence from the miners on the spot and this is the outcome of the suggestions of the miners themselves. This is copied from orders in council which have been passed from time to time. The committee met and discussed this question and these suggestions received the approval of the people of the Yukon before the Bill was introduced in the House. The miners have asked for this measure to be passed, not because the orders in council were defective but because from time to time the financial people were afraid that an order in council might be passed affecting their investments and they preferred that an Act be passed giving more security to money which may be invested.

Hon. Mr. LOUGHEED—Who composed that committee ?

Hon. Mr. ROSS (Moosejaw)—The miners themselves. The commissioner was the chairman. There was a select committee of council, and meetings were held from

time to time all the way up the creeks. At every creek and claim the miners had a right to be heard before the commission. The member in the House of Commons, Dr. Thompson, was present at the meetings, and, under the circumstances, surely we can very well take it that the Yukon people require this Bill and look for it.

On clause 3,

Hon. Mr. LOUGHEED—Does 'person' include a woman ?

Hon. Mr. SCOTT—I think under our statute it does, under the general interpretation Act.

Hon. Mr. LOUGHEED—Under the Homestead Act it would not. Can the hon. gentleman from Moosejaw say whether a female can take up a claim under this Act.

Hon. Mr. ROSS (Moosejaw)—Yes.

Hon. Mr. LOUGHEED—It seems to me that the interpretation clause should define what a 'person' means. I would suggest that. Up to the present time females can take up claims in the Yukon, but in the absence of any interpretation I am disposed to think they could not.

The clause was amended accordingly.

On clause 4,

Hon. Mr. LOUGHEED—Surely there are other government reservations in the Yukon beyond those mentioned in this clause.

Hon. Mr. SCOTT—There is a clause which it is proposed later on to add, but which does not appear in the printed Bill bearing on this point. Some lands are in dispute; some licenses have been cancelled, and the parties are disputing the power of the minister to cancel them.

Hon. Mr. LOUGHEED—What will be the policy of the department ? Will those lands be brought under this Act by order in council immediately the controversies are settled ?

Hon. Mr. SCOTT—Controverted cases are removed from the operation of the Act until a decision is reached, probably after a discussion in the courts. The clause I refer to will come in later.

Hon. Mr. LOUGHEED—Can my hon. friend say in what way the mining recorder can become aware whether this security which is necessary has been given ?

Hon. Mr. SCOTT—The mining recorder will of course be cognizant of any adverse claim.

Hon. Mr. LOUGHEED—He may not be.

Hon. Mr. SCOTT—He has to have some discretionary power.

Hon. Mr. LOUGHEED—What statement is to be made by the applicant ? Has he to make a statutory declaration that the land is not lawfully occupied ?

Hon. Mr. SCOTT—Schedule A gives the form of application. The applicant has to give security that he is not encroaching upon anybody else.

Hon. Mr. LOUGHEED—What court has jurisdiction in these mining disputes ? Is there more then one court there, or has the one court jurisdiction in all matters ?

Hon. Mr. ROSS (Moosejaw)—The gold commissioner has the power of a judge.

Hon. Mr. SCOTT—The judges are a court of appeal from him.

Hon. Mr. LOUGHEED—Has the mining recorder original jurisdiction ?

Hon. Mr. SCOTT—He would have, of course.

Hon. Mr. LOUGHEED—He would not have it as a matter of course except it were given to him by statute. Clause 73 provides for jurisdiction being given to the gold commissioner. How is the gold commissioner appointed? You are vesting him with very wide powers.

Hon. Mr. SCOTT—He is appointed by the Governor in Council under section 71.

The clause was adopted.

On clause 5,

Hon. Mr. LOUGHEED—Will it be the policy of the department to put a price upon the surface rights ? Will the sale be by auction or how is it proposed to deal with them ?

Hon. Mr. SCOTT—Each one depends upon the circumstances. In the case of a discovery the man who discovers gets a prior right.

Hon. Mr. LOUGHEED—He gets a prior right to the placer mine, but not the surface right. What is the policy of the department with reference to the surface rights ? Has he an opportunity to buy at a certain price per acre ?

Hon. Mr. ROSS (Moosejaw)—They charge $1 to $5 an acre for the surface rights.

Hon. Mr. LOUGHEED—How is the difference established between these two prices ? Is the report made by the mining recorder ?

Hon. Mr. ROSS (Moosejaw)—Yes, and it is submitted to the Crown Land Department. The commissioner has the power to fix the price.

Hon. Mr. SCOTT—The valuation is under regulations which vary according to conditions from $1 to $10.

Hon. Mr. LOUGHEED—Are these conditions governed by the value of the surface right, or by the location in which the mine may be, or by the value of the placer mine itself ?

Hon. Mr. SCOTT—The value of land in the locality I presume. Some creeks are more valuable than others.

The clause was adopted.

On clause 6,

6. A placer claim on a creek shall not exceed five hundred feet in length, measured along the base line of the creek, established or to be established by a government survey. The rear boundaries of the claim shall be parallel to the base line, and shall be defined by measuring one thousand feet on each side of such base line. In the event of the base line not being established, the claim may be staked along the general direction of the valley of the creek, but it will be necessary to conform to the boundaries which the base line, when established, shall define.

Hon. Mr. LOUGHEED—How do those claims correspond with the placer claims in British Columbia ? I have always understood that the British Columbia Mining Act was regarded as really a model mining Act. I have heard it spoken of in the very highest terms by miners from every part of the continent and it seems to me that no better model could be taken. How will the placer claims in the Yukon correspond with the British Columbia claims ?

Hon. Mr. ROSS (Moosejaw)—The size has been changed from time to time. At one time a claim extended about 100 feet on the creek and 500 feet wide, but finally they adopted 500 feet on the creek and 1,000 feet on each side. On hill claims the size is 500 feet by 1,000 feet. They changed it to a larger claim, because the value of the claim is somewhat increased. It would not pay a man to take a small claim, because at the end of working it he would have nothing but the machinery to the good. It was the will of the people themselves to have the size of the claim increased to 500 feet on the creek by 1,000 feet on each side of it. That would give a claim 2,000 feet wide, but every creek valley is not 2,000 feet wide. A hillside claim is 500 feet by 1,000 feet.

Hon. Mr. SCOTT—I understand the department has followed the British Columbia regulations as far as possible, wherever they could be properly applied.

The clause was agreed to.

On clause 18,

Full Christain and surname of the locator. The posts shall also be numbered 1 and 2 respectively. It shall not be lawful to move post No. 1, but No. 2 may be moved by a Dominion land surveyor, if the distance between the posts exceeds the length prescribed by this Act, but not otherwise : Provided that failure on the part of the locator of a claim to comply with any of the . . deemed to invalidate such

Hon. Mr. LOUGHEED—Assuming there is to be a conflict in this appointment how is it remedied ? Five miners can make the appointment ; suppose two groups of miners undertake to appoint emergency recorders ?

Hon. Mr. SCOTT—The majority would rule. I have never heard of any difficulty of the kind.

Hon. Mr. LOUGHEED—Let us assume there are two men and they divide into two groups of five each, each group appointing an emergency recorder ?

Hon. Mr. MACDONALD (B.C.)—They can go to the gold commissioner.

Hon. Mr. LOUGHEED—But they cannot reach the gold commissioner. There should be some provision for a conflict of this kind.

Hon. Mr. SCOTT—In all the experience of the Yukon no such case has arisen.

Hon. Mr. LOUGHEED—My hon. friend from Victoria (Hon. Mr. Macdonald), who has had very extensive experience in mining, says such a thing might occur. I can conceive of a conflict of that kind being created for the purpose of depriving a discoverer of his claim.

Hon. Mr. SCOTT—The mining recorder overrules everything.

Hon. Mr. LOUGHEED—Under clause 19 of the Bill the mining recorder must recognize the emergency recorder.

Hon. Mr. SCOTT—But if there is a dispute of the kind the mining recorder would naturaly be the referee.

Hon. Mr. LOUGHEED—The mining recorder is but the creature of the statute and he certainly cannot go beyond the powers given him by the statute.

Hon. Mr. SCOTT—He would not record the claim.

Hon. Mr. LOUGHEED—He is bound to record it, under clause 19.

Hon. Mr. SCOTT—I do not know that we need anticipate trouble arising.

Hon. Mr. LOUGHEED—We are here to take precautions to prevent trouble arising. Under this clause a group of five miners, where the mining recorder is distant 100 miles, can appoint an emergency recorder. What is to prevent another group who may not be in harmony with them saying 'We refuse to accept your appointment. We shall appoint one of our own.' You would then have two emergency recorders appointed. The mining recorder could not recognize the two, and it would lead to litigation, and some designing person might step in and restake the claim, or another group of five might agree upon an emergency recorder and thus defeat the object of the first legitimate discoverers.

Hon. Mr. SCOTT—If my hon. friend will read further on he will find that all that is provided for in clauses 59 to 66. The mining recorder would not recognize a claim obtained by fraud.

Hon. Mr. LOUGHEED—The mining recorder must take the claim as presented by the emergency recorder.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—Not if there is a dispute.

Hon. Mr. LOUGHEED—He has no discretion.

Hon. Mr. ROSS (Moosejaw)—We have no lynch law in the Yukon yet, but a mining recorder who would act against the wishes of a majority would not be there very long.

Hon. Mr. LOUGHEED—That is to say, it would lead to lawlessness and they would promptly dispose of the gentleman.

The clause was agreed to.

On the 27th clause, relating to title,

Hon. Mr. ROSS (Moosejaw)—The old law provided for the location of the claim for one year, and that was to be renewed from year to year. Now they are given the right to hold a claim for five years by doing certain work. The miner is not interfered with from year to year and nobody can jump the claim. The miner must go on and do the work, but his title is good for five years.

On clause 29,

Hon. Mr. LOUGHEED—Is this $200 referred to in clause 27 to be distributed over the five years, or is it two hundred dollars annually ?

Hon. Mr. ROSS (Mossejaw)—No, annually.

Hon. Mr. SCOTT—During each year ?

Hon. Mr. LOUGHEED—I understand that he has to renew the claim from year to year, that he does not in the first place get the claim for five years, but that each year he has to renew it.

Hon. Mr. SCOTT—The clause reads 'Within fourteen days from the date of the exploration of the said deed or renewal' ?

Hon. Mr. LOUGHEED—Yes one or five years. May I ask my hon. friend what is the nature of the work that is usually done on those claims ?

Hon. Mr. ROSS (Moosejaw)—Some times by a shaft and they may bring water on a claim.

Hon. Mr. LOUGHEED—Is the character of the work entirely within the discretion

of the miner, or is it prescribed by regulation ?

Hon. Mr. SCOTT—It would depend on the character of the claim.

Hon. Mr. LOUGHEED—They are all placer claims.

Hon. Mr. ROSS (Moosejaw)—It is not confined to one portion of work.

Hon. Mr. LOUGHEED—Is it confined to the condition of the mine or is there certain work prescribed ?

Hon. Mr. ROSS (Moosejaw)—There is a schedule of prices for doing certain work. There is certain work he can do. Supposing he is on a shaft he would be allowed so much a foot for the shaft.

Hon. Mr. LOUGHEED—But I mean is the class of work specified ?

Hon. Mr. ROSS (Moosejaw)—Yes.

On clause 30,

Hon. Mr. LOUGHEED—It seems to me this is a rather extraordinay power to give to the commissioner. It ousts the jurisdiction of the court to say whether a claim is a valid claim, recoverable under the common law, or by statute or otherwise, except it be an adverse right.

Hon. Mr. SCOTT—A third party cannot step in. A man who has an interest has an adverse claim, he has a right to come in.

Hon. Mr. LOUGHEED—The right may not be an adverse right ; it may be a right arising practically out of the same title. It may be a joint right. I am not prepared to say that under this clause that would be an adverse right, yet he would have to obtain the leave of the commissioner of the Yukon before starting proceedings. This is an extraordinary power. It seems to me the courts should be the judges as to all rights in connection with claims. Why is the Yukon commissioner in a better position to determine as to what claims should be brought before the courts than the courts themselves ? The contestation of the claim could not be proceeded with except upon the consent of the Yukon commissioner. If the claimant were to institute proceedings in a court of law, I presume that these proceedings would at once be defeated by the question arising as to his not having obtained consent ; that being a condition precedent his proceedings would fall to the ground. My hon. friend, as a practitioner for years, will see the extraordinary power which is vested in the commissioner.

Hon. Mr. SCOTT—In settling mining claims you must have an authority on the spot and not let it go to a court. It might take four or five years to settle in the courts. Where it is a serious matter there has never been any difficulty ; parties are allowed to go to the courts with their claim.

Hon. Mr. LOUGHEED—It is not a question of settlement, it is a question of beginning proceedings and having the courts take cognizance of them. Take for instance the question of a joint right. There may be rights other than adverse rights. What constitutes an adverse right ? Where is this clause from ? I should like to see some precedent for it.

Hon. Mr. SCOTT—The necessity for this clause has arisen because there are always a number of persons who put in adverse claims which have no justification whatever. It is thought the proper course would be to vest jurisdiction in some authority who could deal with the matter promptly. It does not, of course, shut out from court a party who has a substantial claim.

Hon. Mr. LOUGHEED—Would not my hon. friend, as a lawyer, say that a court would not have jurisdiction until the consent of the commissioner had been obtained ?

Hon. Mr. SCOTT—The commissioner, if it is a substantial claim, and one which he thinks should be dealt with in the courts, allows the parties to go to court.

Hon. Mr. LOUGHEED—But he is vested with absolute discretion. Surely a man's common law rights should not be taken away as is clearly done in this case.

Hon. Mr. SCOTT—If my hon. friend has had any experience of contests between rival miners he will know that it is necessary to have some arbitrary and dogmatic way of dealing with such matters.

Hon. Mr. ROSS (Moosejaw)—This clause is intended to stop what they call claim

jumping. In the Yukon, as soon as a man has a paying claim, all kinds of rival claims are immediately put forward. These claimants put down stakes after the discovery is made, and try to blackmail the man who has the claim. It is to shut out people who can't prove a good claim of some kind.

Hon. Mr. LOUGHEED—He is not bound to do so. The hon. gentleman from Moosejaw says the object is to prevent claim jumping. Now let us instance the case of a claim jumper. He lays claim to the particular location which he has jumped. He would have an adverse right and he would have a right to involve the original claimant in litigation. A party possessing an adverse right can go into court, but if he has not an adverse right, then he has to obtain the consent of the commissioner. I want some light on it. I must confess that the clause is drawn in such a way as not to be self explanatory. It is difficult to conceive what class of cases would arise under it.

Hon. Mr. SCOTT—The clause was specially inserted in the Bill by the miners of the Yukon Territory.

Hon. Mr. LOUGHEED—The object is probably a good one, but it is certainly not framed in such a way as to assist the object in view. Any one claiming an adverse right may institute legal proceedings; but if it is not an adverse right, the consent of the commissioner is to be obtained. The very class of cases which, in my judgment, the miner would have in view, namely, claim jumping, would not come under this clause at all. It would be an adverse right. I would say I have an adverse right in that claim, and I might set the law in motion. Supposing he goes in there after the discoverer and puts down his stakes with the object of jumping the claim, and he denies the rights of the original discoverer, he certainly has an adverse claim. This clause certainly would not help the original discoverer. I just point that out.

Hon. Mr. SCOTT—I do not see the difficulty.

Hon. Mr. LOUGHEED—What case will it cover?

Hon. Mr. SCOTT—I think it is a very proper clause to be there, knowing the multitude of cases that do arise in any mining camp and the class of men that are there; there must be some authority on the spot to deal with them.

Hon. Mr. LOUGHEED—My hon. friend misapprehends the point. I am asking for information as to what class of cases would arise under clause 30 which would not be adverse rights. With reference to an adverse right, the person having the adverse right has the power to set the courts in motion, but if the right is not an adverse one, then he has not. It seems to me it should be the other way.

Hon. Mr. SCOTT—My judgment is this: that no man who has not an adverse right ought to have any liberty or privilege of contesting a claim. If he has, he may contest it.

Hon. Mr. LOUGHEED—The rights referred to by my hon. friend are adverse rights, and those should be referred to the Yukon commissioner. They are not the cases referred to in section 30. I would ask my hon. friend to look at that and consider it.

The clause was adopted.

On clause 31,

Hon. Mr. LOUGHEED—Would it not be fair, in a case of this kind, that the co-owners should perform the assessment work of the defaulting owner and have a charge against the claim for that work? That seems to me to be very inequitable. Take the case of three co-owners having a mine; it would devolve upon each one of them to perform a certain amount of assessment work. But supposing two of the owners conspired against the third, and lulled him into a position of false security, so that he does not perform the work which, under the assessment clause, he is called upon to do, they at once confiscate his interest.

Hon. Mr. SCOTT—It is left to the judgment of the gold commissioner.

Hon. Mr. LOUGHEED—His judgment is limited by the statute. It is not discretionary with him. Immediately it is brought before him that the co-owner has not done the work, he is bound to vest it in the others.

Hon. Mr. SCOTT—He is not bound to do so.

Hon. Mr. LOUGHEED—He is the judge as to whether the work has been done or not. His judgment is limited to that. He can not exercise his discretion to say whether it is equitable or inequitable, or as to whether it has been a pure oversight, whether it has happened through the man being ill or something of that kind. The co-owner may have met with an accident, but he cannot exercise his discretion apparently under clause 31. He certainly should have that discretion.

Hon. Mr. SCOTT—I have no objection to strike out the word 'shall' and substitute 'may'.

Hon. Mr. ROSS (Moosejaw)—The trouble is, one of the parties may have left the country entirely, and the other may have been performing the work for two or three years. When the man does not turn up, it gives the other party a chance to go on with the work and get the product.

Hon. Mr. LOUGHEED—I quite agree with it. I think hardships have arisen in a great many cases of this kind. I cite the case of a man who may have become ill; then all the gold commissioner can do is to investigate, and, upon its being established before him that default has arisen, he is bound to do a certain thing.

Hon. Mr. SCOTT—I will make that read 'may' instead of 'shall'.

The clause was amended and adopted.

It being six o'clock the Speaker left the Chair.

After Recess.

On clause 37,

37. Upon application being made to him by any person or persons owning adjoining claims, the mining recorder may, with the approval of the commissioner of the Yukon Territory, grant permission for a term not exceeding ten years to any such person or persons to perform on any one or more of such claims all the work required to entitle him or them to a renewal grant for each claim so held by him or them: Provided, before any such permission is granted, the government mining engineer shall furnish a report on the application, and (where the application is made by more than one person) the applicants shall file with the mining recorder a deed of partnership creating a joint liability between the owners of the claims for the joint working thereof.

2. When the owners of adjoining claims cannot be included in such a partnership and it is shown to the satisfaction of the commissioner of the Yukon Territory that the interests of the locality in which the claims are situated would be materially benefited thereby, the said permission may be granted, notwithstanding the claims are not all contiguous.

Hon. Mr. LOUGHEED—This provision might be subject to the criticism that it would permit of a great number of claims, in fact all the claims on a particular creek, being taken up by an aggregation of individuals or by a company to the exclusion of the individual miner. The question is as to whether that is a desirable thing to do.

Hon. Mr. SCOTT—It requires the concurrence of the mining recorder and the commissioner of the Yukon, and the government mining engineer would have to report also on it. I think it is well guarded.

The clause was adopted.

On clause 39,

39. Every person owning a claim shall be entitled to the seepage water on his claim and to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as, in the opinion of the mining inspector, is necessary for the due working thereof, and shall be entitled to drain his own claim free of charge.

Hon. Mr. LOUGHEED—We have heard a great deal of comment as to the water rights of the Yukon being absorbed by companies and other capitalistic aggregations. What can my hon. friend say about that?

Hon. Mr. SCOTT—It would have no bearing on that certainly.

Hon. Mr. LOUGHEED—My hon. friend will see that this limitation is embodied in the section that the miner is not entitled to the water naturally flowing through or past his claim except it has not already been appropriated. Now, to what extent has there been an appropriation of the water in the Yukon? It has been a matter of public notoriety; it has been stated, I do not know with what truth, that practically all the water rights in the Yukon mining creeks have been absorbed by large companies. My hon. friend from Moosejaw will probably have some knowledge on that subject as he was the commissioner at that time.

Hon. Mr. ROSS (Moosejaw)—As a matter of fact this clause would not refer to that at all. These large grants of water were

given from the principal creeks or large rivers for the purpose of bringing water on the miners' land. It was not the water flowing upon or through the miners' land.

Hon. Mr. LOUGHEED—But let us assume that the waters of a creek are flowing past a claim. As a matter of fact all those claims are laid off on the creeks. As I understand the base line is parallel with the creek.

Hon. Mr. ROSS—The hon. member is now speaking about concessions given to big companies. The large companies would not have those rights at all. We are providing there in regard to water which has been given by law, small grants of water before this claim was reported on. A man is entitled to such water as passes by his claim, except that which has already been given by law, but not to big companies.

Hon. Mr. LOUGHEED—If reliance has to be placed upon these reports which we have heard, many large companies have appropriated a very large portion of it, in the Yukon Territory and I suppose that water consists chiefly of the various creeks throughout the mining territories.

Hon. Mr. ROSS—No, that would be the Klondike. The hon. gentleman is speaking of the Klondike and there is no mining there to speak of. They were talking of taking water from the Klondike over to the creeks and the government had given what they thought was too large an amount to one company, but, as a matter of fact, nobody yet has taken the water from the Klondike to the creeks.

Hon. Mr. MACDONALD (B.C.)—I believe there are no monopoly rights in the Yukon. The Treadgold concessions have been cancelled, and the company chartered last May have no special rights. There are certain rivers they can take water from, but other companies have the same right.

Hon. Sir MACKENZIE BOWELL—Has any company been formed to convey water from the Klondike to the several mining claims, and if so have they been successful? My hon. friend knows that to carry water from the Klondike to any of the camps would require the expenditure of a very large sum of money, and I can readily understand that that never could be accomplished except by the government, or by a company that was wealthy. Unfortunately for that country, what are called the creeks, and those I have read of, are very small, and it is with a great deal of difficulty and trouble that they utilize it. The small quantity that they have is utilized by means of contrivances to carry it back three or four times until it is almost exhausted. What I should like to know is whether any company has yet been successful in carrying the water from the Klondike to the mining camps and, if so, has it been done through the aid of either the council of that Territory or the Dominion government?

Hon. Mr. ROSS (Moosejaw)—A company has been formed lately for the purpose of trying to get some assistance from the government here, but I understand so far the government have not given any aid. A company has been formed with about $5,000,000 capital for the purpose of putting on water on the Dominion, Bonanza and Eldorado creeks, but I am afraid, unless the government give them large assistance, no water will be brought from the Klondike.

Hon. Sir MACKENZIE BOWELL—I should be very glad to hear they were successful.

Hon. Mr. ROSS (Moosejaw)—So should I. They may be some day.

The clause was agreed to.

On clause 40,

40. A mining recorder may, with the approval of the commissioner of the Yukon Territory, upon application being made as hereinafter mentioned, grant to any person or persons for any mining purpose or any purpose incidental thereto, for any term not exceeding five years, or in special cases for such length of time as may be determined, the right to divert and use or sell the water from any stream or lake, at any particular part thereof, and the right of way through and entry upon any mining ground, for the purpose of constructing and repairing ditches and flumes to convey such water.

Hon. Mr. LOUGHEED—This, I understand, would permit the government of the Yukon Territory, through the commissioner, giving to companies or individuals not engaged in mining the right to divert this water. What I should like to know is, what would be done to protect the rights of miners who may own claims along those

particular streams ? I apprehend that due consideration, of course, would be given to the protection of their rights, but it occurred to my mind that that right should not be given to those who are not operating claims, so as to prevent any monopoly from controlling the waters and in that way extorting from the miners unreasonable charges for water.

Hon. Mr. SCOTT—Of course no concession of that kind would be granted without due provision being made for that. It is doubtful if any company will undertake it, important and useful though it is to the miners. It could only be done by capitalists. The government have been approached, but the government have no idea of undertaking it.

Hon. Mr. LOUGHEED—Would it not be well to give power to the Yukon commissioner to grant the right, subject to a tariff of fees, for a distribution of the water. That apparently is not contemplated in clause 40. It simply gives the right, and having given the right, no restriction would be placed on the company as to what they should charge for the water.

Hon. Mr. SCOTT—That would be all subject to the terms and conditions.

Hon. Mr. LOUGHEED—It might not be the case.

Hon. Mr. ROSS (Moosejaw)—The miner would have a right to the water passing through his claim, excepting the water which has already been given by law. A man may get a right to erect a dam and can conserve all the spring water in that dam. He is entitled to that water although it may pass through another man's claim to where he uses it. A man has a right to all the water that would flow naturally through his claim, but the man who may have spent $100,000 on a dam to conserve the spring freshet is entitled to take that water through a claim and used it on his own.

Hon. Mr. LOUGHEED—My hon. friend is doubtless talking with reference to the practice in mining districts as to the appropriation of water. The practice is determined by the necessities or considerations of the cases or conditions; but now that we are reducing the practice in mining districts into statutory form, he of course cannot do that except under the statute he has a right to do it. By clause 39 the miner is only entitled to the seepage on his claim and to such water as has not been appropriated by those who are entitled to obtain water grants. Now the miner, so far as I can see in those clauses which we have already reviewed, has no statutory right to the water flowing through his claim except he secures a water right.

Hon. Mr. ROSS (Moosejaw)—Just read clause 48.

Hon. Mr. LOUGHEED—I concede that section 48 would meet the difficulty which I pointed out a few moments ago, but the other point has arisen during our discussion as to the superior right which the miner should have as being entitled to a sufficient amount of water to work his claim properly above all other applicants. Is that right preserved to him under any of these sections?

Hon. Mr. MACDONALD (B.C.)—I have under my hand a charter given this year, in the month of May, to a company to operate on water courses in the Yukon. It reads as follows :

> To install and operate a system of works whereby water may be brought from the Klondike river and other water courses in the Yukon Territory to such place or places in said territory, and such elevation and in such quantities as may be required to enable gold-bearing ground on Bonanza, Hunker, Eldorado, Gold Run, Sulphur and other creeks within said territory to be worked on an extensive scale by hydraulic methods, and in connection with such system to construct, carry out, maintain, improve, manage, work, control and superintend ditches, reservoirs, flumes, pipe-lines, stations, roads, ways, bridges, water-courses, aqueducts, hydraulic works and other such works, contrivances and conveniences as may seem to the company to be directly or indirectly conducive to any of the objects of the company and to contribute to, subsidize, and otherwise aid or take part in constructing, carrying on, maintaining, improving, working or controlling the same or any of them; to divert, collect, store and carry water and to distribute sell, barter and dispose of same.

I should like to know whether the rights given to this company under the charter interfere with the rights of the miners?

Hon. Mr. ROSS (Moosejaw)—This company are asking for the right to bring water from the Klondike, which will be several miles, perhaps, from the mining camps, and

they will sell water to the miners. It does not affect the miner in so far as any water is concerned in the creek on which he is working. He is entitled to the water flowing through his claim. This charter will help him rather than hinder him, even supposing he did not buy water from the company, because there would be a certain amount of seepage from the new water coming in and he would benefit to that extent. No harm can happen to the miner; he is benefited in every shape.

Hon. Sir MACKENZIE BOWELL—I understand that charter applies exclusively to the utilizing of the water from the Klondike. That does not affect the point raised by the hon. member from Calgary. Any company, as I have already stated, which will invest their money in order to carry water from the Klondike into the mining districts is what is really required in that country. What I would like to know, following up the question proposed by the hon. leader of the opposition, is this: How would the granting of a license of the right to supply water under the fortieth clause affect a miner who has discovered mines upon some watercourse or creek where the mining would be principally in the bed of the creek, or near it? If some person had secured the right to the territory before that discovery was made, would the miner or prospector making the discovery have the right to utilize the water upon the claim, or would he be subject to the tax which the lessee of the water right might impose upon him? We know that the discovery of gold in that country has generally been made on some creek. The Gold Run, Eldarado, Hunker and other mining districts are upon small creeks, with not a very large supply, in any of these places. I desire to ask if the discoverer of the existence of gold on the claim which he may have staked out through which water would run would be subject to the tax?

Hon. Mr. SCOTT—I consider that the inalienable right of every miner would exist as to the water of the creek flowing past his claim. There is a certain amount necessary for the working of the claim and nothing could take that from him. That is the basis of the claims that front on a creek unless the water has been given away, and then a man would not take up the claim. In taking a claim a man would know what water was there.

Hon. Mr. LOUGHEED—I find that clause 47 provides for it. I am bound to say that if expressed statutory provision had not been made reserving to the miner a fixed quantity of water he would not be entitled to the water as against any person to whom it might be given by the commissioner.

Hon. Mr. SCOTT—The law would be very defective if it were not so, because I have always understood that the water rights were inalienable. The claim is worth nothing if there is no water.

Hon. Mr. LOUGHEED—The rights are defined by statute. He has no common law right should parliament choose to make other disposition of it.

Hon. Sir MACKENZIE BOWELL—I think it is unfortunate, in dealing with an important measure of this kind, to have a Bill containing 100 clauses affecting important industries, placed before the Senate and discussed before we have had time to consider the provisions of the law. I rise to apologize for not having the information, and I was asking questions that suggested themselves to me in the practical working of a mining claim, without having seen the clause that provided for it. I question very much if there are many hon. members in the Senate outside of my hon. friend and the Secretary of State who has really read the Bill or knows what it contains.

Hon. Mr. SCOTT—I think we have given more time to it now than the House of Commons did.

Hon. Sir MACKENZIE BOWELL—That is saying very little for the House of Commons.

Hon. Mr. LOUGHEED—That statement will not commend the House of Commons very largely to the public, and will not inspire the miners with confidence as to the adequacy of the Bill to meet the conditions.

On clause 41,

41. Every applicant for a water grant shall, for twenty days previous to the making of the application, post at the following places a

notice in writing of his intention to apply to the mining recorder for the grant therein referred to, viz.: at the point of proposed diversion; on the mine on which such water is intended to be used; on each mine or person's land to be crossed by the water in course of transit to the place of user; and in the office of the mining recorder for the district; and shall forward a copy of his noitce of application to the gold commissioner.

2. Such notice shall contain the following particulars:—

(a) The name of the applicant;

(b) The name, or if unnamed, a sufficient description of, the stream, lake or other source from which such water is intended to be taken;

(c) The point of diversion or intended ditch-head; and the point where the water is to be returned to the stream shall be given;

(d) The means by which it is intended to store or divert the same;

(e) The number of inches of water applied for;

(f) The purpose for which it is required, stated with reasonable particularity;

(g) The mine upon which the water is to be used, or if the right to sell water is asked, within what locality the right is to be exercised;

(h) The date of the posting of the notice, and the date on which application will be made to the gold commissioner for the granting of the record.

Hon. Mr. LOUGHEED—Does my hon. friend know what provision is made as to showing cause why these rights should not be granted?

Hon. Mr. SCOTT—There seems to be ample notice given.

Hon. Mr. LOUGHEED—But what provision is made for the opponents of this right appearing before the mining recorder and filing objections, and so on?

Hon. Mr. ROSS (Moosejaw)—The hon. gentleman will find it is provided for.

On clause 45,

45. Every holder of a water grant shall take all reasonable means for utilizing the water granted to him, and if he wilfully wastes any water or takes a quantity of water in excess of his actual requirements, or has worked out or abandoned the claim or claims with respect to which the water grant was issued, the mining inspector may, upon notice, cancel or reduce the grant, or impose such conditions as he thinks proper. An appeal may be taken, at any time within ten days from any such action of the mining inspector, to the gold commissioner.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman think ten days is sufficient, when you consider the distance from the mines to the headquarters of the mining recorder?

Hon. Mr. SCOTT—We could make it twenty days.

Hon. Mr. ROSS (Moosejaw)—A man may not have utilized the water which he has, and as a matter of fact there are only a few days in the season to wash a dump, and if a man has water which he does not utilize it would be a mistake to give him more than ten days.

Hon. Mr. LOUGHEED—In the meantime he cannot utilize the water.

Hon. Sir MACKENZIE BOWELL—Ten days is given for the appeal. Does the hon. gentleman think that is sufficient time considering the distances between the mining localities and the headquarters of the mining recorder?

Hon. Mr. ROSS (Moosejaw)—The inspector is on the creek himself.

Hon. Mr. LOUGHEED—But where is the gold commissioner.

Hon. Mr. ROSS—In Dawson.

Hon. Mr. LOUGHEED—He may be a considerable distance from the particular camp at which the cancellation of the water right is made, and he has to fyle his appeal from the decision of the mining inspector within ten days. Is that sufficient time to permit him to fyle his appeal?

Hon. Mr. ROSS—I think so. The great majority of the mines in the Dawson country are within fifty-five miles of Dawson.

Hon. Sir MACKENZIE BOWELL—Gold Run is fifty odd miles from Dawson, and there are others beyond that.

Hon. Mr. ROSS—I say the great majority are within fifty-five miles. Gold Run is about the end of the mining district.

Hon. Mr. LOUGHEED—There may be other camps opened up in this territory at a much greater distance from Dawson than the present camps. We must take into consideration that we are legislating for the whole of that country and fixing terms which may render it impossible to carry out the provisions of the statute.

Hon. Mr. BOSTOCK—Clause 71 gives the Governor in Council power to appoint gold commissioners, so it is presumed if other camps are established some distance off, a gold commissioner will be appointed for

that district. I presume the same method would be followed as in British Columbia where we have gold commissioners in all the districts and in that case ten days would be plenty of time.

Hon. Sir MACKENZIE BOWELL—Are not the mines on Forty Mile Creek a greater distance from Dawson than fifty miles?

Hon. Mr. ROSS—No, about that.

Hon. Sir MACKENZIE BOWELL—That is on the line that divides the Yukon territory from Alaska.

Hon. Mr. ROSS—Yes, but the mines are east of the boundary. It would not be more than fifty-five miles from Dawson.

The clause was agreed to.

On clause 46,

46. Every grant of water on an occupied creek shall be subject to the rights of such miners as shall, at the time of such grant, be working on the stream above or below the ditch-head, and of any other persons lawfully using such water for any purpose whatsoever.

Hon. Sir MACKENZIE BOWELL—That protects the miner who was there before the license was granted, but it does not protect the discoverer of a mine after the license has been granted.

Hon. Mr. LOUGHEED—How would that affect the miner working on the stream above the ditch? Tapping the stream below his claim it seems to me, could not lessen his flow of water.

Hon. Mr. SCOTT—These clauses we are now considering were framed in the event of any company being formed to carry water. There is no water company there; the Treadgold Company fell through.

Hon. Mr. LOUGHEED—We wish to make this measure as logical as possible, not to make it an absurdity. It speaks of preserving the water rights of the men above the ditch and below the ditch. The diversion of the water cannot effect the man above the ditch.

Hon. Mr. ROSS (Moosejaw)—I don't see why that should be included.

Hon. Mr. LOUGHEED—Perhaps we might have an explanation. The water may act differently up there to what is does elsewhere. There may be different natural laws in the Yukon.

The clause was adopted.

On clause 47,

47. If, after the grant has been made, any person locates and bona fide works any mining claim below the ditch-head, on any stream so diverted, he shall be entitled to forty inches of water if two hundred inches be diverted, and sixty inches if three hundred inches be diverted, and no more, except upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the diversion of such extra quantity of water as is required, and in computing such damage, the loss sustained by any claims using water therefrom, and all other reasonable losses, shall be considered.

Hon. Mr. LOUGHEED—Do I understand from the later part of this clause that the miner who is locating below the ditchhead, having used the quantity of water allotted to him, can of his own motion divert additional water on his claim? Without some regulation restricting him, it seems to me that would be a very dangerous power and would render entirely uncertain and impracticable the carrying of the water in any ditch of that kind below the claim.

Hon. Mr. ROSS (Moosejaw)—He is allowed so much water. If he takes more than he should he will be liable to pay damages.

Hon. Mr. LOUGHEED—But should he be permitted of his own motion to take that water without obtaining a license or making an application for it? It presupposes that he enters upon the property of another of his own motion. That seems to me to embody a very dangerous principle; one which certainly should be regulated by an application or by the issue of a license.

Hon. Mr. ROSS (Moosejaw)—He may as a matter of fact take more than the amount of water he is entitled to, but that would have to be proved. If he does that he can be fined.

Hon. Mr. LOUGHEED—Yes, but what about the miners below him, if a series of miners should, of their own motion appropriate more than the allotment provided for in the statute, then they prejudice the rights of those below them.

Hon. Mr. ROSS (Moosejaw)—These people reserve the water and take it down the ditch. They are either selling it themselves or selling it to somebody.

Hon. Mr. LOUGHEED—This clause deals with the amount of water which the miner

is entitled to from the creek contiguous to his claim. It does not contemplate or presuppose that those people are selling water.

Hon. Mr. ROSS (Moosejaw)—It is a grant of the water. These people have a ditch or reservoir for the purpose of holding the water, and a miner is entitled to take so much on the creek and if he takes more than that provision is made that he shall be subject to damage for taking the water. The man who puts the ditch in will see that he does not take more than he is entitled to.

Hon. Mr. LOUGHEED—But supposing they take all the water before it reaches a certain man? The value of the property down stream is lessened in proportion to the amount of additional water these people take above him.

Hon. Mr. ROSS (Moosejaw)—Then I suppose he will obtain damages.

Hon. Mr. LOUGHEED—That will be a poor compensation.

Hon. Mr. ROSS (Moosejaw)—The man who took charge of the matter of bringing water from the creek has made some contract with the miners below to supply them with water or to obtain water for himself. He is not going to allow this other man to take the water out of his ditch without looking after it. He is bound to do it.

Hon. Mr. YOUNG—The latter part of clause 48 reads as follows:

And the water shall be supplied to all claim owners who make application therefor, in a fair proportion and according to priority of application therefor.

Hon. Mr. LOUGHEED—That is inconsistant with clause 47, because it presupposes the right of the man to take not only the proportion alloted to him, but whatever additional water he needs, entirely irrespective of the wants of those below him, and there is no regulation to control or regulate that.

Hon. Mr. BOSTOCK—I think the mining inspector has the power of controlling that.

Hon. Mr. LOUGHEED—Under what clause? If the mining inspector can do it, that would be quite satisfactory.

Hon. Mr. BOSTOCK—Under clause 83 the mining inspector has certain powers.

Hon. Sir MACKENZIE BOWELL—It strikes me that the only difficulty that can arise would be that the owner of a mine below the head of a ditch, as intimated by the hon. gentleman, would be effected, if there is not a clause in the law which would prevent the diversion of the water in some other direction. Otherwise after the water is used by one miner, it is not exhausted, it flows on down the creeks until it reaches the next miner. If there is not a clause to prevent the diversion of that water from its natural course down the creek, so that it could be utilized by the miners below, then the miners below would suffer.

Hon. Mr. ROSS (Moosejaw)—The water has to come down a hill. It cannot go up the hill, you know.

Hon. Mr. LOUGHEED—But it might be diverted?

Hon. Mr. ROSS (Moosejaw)—This is a clause which has been framed from the practice up there and by the usage. It is a very difficult matter to deal with. If these people have evolved a scheme of this kind for dealing with it, and practice has shown that it has worked all right, I think we should not disturb it.

Hon. Mr. LOUGHEED—Have those clauses been in operation as you have them here?

Hon. Mr. ROSS (Moosejaw)—Yes.

Hon. Mr. LOUGHEED—Have they been taken from the regulations?

Hon. Mr. ROSS (Moosejaw)—Yes.

The clause was adopted.

On clause 49,

49. In measuring water in any ditch or sluice the following rules shall be observed:
(a) The water taken into a ditch or sluice shall be measured at the ditch or sluice head;
(b) No water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it;
(c) One inch of water shall mean half the quantity that will pass through an orifice two inches high by one inch wide with a constant head of seven inches above the upper side of the orifice;
(d) The sluice head shall consist of fifty such inches of water.

Hon. Sir MACKENZIE BOWELL—What constitutes half an inch of water? Does it mean every second or every hour or every minute?

Hon. Mr. ROSS (Moosejaw)—Every second.

Hon. Sir MACKENZIE BOWELL—I confess my own ignorance on the subject, but I should like to know from the Secretary of State whether it means every second or every hour or every minute.

Hon. Mr. SCOTT—If the rule is general I know that in estimating the horse power at Niagara Falls the volume taken is so much per second. I do not know whether it is universal or how it applies here.

Hon. Mr. ROSS (Moosejaw)—It is per second.

Hon. Mr. SCOTT—I know that in calculating the Niagara water power that is the rule.

The clause was adopted.

On clause 61,

61. Except as hereinafter provided no person mining upon any claim shall cause damage or injury to the holder of any claim other than his own by throwing earth, clay, stone or other material upon such other claim, or by causing or allowing water which may be pumped or bailed or may flow from his own claim to flow into or upon such other claim.

2. If the owner of a claim wishes to deposit the leavings or deads therefrom on an adjacent claim, he may do so upon the terms hereinafter set out, if the latter claim is of five years' standing and he has given one month's notice in writing to the owner thereof: Provided, if at the expiration of the said one month no agreement can be arrived at between the claim owners as to the price to be paid for the dumping ground, the owner giving the notice may apply to the gold commissioner or mining recorder to have the value and size of the dumping ground determined by the said board of arbitrators, and the said board shall have power to permit so much of the said claim to be used for dumping, and at such a price as it deems just.

Hon. Sir MACKENZIE BOWELL—There are many cases for which this clause, I suppose, is intended to provide. Many miners working on bench claims have no place to deposit the tailings, and I suppose this clause is intended to meet cases of that kind. The only trouble is that with many of those mining claims there really is no room to deposit the tailings, particularly where the mining is on a side hill, or what is called a bench claim. It is a point I remember discussing with some of the miners. When I asked the question why such and such a claim was not worked, the answer was 'we have no place to deposit the tailings. The man above us and the man below us and the road in front of us give us no room.'

Hon. Mr. ROSS (Moosejaw)—It is intended to meet such cases.

Hon. Sir MACKENZIE BOWELL—It will be difficult to work it out.

Hon. Mr. ROSS (Moosejaw)—It is intended to meet a case of this kind. A man has a creek claim and has worked all but a small portion of it, and he holds it as for blackmail to prevent the man above him putting tailings on the claim. Provision is made here for using the claim for a dumping ground under certain circumstances.

Hon. Sir MACKENZIE BOWELL—The commissioner would have to use a good deal of discretion in such cases, because depositing tailings on an adjoining claim might destroy the whole claim.

Hon. Mr. LOUGHEED—Those tailings having been deposited on the dumping ground, who owns the tailings? Very frequently those tailings turn out to be very valuable.

Hon. Mr. ROSS (Moosejaw)—I think the tailings would belong to the man who placed them on the dumping ground, because he pays for the use of the ground. The question has never come up yet that I know of.

Hon. Mr. LOUGHEED—It will arise some day, because experience has demonstrated that tailings frequently have been found to be very rich and have been worked over and over again.

Hon. Sir MACKENZIE BOWELL—As illustrating what my hon. friend has said, I once saw an old miner washing with a roller the tailings which had been already washed over, and from which the owner of the mine had obtained a very rich reward. He had been at work three hours—it was on a Sunday too—and in the three hours he had washed out ten dollars. In the washing of the gold bearing dirt through the sluices, the gold is not all taken out. No doubt these tailings will be re-worked at a profit as soon as they can get sufficient water to work them. This clause does not settle the point whether the man on whose land the tailings are deposited will

own them or whether they will belong to the miner who deposited them.

Hon. Mr. ROSS (Moosejaw)—These are new clauses. Does this clause provide for the purchase of the land for the purpose of putting the tailings on it. If so, the purchased would own the land and the tailings both. I think it does.

Hon. Mr. LOUGHEED—The question is as to whether it is expropriated. It does not seem to be very clear as to whether the expropriation of the land is simply for the dumping privilege or whether the man who expropriated gets title to the land.

Hon. Mr. SCOTT—No absolute title is given.

Hon. Mr. LOUGHEED—He simply has the use of it for dumping the tailing, but as he has gone on the other man's claim, a very nice question might arise as to who would be entitled to the tailings, and it is one which I think ought to be determined now. Possibly they should belong to the former owner who has deposited them there. Then of course the other question would come up as to whether he has not prevented the owner of the adjoining claim from using his own land for the purpose of extracting whatever mineral there may be upon it.

Hon. Sir MACKENZIE BOWELL—I have just made inquiries from a gentleman representing the department and he informs me that the tailings belong to the person who put them there; that he merely secures the right of deposit and the tailings belong to him.

Hon. Mr. WILSON—He pays rent for the land and secures the right.

The clause was adopted.

On clause 64,

64. There shall be no appeal in any litigation arising out of the interpretation of this Act beyond the courts of the Yukon Territory, except where the matter in controversy exceeds the sum or value of ten thousand dollars, exclusive of costs.

Hon. Mr. LOUGHEED—The framers of this Bill have very great confidence in the territorial court of the Yukon—very much more confidence than those who live in the provinces have in their provincial courts.

Hon. Mr. SCOTT—The miners want to settle their own grievances among themselves.

Hon. Mr. LOUGHEED—If the miners are satisfied, I see no objection.

Hon. Sir MACKENZIE BOWELL—The great virtue I see in the clause is that it prevents the lawyers making money out of it.

Clause 85,

85. On all gold shipped from the Yukon Territory there shall be levied and collected a royalty not exceeding two and one-half per cent of its value; such royalty to be paid in currency to the Comptroller of the Yukon territory or to some person authorized by him in that behalf, and the gold for the purpose of estimating such royalty shall be valued at fifteen dollars per ounce.

Hon. Mr. LOUGHEED—Is $15 per ounce the rate at which the banks buy the gold in the Yukon ?

Hon. Mr. ROSS—The lowest value of gold there.

Hon. Sir MACKENZIE BOWELL—It depends in a great measure on the mine from which the gold is obtained. Some mines produce a much finer gold then others, and the value ranges from $15 to $17.50 per ounce.

Hon. Mr. ROSS—The comptroller has to weigh the gold and not assay, as the value is fixed at $15 per ounce.

Hon. Mr. MACDONALD (B.C.)—I suppose the word currency in that country means gold dust ?

Hon. Sir MACKENZIE BOWELL—Gold dust is virtually currency in that country, but not under the law.

Hon. Mr. LOUGHEED—Is two and one-half per cent the present royalty ?

Hon. Mr. ROSS—Yes. They used to take pay in gold dust, but now we have banks and currency there.

Hon. Sir MACKENZIE BOWELL—This only imposes a tax upon gold exported. Then in selling gold to the banks as the miners do, the banks, I suppose, have to pay the two and one-half per cent when it is sent out of the Yukon district. Is that the practice ?

Hon. Mr. ROSS—Yes.

Hon. Sir MACKENZIE BOWELL—Then any portion of the gold which is taken from the mines that is used in traffic and trade will not be subject to any tax? It is only the gold exported?

Hon. Mr. ROSS—It is on gold going out, and it all goes out.

The clause was adopted.

On clause 88,

88. Should it be proven to the satisfaction of the Mining Recorder that any person has been guilty of misrepresentation in the statement sworn to by him in recording any claim or in any of the statements required to be made by him under oath under this Act, or has removed or disturbed with intent to remove, or has defaced any legal post or stake or other mark placed under the provisions of this Act, the Mining Recorder may, in his discretion, order that such person be debarred from the right to obtain a grant or renewal of a grant to a claim for any length of time which he deems advisable. The Mining Recorder shall, forthwith, upon any such decision by him, notify every other Mining Recorder of such decision. Every such person shall have the right to appeal from such decision of the Mining Recorder to the Gold Commissioner.

Hon. Mr. LOUGHEED—The point arises, what is he to notify the other mining recorders about? What decision? The decision not to grant another claim or the misdemeanour?

Hon. Mr. SCOTT—The decision that the party should be debarred from taking up a claim.

Hon. Mr. LOUGHEED—Yes, but I think it should go farther than that; the mining recorder, upon ascertaining that a misrepresentation had been made, because it must have been made deliberately, should notify every other mining recorder of that fact.

Hon. Mr. SCOTT—So he does.

Hon. Mr. LOUGHEED—No, he simply notifies them of his decision not to grant a renewal.

Hon. Mr. SCOTT—That would be all that would be necessary.

Hon. Mr. LOUGHEED—Such a person, knowing that the mining recorder of that particular district would refuse to grant him a renewal, might go into another district or camp and take up a claim, and by a series of removals in that way obtain all the advantages which an honest man would be entitled to.

Hon. Mr. WILSON—He has to notify all the other mining recorders.

Hon. Mr. LOUGHEED—The mining recorder does not notify the others, except he makes up his mind to refuse to grant a renewal. The knowledge of the misrepresentation should be conveyed.

On clause 91,

91. No person shall be granted or acquire a placer mine or any right therein, or carry on placer mining in the Yukon territory except in accordance with the provisions of this Act. This section shall not affect any rights which have already been acquired under the 'Regulations for the disposal of Mining Locations in the Yukon territory to be worked by the hydraulic or other mining process approved by order in council dated the third day of December, one thousand eight hundred and ninety-eight,' and amendments thereto, and shall not affect any rights which have been or which may hereafter be acquired under the 'Regulations governing the issue of leases to dredge for minerals in the beds of rivers in the Yukon territory,' approved by order in council dated the eighteenth day of January, one thousand eight hundred and ninety-eight.

Hon. Mr. LOUGHEED—Does the hon. gentleman know to what extent those exceptions would permit of operations there?

Hon. Mr. SCOTT—No, but I will have it looked up to-morow before the third reading. I propose to add to that clause the following words: 'Or rights may otherwise have been granted.' That is to protect vested rights.

Hon. Mr. LOUGHEED—Does my hon. friend from Moose Jaw know to what extent the applications for mining locations to be worked by hydraulic or other mining process would overlap the grants as to placer claims?

Hon. Mr. ROSS—No.

Hon. Mr. LOUGHEED—Does it cover entirely different classes of grant?

Hon. Mr. ROSS—Yes. There may be groups of placer mines, but they have been put under one claim for work.

Hon. Mr. LOUGHEED—That is, placer mines that could be worked under the provisions of this Act?

Hon. Mr. ROSS—Yes.

Hon. Mr. LOUGHEED—The hydraulic process would apply, from a practical standpoint, to those as well?

Hon. Mr. ROSS—Yes.

The clause was adopted.

On clause 92,

92. 'The Regulations governing Placer Mining in the Yukon Territory,' approved by order in council dated the thirteenth day of March, one thousand nine hundred and three, and 'The regulations for the disposal of the right to divert and use water from any stream or lake for mining purposes,' approved by order in council dated the third day of August, one thousand eight hundred and ninety-eight, and all amendments thereto, are hereby rescinded and repealed: Provided that in the case of valid and subsisting rights which have been granted for a fixed period under any of the said regulations this Act shall not apply to such rights until the termination of such period.

Hon. Mr. SCOTT—I propose to strike out the last five lines of this clause, and I propose to add after the words 'thereto' the following:

'Whether by ordinance or regulation of the Governor in Council.'

Hon. Mr. LOUGHEED—Has the department power to repeal and cancel all its own regulations?

Hon. Mr. ROSS—They have the power to pass ordinances as well as the orders in council, by the old Act.

Hon. Mr. LOUGHEED—What regulations are referred to there? Is it the regulations of this government or those of the Yukon council?

Hon. Mr. SCOTT—Regulations of the governor in council. It is just a safety clause.

The clause was adopted.

On schedule D,

Hon. Mr. MACDONALD (British Columbia)—The first part of this schedule is the scale of prices to be charged for claims, and the last part of the schedule is for water, but there is nothing to indicate for what length of time the water is granted.

Hon. Mr. SCOTT—For the term, whatever it may be, whether for a year or 5 years.

Hon. Mr. WILSON—Why is the charge for 5 years $70, and for one year $10.

Hon. Mr. ROSS—It is an advantage to the miner to have his claim for 5 years instead of one.

Hon. Mr. McDONALD (Cape Breton)—From the committee, reported the Bill with amendments which were concurred in.

INTERPRETATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT—Moved the 2nd reading of Bill (171) An Act to amend the Interpretation Act. He said: In explaining this measure in the other Chamber, the Minister of Justice read a letter from his deputy, Mr. Newcombe, setting forth what was necessary. Four of the clauses are taken from the English Interpretation Act.

It is a very techincal interpretation. Clauses 1, 2, 5, and 6 are the clauses taken from the English Interpretation Act, and the other were suggested by Mr. Newcombe.

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

INDIAN ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT—Moved the second reading of Bill (194) An Act to amend the Indian Act. He said:—This Bill authorizes the Supt. Gen. of Indian affairs, when the band have given their approval to the sale of a lot, to apportion to them 50 p.c. of the amount received instead of ten p.c. as the law now exists. The law is intended to apply in those cases where the land is not included in the reserve. In some of the older provinces there are Indian Lands which are not occupied by Indians, and it is desirable both in the interests of the band and the improvement of the lands in the neighbourhood that they should be sold and put into actual use. Where the Indians were only getting 10 p.c. to be divided at the moment among them they rather hesitated. They said there was no particular interest in doing it, they got such a trifling sum out of it that they did not care about selling it, and wished it to remain as it was. It was yielding nothing to the band, and it was thought more in the interests of the development of the country, and in many cases where the land is in the neighbourhood of cities, not occupied, not subject to assessment, which are a nuisance, people thought it would be better if they were sold and occupied.

Hon. Mr. LOUGHEED—Is this money paid them in addition to the Treaty money ?

Hon. Mr. SCOTT—Oh, yes. When the Indian Lands are sold, the money is funded ; they only get 10 p.c. Supposing a lot was sold at $1,000, under the law as it now stands, $100 would be divided among the band, and the $900 would go into the fund. But now it is proposed to allow say $500 to be divided among the band and the other $500 to go in the fund.

Hon. Sir MACKENZIE BOWELL—This applies principally to the treaty Indians in the older provinces, does it not ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Where they have had reserves not occupied, does this Bill give power to the government to sell these lands without the consent of the Indians ?

Hon. Mr. SCOTT—Oh, no, the Indians must approve of the sale.

Hon. Sir MACKENZIE BOWELL—Then the only object of the Bill, I understand, is to make a division of the proceeds arising from the sale, giving 50 instead of 10 per cent to the Indians, and the other 50 per cent to be funded for the purposes indicated in the latter part of the clause ?

Hon. Mr. SCOTT—For the band.

Hon. Sir MACKENZIE BOWELL—The investment and management of the Indian funds is to be regulated by the Governor in Council. I understand from this that the 50 per cent is to be set apart, from time to time, to cover the costs incidental to the management of reserves, lands, property and moneys under the provisions of this Act, and may authorize and direct the expenditure of such moneys for surveys, for compensation to Indians for improvements or any interest they have in lands taken from them, for the construction or repairs of roads, bridges, ditches and watercourses on such reserves or lands, for the construction and repair of school buildings and charitable institutions, and by way of contribution to schools attended by such Indians. Is the interest on the other 50 per cent to be paid to the Indians annually or to be utilized for the purposes indicated in the latter portion of this clause ?

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—The clause gives the head of the branch of the Indian Department very wide powers, enabling him to act according to the conditions in each case. In some cases it may be paid into the fund, or, if the band desire it, applied to building roads, bridges, churches, school-houses, &c.

Hon. Sir MACKENZIE BOWELL—But in all cases that has to be subject to the approval of the band ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Because in our section of the country the Indians are a very intelligent class of people, as well educated as any other portion of the community, and consequently would take the same interest in the preservation of their lands as the whites do.

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

CURRENCY ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (196) An Act to amend the Act respecting the currency. He said : This Bill authorizes the Minister of Finance to redeem debased coins and coins that are worn.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman if the government has considered the question of calling in all the copper coin? We have an abundance of nickel now in Canada, and I noticed that in some other portions of the world nickel has been utilized for the smaller currency. It would be a very great advantage to this country if all the copper coin were called in and a new issue made composed to a very great extent of nickel. It would be a smaller coin, not so apt to be defaced, or deteriorate so rapidly in value as either silver or copper.

Hon. Mr. SCOTT—The subject has been referred to. I cannot say it has been actually considered with a view to entering upon it, but I have no doubt it will be as soon as the mint is finished. They are constructing the building pretty rapidly, and I have no doubt that will form one of the subjects that the government will take up.

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

MILITIA ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (200) An Act to amend the Militia Act.

Hon. Mr. LOUGHEED—Does the present Act exclude the authority of the government to deal with imperial officers ?

Hon. Mr. SCOTT—Yes. The necessity for the two Bills arises in this way ; it was felt it would be an advantage if a portion of the regular troops that were stationed at Esquimalt and also at Halifax would be taken over, a certain number of officers and a certain number of men who were willing to join, and the provision here is made to meet those particular cases. One of the Acts provides that the term of service in the Imperial Army and the term of service in the Canadian Army, if you may so call it, shall count when the officers or men receive their pension from the Imperial Army.

Hon. Sir MACKENZIE BOWELL—This has nothing to do with pensions.

Hon. Mr. SCOTT—No, but Bill 201 has. This has to do with the command.

Hon. Mr. LOUGHEED—What recognition will there be by the imperial authorities of the regulations which may be passed by this government ? It seems to me this can only be carried out by a recognition of our authority in this particular direction by the imperial government.

Hon. Mr. SCOTT—The understanding is now that the imperial officers shall hold precedence over the Canadian officers—if they are of equal rank in the service.

Hon. Sir MACKENZIE BOWELL—This is intended to place the Canadian officer, as I understand it by reading it hastily, in a position not inferior to an officer of the imperial army. If I understand, the practice in the past has been that where an imperial officer was in command, though of an inferior rank to a Canadian officer, he took precedence of him when they were on duty or off duty, and this is to give to the Canadian the position that the rank entitled him to as if he were of the imperial service. Is that the meaning of it ?

Hon. Mr. SCOTT—That is the intention.

Hon. Sir MACKENZIE BOWELL—I do not know that I object to this measure. On the contrary, I am quite satisfied that many Canadian officers in the volunteer forces have made it a study ; they have been to the military school, and some of them passed examinations and are quite equal to many of the officers that come from England. Many of the English officers have not had practical experience in the field, anymore than the Canadian officers, and therefore it is rather 'infra dig' to a Canadian officer holding a commission which is higher than that which is held by an officer from another portion of the empire to be superceded.

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

MILITIA PENSION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (201) An Act to amend the Militia Pension Act. He said : This Bill provides that the time served in the regular forces may be counted, and the services in Canada also. They count consecutively with regard to officers, and time served with regard to non-commissioned officers and men will count the same. I explained both Bills together the other day. The measure simply provides that the time served in Canada and the time served in the imperial service shall go to the credit of either the officer or the non-commissioned officer or private when he gets his pension from the Imperial government.

Hon. Mr. LOUGHEED—And the proportion is paid by the Imperial governement for the time served in England.

Hon. Sir MACKENZIE BOWELL—And we pay the balance.

Hon. Mr. LOUGHEED—Yes.

Hon. Sir MACKENZIE BOWELL—Has there been any law placed on the statute-book providing for the pensioning of privates from the British army who join our volunteer force?

Hon. Mr. SCOTT—No, they will be paid by the imperial service. But they will allow the time served in Canada to count, so that the men will be under no disadvantage. The time served in Canada will inure to their credit.

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

SASKATCHEWAN AND ALBERTA ROAD ALLOWANCES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (202) An Act respecting roads and road allowances in the provinces of Saskatchewan and Alberta. He said: The object of this Bill is to transfer to Alberta anad Saskatchewan the road allowances. They will be vested in the Crown in the right of the provinces. That is practically the whole Bill.

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

CONSTITUTION OF THE SENATE.

DEBATE ADJOURNED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. David:—That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.—(Hon. Mr. Ellis.)

Hon. Mr. ELLIS—I move that the order of the day be discharged and placed on the orders of the day for Tuesday next, to be the first order after third readings.

The motion was agreed to.

FOREST RESERVES BILL.

FIRST READING.

A message was received from the House of Commons with Bill (47) An Act respecting Forest Reserves.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: I presume hon. gentlemen are well aware of the purpose of this Bill. It is to set apart certain sections wherever the Crown, as represented by the federal government, own the land, probably in the railway belt of British Columbia and in certain districts in Manitoba, Alberta and Saskatchewan, for the purpose of preserving the existing trees and growing additional ones, in order that there may be a forest reserve in those particular sections. It is considered, both for climatic reasons and for the purpose of preserving the level of our streams and rivers, that it is essential. The rivers take their rise, as a rule, in the woodland, and it is most desirable the water should not all flow away in the month of April or May, that it shall be preserved by the thickness of the trees in the locality.

Hon. Mr. ELLIS—I concur in that idea, but I would like to call the attention of the Secretary of State to the fact that there is no reason why the same privilege, so far as it affects any argument based on the climatic causes, should not apply to the forest of New Brunswick. It is true the Crown lands belong to the province, but they are a source of wealth to the whole country. Some persons, including myself, made a representation based upon knowledge of the natural conditions upon the government of New Brunswick, giving reasons why they should set apart the forestry reserve there. They passed an Act, but have never put it into operation. The lumbermen are too powerful to allow that Act to go into operation, and in the meantime there is a deterioration going on with regard to the streams in the province. Now, if it is a good reason that there should be forest reserves—and undoubtedly there should be—in these other provinces, it applies also to the provinces which are not so well off as the provinces of the west. There is quite a migration yet from New Brunswick, owing to the falling off in the lumber trade. The principal export from New Brunswick is lumber, but the timber there is decaying so fast that the business is not as profitable as it was. The consequence is a large number of people leave the province yearly. I wish the government would extend its consideration to the maritime provinces, particularly where the lumber trade is so important. On the River St. John now the freshets are almost irresistible at times in consequence of the denudation of the river banks.

Hon. Sir MACKENZIE BOWELL—Would the Dominion government have

power to set aside forest reserves in any of the provinces?

Hon. Mr. SCOTT—No, we would have to buy.

Hon. Sir MACKENZIE BOWELL—I realize, like the hon. gentleman, from experience in our own locality, the effect of removing the timber and cleaning up the land, and if the area to which the hon. gentleman refers is fit for cultivation, the same result would follow the clearing of the land and the removal of the timber from it.

Hon. Mr. ELLIS—The case which was made out by the persons seeking this reservation was so good that the provincial government passed the law. Therefore it seems to me it is only necessary for the Dominion government to make a move in the matter and the logic of the case would compel the provincial government to do something. They would have to pay for the land, no doubt.

Hon. Sir MACKENZIE BOWELL—I do not know what view the hon. Secretary of State takes of it, but it seems to me the Dominion government would have no power to compel the province of New Brunswick to enforce its own laws. They have no control over the province. It is a pity, under the circumstances to which the hon. gentleman refers, that something could not be done to preserve the streams; but if, as I indicated a few moments ago, they had the power and set aside these timber limits, or that section of the country, for a forest reserve and the land was fit for settlement, it would retard the settlement of the country. I know in my own section of the country when I was a boy we had water at all seasons of the year, but as the forests were removed and the land became settled and the swamps drained, the rapid thawing of the snow and ice in the early spring has created floods, and towards the end of the season there is very little water in the river.

Hon. Mr. ELLIS—I am afraid the settlement of New Brunswick is not proceeding so rapidly as the section of Ontario to which my hon. friend refers.

Hon. Mr. LOUGHEED—I would say to the hon. gentleman from St. John that the people of New Brunswick are on his showing singularly unfortunate in the government they have. It is a most extraordinary statement to make in this House that the local government will pass legislation of this character and yet not be able to enforce it. A provincial government that has no power to enforce its own statutes must be a remarkably weak and unprogressive government.

Hon. Mr. ELLIS—I would make no reflection on the government of New Brunswick. I merely state the fact that the government took power to put the law into operation when it pleased, and it has not yet seen fit to do so. Probably it considers the time has not arrived for it.

Hon. Mr. BOSTOCK—If this regulation is to be applied to the province of New Brunswick, it would be a good thing to extend it to British Columbia outside of the railway belt, because we have not been able to accomplish anything in this direction yet. We have not been able to stir up the provincial government to realize the value to the province of its timber resources.

Hon. Mr. SCOTT—When the forestry convention was held a few months ago, it was believed that the evidence of the great value of the forests, not only those under the control of the federal, but also those under the contol of the provincial authorities, would have been so manifest that public opinion would have forced the governments of the provinces to set apart forest lands for preservation in order to effect hereafter enormous benefits not only to the present but to coming generations. It was not contemplated that the federal government should be put to the enormous expense that would be involved in buying out interests that are now to a certain extent vested—that is the timber interest of the provinces of New Brunswick and Quebec. In Ontario they have appreciated the value of forests to a very great extent, and the provincial government has laid off pretty large areas of forest lands, and they are likely to continue that policy for some time to come, so that the country will be pretty well protected, because they recognize the absolute necessity of it. It is rather regrettable that the observations made by the hon. gentlemen opposite with regard to New Brunswick should go forth—that the people there

are not sufficiently patriotic to protect the interests of their own province. It would be too large an undertaking, at all events for the present, for the Dominion to think of buying up the forest reserves of the various provinces.

The motion was agreed to.

BILLS INTRODUCED.

Bill (135) An Act respecting the Empire Trust Company, and to change its name to the Dominion Trust Company.

Bill (162) An Act respecting the Fiscal Year.—(Hon. Mr. Scott.)

IMMIGRATION AND IMMIGRANTS BILL

FIRST READING.

A message was received from the House of Commons with Bill (170) An Act respecting Immigration and Immigrants.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: This is a consolidation of the Acts relating to immigration.

Hon. Sir MACKENZIE BOWELL—This is a Bill that has occupied a good deal of time in the other House. Did I understand the hon. gentleman to say that it was simply a consolidation?

Hon. Mr. SCOTT—Consolidation and revision, making more stringent provisions to prevent undesirables coming to Canada.

Hon. Mr. LOUGHEED—Hear, hear; it is time something of the kind was done. The poll tax has been stricken out, has it not?

Hon. Mr. SCOTT—Yes.

The motion was agreed to.

The Senate adjourned.

SENATE.

OTTAWA, Friday, June 22, 1906.

The Senate met at Three o'clock.

Prayers and routine proceedings.

NORTHERN COMMERCIAL TELEGRAPH COMPANY BILL.

REPORT OF COMMITTEE CONSIDERED.

Hon. Mr. CASGRAIN (de Lanaudière), from the Committee on Railways, Telegraphs and Harbours, reported Bill (139) An Act respecting the Northern Commercial Telegraph Company.

Hon. Mr. LOUGHEED moved the adoption of the report.

Hon. Mr. BOSTOCK—Before this is done I wish to move that the Bill be referred back to the committee for further consideration, because I find that there are not the usual protecting clauses, as I understand the matter, in this Bill which I think there should be.

Hon. Mr. YOUNG—This Bill, as originally drafted, gave the company power to build in the direction of the Yukon, and, as a consequence, very little attention was paid to the insertion of restrictive clauses such as would have been included if the line were running through the more settled portions of Canada. My hon. friend finds that the restrictive clauses are missing, and I am sure that the promoters of the Bill, like the rest of us, are only anxious to see that legislation is made as uniform as possible.

Hon. Mr. LOUGHEED—I would ask my hon. friend from Yale if he has looked into the statutes as to whether the exercise of the powers to be granted is safeguarded the same as in other Bills of a similar nature?

Hon. Mr. BOSTOCK—I have looked at the statute as it was passed in 1898 referring to this Bill in the first instance, and as far as I have been able to look into it I do not think it is safeguarded in the same way as other Bills we are putting through the House at the present time.

The amendment was agreed to.

THIRD READINGS.

Bill (HH) An Act respecting the Manitoba and Keewatin Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (61) An Act to incorporate the Grand Trunk Pacific Telegraph Company.—(Hon. Mr. Gibson.)

Bill (146) An Act to incorporate the Windsor, Chatham and London Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (120) An Act to incorporate the Fort William Terminal Railway and Bridge Company.—(Hon. Mr. Watson.)

Bill (147) An Act respecting the Standard Trusts Company.—(Hon. Mr. Watson.)

Bill (153) An Act respecting Placer Mining in the Yukon Territory, as amended.—(Hon. Mr. Scott.)

Bill (160) An Act respecting Queen's College at Kingston.—(Hon. Mr. Sullivan.)

RETIREMENT OF LIEUTENANT COLONEL HUDON.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Was Lieutenant L. Denis Hudon in command of the 87th regiment of infantry in 1903 ?
2. Was he in that year, and on what date, put on the reserve list, and upon whose recommendation ?
3. Why did he not obtain an extension of command ?
4. Who replaced him in the command of the 87th regiment, and upon whose recommendation was this new appointment made ?
5. Since the name of Lieutenant-Colonel L. Denis Hudon was put upon the reserve of officers, has he been transferred from that list to the retired list ?
6. When and why ?

Hon. Mr. SCOTT—The answers are :

1. Lieut.-colonel L. D. Hudon was in command of the 89th Regiment, (not the 87th Regiment), in 1903.

2. Yes, from May 2, 1903, on the expiration of his tenure of command.

3. Because there was no special reason for extending it.

4. Major J. A. Gilbert, the senior major of the regiment, who was strongly recommended for the promotion by the district officer commanding, succeeded to the command of the 89th Regiment.

5. Yes.

6. On January 16, 1906, he having reached the age limit.

DISMISSAL OF LIEUTENANT-COLONEL RAY.

MOTION.

Hon. Mr. LANDRY moved :

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before the House, a copy of the correspondence exchanged between the Department of Militia and Defence and any person whomsoever on the subject of the dismissal of Lieutenant-Colonel W. I. Ray from the command of the 8th regiment, royal rifles ?

The motion was agreed to.

SAWDUST IN THE OTTAWA RIVER.

INQUIRY.

Hon. Mr. POIRIER rose to :

Direct the attention of the Government to the fact that certain saw-mills in the neighbourhood of Ottawa continue to throw sawdust and mill-refuse into the River Ottawa ; inquired whether it is the intention of the minister and within whose department this contravention of the law falls to cause this state of things to cease ?

He said : This question has been repeatedly brought before this House and brought to the attention of the government by our late lamented colleague (Hon. Mr. Clemow) the senator for Ottawa. What he was unable to do through long persistent and energetic efforts, I do not believe I will myself be able to effect, but as some of the mill-owners around Ottawa continue to transgress the law with impunity I simply desire to enter my protest against this difference in the application of our laws, or some of our laws, as between the wealthy and the non-wealthy. Has it come to pass hon. gentleman that while mill-owners all through the Dominion, small mill-owners, are coerced to abide by the law, to burn the refuse and sawdust, the Ottawa plutocrats are to be left unmolested while breaking the law ? Has it come to pass that the plutocracy in this country is to enjoy privileges which men who are not wealthy are not to enjoy ? Last week while cruising on the river here I felt scandalized at the state of things which exists. I simply wish once again to call the attention of the government to the facts. I consider such open violation of the law to be immoral. If it cannot be enforced it would be better to repeal it. Then everybody will be on the same footing ; but if the law is in existence, for the honour of this country let it be law for all, for the rich as well as for the poor.

Hon. Mr. SCOTT—I brought this subject under the notice of the Minister of Public Works who is charged with looking after the river, and he said he was not aware that the law was being encroached upon. His attention had not been called to it, and no complaints had been made this year. Mr. Booth, who is, I presume, the chief sinner, has built a very extensive incinerator, and it was thought that he was consuming all the rubbish and edgings in this incinerator.

but I think that is a mistake, for sawdust still finds its way into the river. For 25 or 30 years this subject has been brought up in this Chamber, but we do not seem to have made much headway. When I was on the other side of the House I brought it to the attention of the government of the day, but it seemed there were difficulties in the way of enforcing the law.

Hon. Mr. LOUGHEED—The hon. Secretary of State might with great propriety have pointed out to the hon. gentleman from Acadie (Hon. Mr. Poirier) that if the hon. gentleman from Toronto should succeed in getting his Bill (No. 122) through parliament respecting a patent which has for its object the making of sugar and alcohol out of sawdust, this great abuse would not continue much longer. No doubt we shall in the near future have a proposition made to the government on the part of manufacturers to buy up the Ottawa river to extract these commodities from the sawdust.

STANDARD APPLE BARREL.

INQUIRY.

Hon. Mr. FERGUSON inquired :

Do the government intend to introduce a bill at this session of parliament to provide that an apple barrel of uniform dimensions and size shall be used in Canada, as recommended by the conference of representatives from the various fruit growers' associations, held in Ottawa, in March last ?

Hon. Mr. SCOTT—The subject of this inquiry comes under the jurisdiction of my hon. friend the Minister of Trade and Commerce, who is absent, through illness. I asked the Minister of Agriculture whether he was familiar with the subject and whether he knew of anything that was being done. He said he did not understand that any recommendation had been made at the recent convention. He thought the subject had been discussed, and that it was favourably regarded, but that no resolution was passed at the time calling on the government to introduce legislation during the present session. I think he fully appreciates the importance of it, but I am afraid at this period of the session it will be impossible to do anything more.

Hon. Mr. FERGUSON—My information, as gathered at the time from gentlemen attending the meeting, is that a resolution was arrived at recommending the government to adopt the barrel that is now designated in the Act as the barrel of capacity for Canada. I was given to understand that that resolution was arrived at. Of course the resolution, if it was passed, would have been communicated to the Department of Inland Revenue. It is that department which would deal with this subject, not the Department of Trade and Commerce or the Department of Agriculture.

Hon. Mr. SCOTT—I will inquire from Mr. Brodeur and let my hon. friend know on Monday or Tuesday.

NAVIGATION OF HUDSON BAY.

Hon. Mr. LANDRY—Before the Orders of the Day are called I would like to direct the attention of the Chamber to a report which has been made, or rather an extract from the report of the Royal Northwest Mounted Police, which I think should be put before the public so that attention may be drawn to it. There is a good deal of attention directed now to the question of the navigation of Hudson bay, and if this report of Superintendent Moody is allowed to go unchallenged, it may injure projects which are now before the public. I do not think the report is correct. On its face it is a foolish report. Here is what he says :

Passing through Hudson strait, the 'Neptune' kept north of Chas Island, and land was made some 30 miles east of Cape Wolstenholme at 11.30 p.m. on the 4th.

That is the 4th October.

At 7 p.m., on the 5th, rounded north end of Mansfield, and set course for Churchill.

That is the northeast part of Hudson bay, and Churchill is on the southwest of Hudson bay, so his route took a direction from the northeast of the bay down to the southwest of the bay. He continues :

On the 6th the sun was only visible for about 5 minutes and no sights were obtained. At 4.15 a.m., on the 7th, position by dead reckoning being lat. 60·20 N. long. 86·50 W. (almost in the centre of Hudson's bay), we struck heavily on reefs, pounding over them for 15 minutes. The morning was pitch dark with snow squalls. After apparently getting inside the reef, vessel again struck three times. The captain kept her as nearly as possible in position until dawn when the seas could be seen breaking on the reefs all around us. He then took her through the only visible channel with barely water to take us through. Wind in-

creased to strong from S.E. by E. true, with heavy short seas. Weather thick with frequent squalls of snow and sleet. Vessel's head was kept to wind, engines going slow. Morning of 8th was fairly clear, course S.W. by S., engines going slow.

Now all this was supposed to happen in the middle of Hudson bay, while he was steering his course in a southwesterly direction. He continues :

Just before noon the sun appeared for a short time and a sight was obtained giving us the latitude of Marble Island, which was sighted at 5·30 p.m.

But Marble island is in the northwest corner of Hudson bay, so it is quite impossible that this report could be true or that that vessel could have at latitude 60 and longitude 86.50. After leaving Mansfield he must have directed his ship to Marble island, because if he said he went south—and he maintains he was still going south—how could he waken one morning in the northwest corner of the bay. I call attention to this report which is manifestly untrue. There are no reefs in the middle of Hudson bay.

Hon. Mr. LOUGHEED—The fine old crusted port may have been the trouble about that time.

Hon. Mr. FERGUSON—Is it possible the latitude was substituted for longitude ?

Hon. Mr. LANDRY—No, it could not be. If he was going in the direction he says he was going, he could not have gone to Marble island.

Hon. Mr. FERGUSON—He was sailing north by south.

Hon. Mr. LANDRY—The vessel must have been going backward. I call attention to this, because it might injure a project which is very much debated at this time, the navigation of Hudson bay, and it is in the public interest that such a manifest error should be brought to the attention of the government.

MUTUAL INSURANCE COMPANY OF RIMOUSKI BILL.

THIRD READING.

Hon. Mr. TESSIER moved the third reading of (Bill 88) An Act respecting La Compagnie d'Assurance Mutuelle contre le feu des Comtés de Rimouski, Témiscouata et Kamouraska, and to change its name to La Compagnie d'Assurance contre l'incendie de Rimouski, as amended.

Hon. Mr. LANDRY—I should like to call the attention of the House to two or three phases of this Bill which, in my opinion, constitute this measure as most outrageous legislation. In Rimouski a company has been in existence known as the Mutual Company of Rimouski. Every insurance taken there is on a deposit note for a certain amount, which becomes the property of the company, and every year for 5 years 20 per cent of the note is collected. They do not wait until a fire occurs before making a collection. The money thus collected is deposited, and forms a reserve fund. This fund amounts to $100,000. A law had been passed by the local legislature of Quebec first fixing the amount of this reserve fund at $50,000, and no company was allowed to have a higher reserve fund. I am told that two or three years ago an amendment to the law was made increasing the reserve fund to $100,000. This Bill purports to create in that mutual company a new company which will be a stock company. New subscribers will step in and subscribe stock, and that stock will constitute then a company within the company, and clause 15 of this Bill provides that the annual profits of the company, not including the premium or deposit notes which are reserved for future losses, shall be applied first to setting aside a dividend upon the paid-up capital, and shall be paid to the credit of the shareholders. I call attention to the fact that the dividend will be paid to the stockholders, and not the mutual members. Those dividends have been created by those who deposited notes under the mutual system, but this Bill proposes to take that money and pay it in the form of dividends to the stockholders. That is, it takes the earnings of those people and gives them to those who subscribe stock. The clause reads as follows :

15. The net annual profits and gains of the company (not including the premium or deposit notes) shall be applied, first, to setting aside a dividend upon the paid-up capital, which dividend shall be placed to the credit of the said shares respectively, and such dividend shall not be paid to the holders of such shares so long as such amount does not reach twenty-five per cent of the par value, but such dividend shall be then paid to the holders of the

said shares, that is to say, when the amount at their credit reaches one-half of the capital subscribed, including the twenty-five per cent paid by the shareholders themselves, after which the dividend may be paid to the shareholders by resolution of the directors, and the balance of the said profits, if any, shall be carried to a reserve fund or to profit and loss account, or to both of them, in order to provide for future contingencies.

So they have a right to apply all the profits and gains of the company to paying dividends to the shareholders—that is to say, to one class of members of the company. If I were to do a thing like that somebody might call me a robber. I regard it as legalized robbery. If there are any dividends to be paid they should go to all the members of the association and not to a special class, as is done in this case, and especially the members who have not contributed in any way up to the present time to the creation of the reserve fund or of the profits now accumulating and which are to be paid in dividends. I see by the report of this year to which I refer that the profits in that small company for that one year were $36,000 odd, and they have already cashed as profits $62,239.86. They have in force about 20,000 policies, with a deposit of $376,000. I think it is time that the attention of this House should be called to such dealings so that they will be prepared to go into the matter again and to settle things right. If they want to divide those profits let them be divided between all the members of the association and not amongst a certain class of members. For that reason I move that this Bill be not now read a third time, but that it be referred back to the committee for further consideration.

Hon. Mr. TESSIER—I will answer in a few words the remarks which have been made by my hon. friend. The Bill has been extensively discussed before the committee of the other House and has also been discussed at two sittings of the Committee on Banking and Commerce here, and, after a full discussion, where the arguments on the two sides were presented with a great deal of force, the committee decided to make a favourable report. There is one amendment which the promoters have accepted, that this Bill will not come into force except after a meeting of all the policy-holders of this company and a resolution adopted by a majority of these policy-holders under the mutual system. The committee in adopting this amendment thought that it would give all possible safety and security to everybody. The promoters of this Bill represent evidently the great majority—because they would not be here if they did not—of those interested in this company. They represent the policy-holders. They represent the directors who have been elected annually by the policy-holders, and I do not see that there can be any danger as to the rights of the policy-holders when you have put a clause in this Bill that this law will only take effect when the policy-holders approve of it. If they are not satisfied with the enactment of this measure they need not accept. They will pass a resolution by which they will express their dissatisfaction and the Bill will not come into force. This clause has been introduced into the Bill for the reason that the promoters did not wish to do any injustice to the policy-holders. You can understand the law which has been adopted to carry this out. This is a mutual insurance company, incorporated under a statute of the province of Quebec. They now desire to extend their business and wish to be brought under the insurance laws of Canada. They also wish to get permission to enter into another branch of insurance business. They are not asking the right to form a new company, it is the same company which will continue to exist, but besides being a mutual fire insurance company they wish to do insurance business at fixed premium rates and to extend their operations outside the province of Quebec.

Hon. Mr. LANDRY—They had that right before.

Hon. Mr. TESSIER—If we look at clause 1 of the Bill it will be found that all interests are protected. The clause reads as follows :

1. La Compagnie d'Assurance Mutuelle contre le feu des Comtés de Rimouski, Témiscouata et Kamouraska, hereinafter called 'the Company', as now organized and constituted under the statutes mentioned in the preamble, is declared to be a body corporate and politic within the legislative authority of the parliament of Canada ; and this Act and the Insurance Act shall, upon the company obtaining a license under the Insurance Act, apply to the company and its business, instead of the Acts mentioned in the preamble : Provided that nothing in this section shall affect anything done, any

right or privilege acquired, or any liablity incurred under any of the above mentioned Acts up to and at the time of the passing of this Act, to all of which rights and privileges the company shall continue to be entitled, and to all of which liabilities the company shall contnue to be subject.

This shows, as well as the other clause which I cited before, that all rights are amply protected. My learned friend says that the reserve fund ought to be distributed. This company does not want to be put into liquidation, it wants to do more business, and we want the reserve fund which now exists to remain where it is for the protection of those who will continue to do business under the mutual system, and, besides that, the company will require some funds to make a deposit in the hands of the Dominion Treasurer in order to do insurance business under the laws of the Dominion of Canada. For all these reasons I think the report of the committee ought to be sustained.

Hon. Mr. BOLDUC—I would have no objection at all to the incorporation of a new company for insurance business if it was done under ordinary circumstances. But as the present Bill stands, I strongly object to it. If the members of the old Mutual Rimouski Company want to form a new company they have a perfect right to do so. They can form a new company among the policy-holders in the old company and act independently of the old company. But the great objection that I have to the present Bill is that the new company will have the right to deprive the policy-holders of the reserve fund which is in the hands of the old company at the present moment. I see by the last report of the company that they held in cash $65,239.86. The profits of last year were $33,000, forming a total of over $100,000. Every policy-holder has a right to a portion of that reserve fund. Even if the great majority of the policy-holders would pass a by-law to deprive one single policy-holder of his right, I believe it would not be just. The endeavor of the mutual company is to insure for the smallest amount possible. It is true that a uniform charge is made wherever a man is asking for insurance, but the intent of the law is that the man who makes a deposit of a promissory note will not be assessed more than is necessary. We see that during the year 1905, the company has paid $46.000 for losses. They had last year a surplus of $33,000, making a total surplus, as I said before, of $95,000 to $100,000. I believe that a policy-holder of the old company has a right to say this: I am insured for five years. I have paid two assessments, now the company does not require the balance of my deposit note, and I have a right to ask that instead of paying 20 per cent every year the company should reduce my payment to 15 or 10 per cent provided, with the amount assessed, there is enough to pay for all damages caused in each year by fire; but instead of that, the organizers of the new company, who are members of the old Rimouski Mutual Company, want to form a new company, to have two companies in one. Do they ask to put their own money into the new company, and draw the benefits only on the money they so invest in the new company? No, they ask the right by this Bill to use funds of the old Mutual Company to pay dividends for the new stockholders. I believe that when the question is fully discussed in this House the opinion of the members of the Senate will be strongly against such a provision. It is true they say that the proxies are given to certain members of the company to vote at the general meeting, but we know very well how that is done. A member of the company will send proxies to different policy-holders who do not take much interest in these matters, and who do not understand really what is the meaning of what is asked from them. When all these proxies are secured, the directors are in a position to do according to their own wishes. By clause 15 of the present Act, the stockholders of the new company will be entitled to two-thirds of the directors in the two companies, so that the directors representing the old company will have no say and no show. For these considerations I hope that the Senate will reject this Bill.

Hon. Mr. McSWEENEY—As a member of the Banking and Commerce Committee I wish to say that we spent several hours at three different times upon this Bill. We heard all the arguments for and against it, and I am perfectly satisfied it is only right and just to pass it as it is. I am satisfied that under the various clauses of the Bill

the rights of the policy-holders and the shareholders will be protected. I draw attention to the form of clause 4, which reads as follows :

All acts lawfully done, and all contracts, agreements and instruments in writing heretofore lawfully made, entered into or executed by or on behalf of the company, or in relation thereto, with respect to the undertaking of the company, under the authority of any of the Acts mentioned in the preamble, are confirmed and declared to be valid and binding upon the company and upon all other parties thereto.

That amendment moved in the committee was—

Hon. Mr. LANDRY—The amendment moved in the committee does not bear on the case at all.

Hon. Mr. McSWEENEY—Yes, it protects all the policy-holders. They have to hold a meeting before this Bill becomes law. I think it is only right to give to these people the power they want under this Bill.

Hon. Mr. POWER—It must strike every hon. gentleman how exceedingly inconvenient it is, and how unparliamentary, if I may use the expression, after a measure has been referred to a standing committee and has been fully considered in that committee, to discuss the details in the House. The presumption is that the report of the committee is right. This Bill, in the form in which it went to the committee, appeared to protect the interests of the policy-holders pretty satisfactorily. But the committee went further than the original Bill, and they inserted the following provision at the beginning of clause 12 :

So soon as the policy-holders under the mutual system shall have given their consent by a resolution carried by those present or represented by proxy at a special meeting duly called for that purpose and the shares have been subscribed, and so on.

Then the new work of the company can go on. If the policy-holders express their satisfaction with the action as proposed to be taken, surely it is not the part of this House to undertake to say they shall not have the right to do so, and the company shall not have the right to go on with the work under this charter?

Hon. Mr. LANDRY—I would have no objection at all to withdraw my motion if the policy-holders were to be consulted.

Hon. Mr. POWER—They are.

Hon. Mr. McSWEENEY.

Hon. Mr. LANDRY—But we know what those proxies mean.

The House divided on the amendment, which was lost on the following division:

Contents :

The Honourable Messieurs

Bolduc,	Legris,
Boucherville, de	Lougheed,
Ferguson,	McDonald (C.B.),
Landry,	McKay (Truro).—8.

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The Honourable Messieurs

Baird,	Owens,
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Bowell	Riley,
(Sir Mackenzie),	Robertson,
Coffey,	Ross (Moosejaw),
DeVeber,	Ross (Halifax),
Dobson,	Roy,
Frost,	Scott,
Gibson,	Tessier,
Jaffray,	Thompson,
Kerr (Cobourg),	Vidal,
Lovitt,	Watson,
McMullen,	Wilson,
McSweeney,	Wood.—28.
Merner,	

The Bill was then read a third time and passed.

FRANKLIN MONTGOMERY GRAY PATENT BILL.

THIRD READING.

Hon. Mr. KERR (Toronto) moved the third reading of Bill (122) An Act respecting certain patents of Franklin Montgomery Gray.

Hon. Mr. POWER moved in amendment:

That the Bill be not now read a third time, but that it be amended by substituting for the words 'twenty-second day of March, one thousand nine hundred and six,' the words 'the date of the passing of this Act' wherever they occur in the second clause of the Bill.

He said: I do not wish to say anything of the merits of the Bill, because the measure has been discussed, but I wish to make one observation, that I am informed by the hon. gentleman from Toronto (Hon. Mr. Jones) that one of the promoters of the Bill who is here has no objection to the adoption of this amendment.

Hon. Mr. KERR (Toronto)—I am a little surprised to hear the statement made by the hon. gentleman. If it was his intention to make it he should have done me the courtesy to refer me to those from whom he had heard it. I have not heard such a

statement, and I know of no reason why it should have been made. I am sure if Hon. Mr. Jones had known of it he would have mentioned it to me, but he has not done so. I am quite sure that the hon. gentleman who has heard it has got that impression from something stated to him or he would not have made the statement here, but it is not one which should be made on the floor of the Senate for the purpose of influencing a vote. The gentleman who is alleged to have made the statement—I do not know whether he made it or not—probably knew nothing about it and did not understand the circumstances. I am therefore entirely taken by surprise. After all, it is not a question of what he said about it. The question is one of what the merits call for and what in fairness and in justice should be incorporated in an Act of parliament. This Bill was deliberately considered in the committee to which it was referred. It was the subject of discussion as to what this date should be. The promoter was represented there by his representative who stated the case. The question was brought up by the hon member from Toronto (Hon. Mr. Jones) who is not here, and was discussed by him and by the representative of the promoter, and the position then taken was one of entire antagonism. The promoter most distinctly stated the importance to him of this patent being protected, as far as possible from any kind of invasion whatever. After consideration and after hearing all that could be said about it, the committee accepted the Bill in the form in which it is, and that being so, the hon. gentleman at all events should not oppose it. I could state no higher authority than the hon. gentleman himself on this point. A few moments ago he said he was entirely opposed to interfering with Bills which had received the deliberate consideration of a committee, and it was our duty when a Bill was referred to a committee to let them deal with the matter, so I have no doubt whatever that, on reflection, he will agree with that view. At all events, if he does not he will not agree with himself. As to the merits of the matter, the whole position is this ; the applicant gave notice of intention to apply for this Bill. He presented his petition on the date mentioned in the Bill and having presented the petition in that way, parliament from that moment was seized of the Bill and it is for parliament to say whether, under these circumstances, if by any chance any person had commenced to manufacture, they should be encouraged in doing that or whether they should not be given to understand that once the Bill was before parliament, parliament would deal with it, and they could manufacture at their peril. Under the circumstances, I leave the matter entirely to the Senate to say whether the date which has been fixed in this case, after hearing the parties discuss the subject, should be sustained or not.

Hon. Mr. SULLIVAN—With reference to Mr. Jones, I saw him last night, and he made an arrangement with me to pair with him, and never hinted about such an arrangement or I would have been very glad to have agreed to any change that he thought best. It is of the utmost importance that this Bill should go through now, because any delay might prevent its passage at this late hour of the session. It is the most important private Bill that has come before the Senate. If it be true that the company can do what they claim, if they can convert this sawdust which has been such a nuisance into a marketable commodity, it will be a public boon. The nuisance is one which heretofore nobody has been able to remedy. No matter what authority is brought against it, sawdust is still thrown into the beautiful Ottawa, destroying its beauty as well as its utility and endangering people's lives from the explosions which occur occasionally in the river. Anything which would have a tendency to convert what is now a nuisance into useful commodities should receive the most careful consideration of the House. Now this process seems to be almost magical. By adding a certain chemical, sulphurous acid, to the sawdust, they convert it into glucose, and from that alcohol is manufactured, 27 gallons of alcohol being produced from a ton of sawdust. But that is not the whole of the story ; the residue, after the alcohol is taken from it, is made into small bricks and these bricks are converted into charcoal.

My informant tells me it is the best kind of charcoal, and they have an offer from

England or from the United States, I do not remember which, to take all the charcoal they can manufacture. In view of that, I do not think the hon. gentleman would himself try to imperil so important a motion or to delay it. They have spent $400,000 on this process, and I think if ever there was a case which ought to receive the favourable consideration of the Senate, it is this. I hope nothing will occur to prevent the Bill passing.

Hon. Mr. POWER—If I thought that the adoption of the resolution which has just been moved was going to imperil the passage of the Bill I should not persist in it, but it is simply to make a very small amendment in one clause of the Bill, an amendment which will, as a matter of course, be concurred in by the other House, and, inasmuch as we are safe to be here for another fortnight, I do not think there is the slightest risk of the Bill being lost. The hon. gentleman from Toronto who has the Bill in charge seemed to think that I had been guilty of some very remarkable breach of courtesy inasmuch as I did not mention to him the fact that I had been told that Mr. George had expressed his willingness to have this amendment made. I had given my notice that I was going to move this amendment at the third reading, and, honestly, I did not realize that I was guilty of any want of courtesy in not communicating a fact which had been communicated to me by the other hon. gentleman from Toronto (Hon. Mr. Jones) who was obliged to leave here in order to go down to Montreal. I have every confidence in the veracity of the Hon. Mr. Jones and I take his statement as being correct. He gave me the name of the gentleman who made the statement to him, and he told me quite distinctly what the statement was, so that it is just a question for the House to consider. Further, there is a great deal of force in what the hon. gentleman says about our agreeing with the recommendation of the committee, but this case is somewhat exceptional. We have recently had a discussion which lasted for some considerable time on this subject of extending patents, and I gathered that the general sentiment of the House was against interfering with the rights of persons who had begun to manufacture or to sell the patented article before the passing of the Act. Now, if any one has begun to manufacture or to deal in this article between the 22nd of March and the date when this Act passes, his rights should be protected. That is the only point, and that seemed to be the general sentiment of the House. It was because a general principle was involved that I moved the amendment; it was really not specially with reference to this particular Bill.

Hon. Mr. EDWARDS—I am not familiar with the subject before the House, and will not undertake to deal with it further than to say this: The hon. gentleman from Kingston referred to sawdust being poured into the Ottawa river. As one who is engaged in the lumber business, I wish to say that I am not aware of any mills about Ottawa putting sawdust into the river. In the use of water power mills it is physically impossible to hinder a small proportion of sawdust falling into the river, but there is not the hundredth part of one per cent of the sawdust which is produced going into the stream to-day. A great deal of sawdust is now being burned up and goes to waste. If there is any means by which it can be turned into a valuable product, it is certainly in the interests of the country that such should be done. I believe it is possible that it can be done, and I hope sincerely that this legislation will have the desired effect.

Hon. Mr. LANDRY—There is something that has been overlooked in this case. The petition presented to parliament was presented, I think, on the 22nd of March. The revival of the patent will not destroy any right whatever on the part of any person who has manufactured in that line since the date of the patent up to the 22nd of March. Any man who has entered into that line of manufacturing may continue. But when the petition was presented here, and when the notices were given in the newspapers, it might happen that the fact of publishing the notice of intention to revive the patent, or the fact of bringing a petition before parliament, might have impressed somebody who, without that, would never have gone into the business. If those people who went into the business after

that date were led to do so by reason of the petition being brought before parliament, I do not think it would be right that they should be protected, or that we should prevent the applicant from having his patent from the date mentioned. That is the point I want to make and I think it is but justice. The same thing is found when application is made for a patent. You go to the department and you take out what is called a caveat. As soon as the caveat is issued nobody can exercise the rights which you have not yet, but which you intend to take by the patent; and in this case the notice given by the parties wanting to revive their patents might be taken as a simple caveat and put the petitioner in the same position.

Hon. Mr. McMULLEN—I have no desire whatever to oppose this Bill, but I am very much afraid that the precedent set by our adopting this Bill will be referred to in coming years, and others will come here for the revival of patents, possibly for valuable articles which they are manufacturing, the patent for which they have allowed to lapse. Take for instance a valuable article, such as a range heating apparatus, for which a man holds a patent. He perhaps makes up his mind that he will not renew the patent. Some one else puts up a large establishment for the purpose of producing this very thing which he has been producing under a patent for many years. The moment he starts to do that, the man that owned the patent makes up his mind that he will apply to parliament for a renewal of his patent. The other man goes on, erects his mill. The owner of the patent comes to parliament and asks for a renewal of the patent. Supposing we suggest he shall take it from the date that parliament passes the Bill, but he says I gave notice on the 22nd of March last, and I want it now confirmed from that date. I think that in that way injustice may be done to some. I am afraid that the precedent which we are establishing by the passage of this Bill will be made a basis for the enactment of many other Bills reviving patents in the same way. I am afraid of the precedent; I have not the slightest doubt others will take advantage of it. They will say we did it in such a case; that we revived a patent excluding all that did not commence work prior to the date of the notice; why therefore should we not do the same for them.

The amendment was declared lost on division.

The Bill was then read a third time and pased.

SECOND READINGS.

Bill (198) An Act respecting the British America Assurance Company.—(Hon. Mr. Watson.)

Bill (199) An Act respecting the Western Assurance Company.—(Hon. Mr. Watson.)

PENITENTIARIES BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (176) An Act respecting Penitentiaries.

(In the Committee.)

Hon. Mr. SCOTT—For the information of the Senate as we proceed I will be glad to announce whether a change has been made and to what extent, and it will save reading the particular clause. I may say that the principle change has been in reference to simplifying the administration under the present Bill. The Governor in Council has the right to appoint the warden and deputy warden and the minister appoints all other officers. Then the salaries have been increased, and the increase in the salaries in the aggregate amounts to 14 per cent, but the general increase of the whole cost of the penitentiary has been diminished, making an increase of only 6 per cent. I may say that provision is made for a penitentiary for the provinces of Saskatchewan and Alberta, the penitentiary to be located at Edmonton. I have one of the inspectors here who will give us any additional information the House may want.

Hon. Sir MACKENZIE BOWELL—Does it apply to all penitentiaries?

Hon. Mr. SCOTT—Yes, it is general.

Hon. Mr. LOUGHEED—Does my hon. friend know what has been done with reference to establishing a penitentiary at Edmonton?

Hon. Mr. SCOTT—The appropriation has been taken and the penitentiary has been

built, and it will be open on the first of July next.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman stated that the warden of the penitentiary is to be appointed by the government, but that the Minister of Justice has virtually the appointment of all the other officers.

Hon. Mr. SCOTT—The warden and the deputy warden are appointed by order in council. The power of the minister is limited to the appointment of officers in the penitentiary. The officers outside, such as inspectors and officials of that kind, are appointed by order in council.

Hon. Sir MACKENZIE BOWELL—The minister would have the appointment of guards ?

Hon. Mr. SCOTT—Yes, and instructors and other officers within the penitentiary.

Hon. Sir MACKENZIE BOWELL—I am not sure that that is a good policy, but it is following the principle that has been guiding the government since it came into power. That is, governing by the minister instead of by the cabinet. As a consequence, we find many Bills brought before parliament emanating from the minister without the knowledge and consent of the cabinet. The cabinet become responsible for the action of the minister without having considered or even knowing anything about the measures introduced by the minister. I am not particular in this case, so long as the higher officers, such as the surgeons, chaplains, wardens and deputy wardens are appointed by the government and not by the minister.

On clause 3,

Hon. Mr. SCOTT—There is no change in this clause, except that hospitals and asylums are omitted. They are now under the control of the provincial authorities.

The clause was adopted.

On clause 6,

This clause is a recast to define the territory of Alberta. That is the only change.

Hon. Mr. LOUGHEED—I notice that the Alberta penitentiary is to be used apparently for both provinces?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—I understand that the jail at Regina was, by statute, made a penitentiary, or was it by order in council ?

Hon. Mr. SCOTT—The Regina jail will be handed over to the province of Saskatchewan, and some provision will have to be made for Alberta. I do not know how that has been arranged.

Hon. Mr. LOUGHEED—I would like an explanation to be given to line 26, which describes Alberta penitentiary being for Alberta and Saskatchewan and for all that part of the territories of Canada except the Yukon. What will be the status of the Regina jail which, up to the present time, has been used as a penitentiary ?

Hon. Mr. SCOTT—No, it has been used as a jail.

Hon. Mr. LOUGHEED—It will revert to its former status of a jail and not a penitentiary?

Hon. Mr. SCOTT—Yes, it will be handed over to the provincial government on the 1st July.

Hon. Mr. FERGUSON—I do not quite understand the description of the territories attached to each of the penitentiaries, but my recollection is that some few years ago when the Hon. Mr. Mills was in this House, part of the province of Ontario was attached to the Manitoba pentitentiary. Does that still remain?

Hon. Mr. SCOTT—Oh, no ; it does not.

Hon. Mr. FERGUSON—Then this law must change it, because I remember very well that we made that provision; it was shown the district around Rat Portage was very much nearer to Manitoba than to Kingston, and I remember having quite a tilt with the hon. gentleman who then led this House over this very subject. He lost his temper.

Hon. Mr. SCOTT—My hon. friend has a good memory. It was proposed, I am told, but never carried out.

Hon. Mr. FERGUSON—We made it the law.

Hon. Mr. SCOTT—There has been no change in that part of the paragraph. The

clause reads: 'The penitentiary situated near the city of Kingston, in the province of Ontario, known as the Kingston penitentiary.' That is the penitentiary for the whole of Ontario.

Hon. Mr. FERGUSON—That law was absolutely ignored in practice, and now it ceases to be the law.

Hon. Mr. LOUGHEED—What is the 102nd west meridian, to be found in lines 24 and 25 of section 6? That is the boundary of the Manitoba penitentiary.

Hon. Mr. SCOTT—That is the boundary between the territories and Manitoba.

Hon. Mr. LOUGHEED—Yes, but we do not know it by that description. There is the first principal meridian, the second, third, fourth and fifth.

Hon. Mr. SCOTT—That is the one hundred and second degree of west longitude.

Hon. Mr. LOUGHEED—That may be, but it is certainly not the meridian. It may possibly be the territory east of the second meridian that is in the mind of the department.

Hon. Mr. SCOTT—In the description of the various meridians in Manitoba there is some evident confusion. That is the meridian west from Greenwich, the regular meridian which divides Manitoba from the territories.

Hon. Mr. LOUGHEED—You will find none of the authorities there counting from Greenwich as to meridians. We had better adopt the survey which is recognized under our Dominion Lands Act for all boundary purposes.

Hon. Mr. FERGUSON—For the purpose of the Dominion Lands Act my hon. friend is right, and that is known to everybody in the territories. It would be a confusion to introduce references to Greenwich.

Hon. Mr. LOUGHEED—I think it is clearly a mistake.

Hon. Mr. SCOTT—The eastern boundary is described as the western boundary of the province of Manitoba.

Hon. Mr. LOUGHEED—The second meridian is the easterly boundary of Saskatchewan. My hon. friend will find that in clause 2 of the Saskatchewan Act, chapter 42.

This comment might be made with reference to divisions. Apparently the Manitoba penitentiary, which I fancy will be quite as large, if not larger than the Alberta penitentiary, will be exclusively used for the province of Manitoba. It is proposed now to erect a penitentiary in Edmonton, for the provinces of Alberta and Saskatchewan, The population of those two provinces is very much greater than the population of Manitoba, and the territory is many times larger. The population of either of those two provinces will, within the next four or five years, be far in excess of the population of Manitoba. It seems to me, therefore, that this is a very unwise arrangement to make, unless it is contemplated in the near future to build a penitentiary for Saskatchewan.

Hon. Mr. FERGUSON—The next clause gives the Governor in Council power to change those boundaries, and the Governor in Council will therefore be able to provide for such altered circumstances as are almost certain to take place.

The clause was adopted.

On clause 11,

11. Every street, highway or thoroughfare of any kind along or across which it is necessary or convenient that convicts should pass in going to or returning from their work, or upon which it may be deemed necessary or expedient that convicts should be employed, shall be considered, while so used, as a portion of the tract of land forming the penitentiary; and every escape, or attempt at escape, and every rescue, or aid in rescue, which takss place on such street, highway or thoroughfare, while so used, or on or from any wharf, boat, scow, or other vessel which a penitentiary is by this Act declared to include, shall have the same effect as if such escape or attempt at escape, or such rescue, or aid in rescue, had taken place within the prison walls or penitentiary limits.

Hon. Mr. LOUGHEED—Can my hon. friend state what superior rights can be exercised by the guards and other officers in contradistinction to what may be exercised on other highways?

Hon. Mr. SCOTT—It removes any question as to any liberty the convict might have by being on a highway.

Hon. Mr. LOUGHEED—If a convict should attempt to escape on a highway,

even though that were not within the confines of a penitentiary, the officials could exercise all the powers necessary for recapturing, and so on.

Hon. Mr. SCOTT—It is to make it clear that they have the same absolute power there that they would have within the walls of the penitentiary.

The clause was adopted.

On clause 13,

13. The construction and repairs of buildings and other works in the penitentiaries shall be under the control of the minister.

Hon. Mr. LOUGHEED—Have the Public Works no authority with reference to these buildings? This goes beyond repairs and includes the construction of buildings.

Hon. Mr. SCOTT—Once the Public Works completes a building and hands it over, that department has nothing more to do with it.

Hon. Mr. LOUGHEED—But my hon. friend will see that the construction of such buildings is under the authority of the Minister of Justice. The word 'construction' would cover the erection in the first instance of any building, even the penitentiary. You transfer that power in its entirety to the Minister of Justice. It seems to me that the Department of Justice will not have the proper machinery for erecting a penitentiary.

Hon. Mr. SCOTT—They have nothing to do with the erecting of a penitentiary.

Hon. Mr. LOUGHEED—Under this clause they certainly have. That is to say, you give to the Minister of Justice now, under this clause, precisely the same power that has been exercised hitherto by the Department of Public Works.

Hon. Mr. SCOTT—That is not contemplated. It is intended to apply to buildings within the walls—the minor buildings—because once the Public Works complete and hand over the main building they cease to have anything further to do with it.

Hon. Mr. LOUGHEED—Pardon me, hereafter that will not be the law. Section 10 of the old Act reads as follows:

The construction and repairs of buildings and other works in the penitentiaries shall be under the control of the Minister of Public Works.

Now you enact that they shall be under the control of the minister. Who is the minister? Under the interpretation clause the minister is the Minister of Justice, so that you are re-enacting the old clause, but you transfer to the Minister of Justice the authority to carry out the works.

Hon. Mr. SCOTT—It has been going on for years. They build whatever wings and additions are required. The moment the original building is completed, it is handed over by the Public Works Department and all minor works are performed by the penitentiary after that.

Hon. Mr. LOUGHEED—Then they have been contravening the existing Act. Surely it is not intended that the Minister of Justice shall supersede the Minister of Public Works, and proceed to erect penitentiaries as well as to make repairs to buildings and other works in the penitentiary?

Hon. Mr. SCOTT—It is governed by clause 3.

Hon. Mr. FERGUSON—There can be no doubt whatever that the hon. gentleman from Calgary is right. If we pass this law, and a new wing had to be constructed it would have to be done by the Minister of Justice. Supposing it is decided by the Department of Justice that a wing, equivalent perhaps in value to the whole building as it stands, should be added. Does it follow that the Department of Justice shall proceed to erect it? If so, where is the staff to do it. No provision is made for an architect.

Hon. Mr. SCOTT—They have been enlarging penitentiaries, I am sorry to say, as the number of convicts increases, and the Public Works Department have had nothing to do with that branch of the work for many years.

Hon. Mr. LOUGHEED—Will my hon. friend look at the amendment to the Penitentiary Act of 1895. It reads as follows:

The construction and repairs of buildings and other works in the penitentiaries shall be under the control of the Minister of Public Works except in cases where, in the opinion of the Minister of Justice, such works can be performed by convict labour.

Hitherto the only works which have been under the authority of the Minister of

Justice have been such as can be performed by convict labour.

Hon. Mr. SCOTT—If my hon. friend thinks the clause should be redrafted, I will call the attention of the Department of Justice to it.

Hon. Mr. LOUGHEED—If my hon. friend will direct the attention of the Department of Justice to clause 13, they cannot say anything else than that it vests in the Department of Justice the entire authority to construct penitentiaries as well as to do other subsidiary works.

Hon. Mr. SCOTT—It does not refer to the original building.

Hon. Mr. LOUGHEED—What did it mean in the original Act? It is word for word taken from the original Act, except the Minister of Justice supersedes the Minister of Public Works. If the word 'construction' applied to the original building in the original Act, then surely it applies with equal force in the present case.

Hon. Mr. SCOTT—All I can say is that the moment a penitentiary building is handed over, as the Alberta building will be handed over on the 1st July next, all additions and improvements will be absolutely under the control of the Department of Justice.

Hon. Mr. FERGUSON—That seems to be perfectly right with regard to repairs where convict labour can do it, but as regards the penitentiaries in the west where new wings will undoubtedly be necessary, I think it is absurd to say that convict labour will be available or suitable. There certainly should be provision that the Public Works shall have control when it comes to a matter of that kind, and I think my hon. friend should hold the clause over for further consideration. If the Minister of Public Works were to know of it, I am inclined to think he would regard it as an infringement on his jurisdiction.

Hon. Mr. SCOTT—At the Kingston penitentiary, they are making additions all the time, putting up buildings and adding wings, all done by convict labour.

Hon. Mr. LOUGHEED—That is within the Act—anything that can be done by convict labour; but the construction of a penitentiary in the first instance—does not my hon. friend see that he is taking power to enter upon the construction of penitentiaries?

Hon. Mr. SCOTT—No change is contemplated.

Hon. Mr. FERGUSON—Looking at the list of officials, for instance, in the Alberta penitentiary, I do not find any one who would be an official competent to act as architect for the construction of a wing which may perhaps cost $50,000. Neither the warden or the deputy warden would be competent, nor would the matron, I presume. Then we have the Protestant and Roman Catholic chaplain, the surgeon, the accountant, the storekeeper, baker, hospital steward, school instructor, engineer and blacksmith instructor, chief trade instructor, keepers, guards, watchmen, &c.—no provision is made for any official who could be capable of taking charge of the erection of a wing of the penitentiary.

Hon. Mr. WILSON—It appears to me that the building when first constructed would be under the control of the Minister of Public Works. After it is completed and ready to be handed over to the Department of Justice, the Minister of Justice assumes the responsibility of keeping the building in repair, and employs convict labour for that purpose.

Hon. Mr. FERGUSON—Supposing an expensive wing has to be added, what then?

Hon. Mr. WILSON—He will get a contractor to build that wing and be responsible for the work being done.

Hon. Mr. LOUGHEED—Who will?

Hon. Mr. WILSON—The Minister of Justice.

Hon. Mr. LOUGHEED—What have we a Minister of Public Works for?

Hon. Mr. WILSON—My hon. friend need not worry. They will put up a building in the new territories so that he will be amply protected. When they are erecting that new building the Minister of Public Works will be required to look after it. After it is completed the Minister of Public

Works will transfer it to the Minister of Justice and he will keep it in repair.

Hon. Mr. LOUGHEED—Is my hon. friend speaking for the government?

Hon. Mr. WILSON—No, I am speaking in reference to what the statute says. My hon. friend is not willing to be governed by the statutes. He wants to be governed by the idea he has in his head.

Hon. Mr. FERGUSON—The hon. gentleman had not better give himself away in a hurry. He had better wait until the minister decides.

Hon. Mr. SULLIVAN—There was a serious conflict between Sir John Thompson and Sir Hector Langevin, and I understood Sir John Thompson assumed as Minister of Justice that no one had a right to forbid the architect of Sir Hector Langevin, the then Minister of Public Works, from entering the prison at all, though the guard would not allow Mr. Bowes, the architect of the Public Works, to enter the penitentiary. We had better leave that to the Minister of Justice.

Hon. Mr. SCOTT—The change was not made during this administration. It was made in 1895. The construction of all buildings within the penitentiary was done by the Minister of Justice.

Hon. Mr. LOUGHEED—No, my hon. friend is mistaken in that.

Hon. Mr. SCOTT—No, only where the work should be done by convict labour. They have had an architect for twelve years.

Hon. Sir MACKENZIE BOWELL—The change was not made in 1895. The Act of 1895 relegates the duty to the Minister of Public Works except the work that can be done by the convicts. I am not so sure whether the Minister of Justice will take the trouble to go to the penitentiaries and investigate the matter. I know that in olden times we had great trouble in erecting buildings for customs and inland revenue, that the Minister of Public Works would act upon his own responsibility and very often directly in opposition to the wishes and what was believed to be the requirements of the service in the construction of public buildings for customs and inland revenue, but I am quite satisfied I never saw a Minister of Justice yet who would go to the penitentiary and look after it.

Hon. Mr. SCOTT—For the last eleven years the Public Works have had nothing to do with the penitentiary, and large buildings have been erected and work done there.

Hon. Sir MACKENZIE BOWELL—If that be the case, the minister was acting without the authority of the law, because the law says it shall be done by the Public Works Department.

Hon. Mr. SCOTT—They have their own architect and clerk of works.

Hon. Mr. SULLIVAN—They always had an architect there.

Hon. Mr. FERGUSON—I do not see any clause here which could under any construction be held to cover an architect.

Hon. Sir MACKENZIE BOWELL—By clause 26 the Governor in Council may appoint a parole officer, accountant or architect.

The clause was adopted.

On clause 22,

22. If the inspector at any time finds that any penitentiary is out of repair, or does not possess the proper or requisite sanitary arrangements, or has become unsafe or unfit for the confinement of prisoners, or that it does not afford sufficient accommodation for the member of prisoners confined therein, or the requisite accommodation for the proper industrial employment of the prisoners, he shall forthwith report these facts to the minister.

Hon. Mr. LOUGHEED—Has my hon. friend any knowledge whether there is a systematic inspection of the sanitary conditions of those penitentiaries.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—The attention of the public has been recently directed to extensive inquiries which had been made by the Governor General as to the conditions of the jails throughout the Dominion, and the verdict seems to be very unfavourable as to the sanitary conditions of those institutions. Whether the penitentiaries are any better looked after than the jails of the country, I cannot say, but I would be somewhat inclined to doubt it.

Hon. Mr. SULLIVAN—The warden is the chief officer and the one who must be relied on for the management of the prison, and he is ignored in this clause. The warden should be allowed to have the same power as an inspector as he is really the most important official.

On subclause 2, of clause 23,

On sub-clause 2, of clause 23,

2. The inspector may at any time assume control of any penitentiary and exercise the powers and functions of warden with respect to the control and management of such penitentiary and of all its concerns.

Hon. Mr. SCOTT—This is new.

Hon. Sir MACKENZIE BOWELL—What reason is there for giving to an inspector power to govern a penitentiary independent of the warden who is supposed to be the head of the penitentiary ?

Hon. Mr. SCOTT—It has been found in one or two instances absolutely necessary. The case of St. Vincent de Paul is the one I now have in mind. The inspector had to take charge because of the inefficiency of the warden, until new arrangements could be made.

The clause was adopted.

On clause 26,

26. The Governor in Council may appoint a parole officer, an accountant, an architect, and such other officers as are necessary, to perform the work in connection with the penitentiary branch of the Department of Justice, who shall be officers of the Department of Justice and perform such duties as the minister directs.

Hon. Mr. LOUGHEED—Speaking of officers in penitentiaries, I have recently seen some comments, especially by the warden of the Central Prison, as to some of the prisoners having a pull where this parole system comes into play. Does the hon. gentleman know the official or officials ?

Hon. Mr. SULLIVAN—Is the parole officer a new officer ? I never heard of a parole officer in the penitentiary before.

Hon. Mr. SCOTT—He is not a new official.

Hon. Mr. FERGUSON—It would seem to be preferable if these officers referred to in clause 26 were included in a schedule and salaries provided for them. I do not see why that should not be the case.

Hon. Mr. SCOTT—They are paid out of the bulk sum voted, and that is why they do not appear.

Hon. Mr. LOUGHEED—Are those attached to the staff of any penitentiary or to the department?

Hon. Mr. SCOTT—They are attached to the department and paid by the department.

Hon. Mr. FERGUSON—It amounts to this, that the department employs an architect whose services can be had at any penitentiary.

Hon. Mr. SULLIVAN—Is the parole officer the same?

Hon. Mr. SCOTT—The minister has appointed a Salvation Army officer whose duty it is particularly to look after prisoners whose times expires or are released on ticket-of-leave. He looks after them and sees that they get employment.

Hon. Mr. FERGUSON—How are the salaries of the officers provided for? Does it allow the minister to fix any salary he sees fit?

Hon. Mr. SCOTT—The salary is fixed by the Governor in Council. It is fixed this year at $1,300. His name does not appear among the officers of the penitentiary.

Hon. Sir MACKENZIE BOWELL—What further power does this clause place in the hands of the minister that he did not exercise before? The hon. gentleman told us a few moments ago that all the officers, other than underlings, were appointed by the government. This clause empowers the Governor in Council to appoint a warden and a deputy warden who shall hold their office during pleasure, and then I find these words in the following clause.

The minister may appoint or authorize the appointment of such other officer as may be necessary for the proper administration and police of any penitentiary.

Now, are not the doctors and the chaplains to be appointed by the minister? The hon. gentleman told us a few moments ago that they would be appointed by the Governor in Council. If this clause means anything it places the whole power in the hands of the minister.

Hon. Mr. SCOTT—What I said was all the officials within the walls of the peni-

tentiary who are subordinates to the deputy warden would be appointed by the Minister of Justice. Those named by the hon. gentleman, surgeon and chaplain, are not within the walls; they are without. Clause 26 is not changed. There is no extra power taken.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will look at section 22 of the Act, referring to appointments, it vests in the Governor in Council the appointment of a number of these officers. For instance, it says the Governor in Council may appoint the warden and deputy warden, as this Bill provides, but there the new Act stops and places the appointment of all the other officials in the hands of the Minister of Justice; but the old section proceeds after that to read :

> A Protestant chaplain, an assistant Protestant chaplain when required, a Roman Catholic chaplain and an assistant Roman Catholic chaplain when required, a surgeon and accountant, all of whom shall hold office during pleasure.

Now, these officers were all appointed by the Governor in Council, but the new Act places the appointment of all these officials, excepting the warden and deputy warden, in the hands of the minister, unless there is some explanation which I have not yet been able to find.

Hon. Mr. FERGUSON—I am under the impression that in an Act subsequent to that amending it, the power was taken from the Governor in Council and given to the minister. I am not sure of the year, but it has been done since I have been a member of this House, and I think since the present government came into power.

Hon. Sir MACKENZIE BOWELL—I remember discussing these questions with the late Minister of Justice, the Hon. David Mills, when he had a Bill before the Senate in reference to the government of penitentiaries, and he accepted some suggestions I made then with reference to appointments and salaries, but I have no recollection of power being vested in the minister alone to make these appointments.

Hon. Mr. WILSON—Would not the minister be the most efficient official to make the appointment? He is responsible for the proper management of the penitentiary and if he empowers some officer in the penitentiary to make the appointment that would not be as much in the public interest as if the appointment were made by the minister himself. I can remember discussions of this kind having taken place when Sir John Thompson was minister, and I, fortunately or unfortunately, was in the House at that time. Sir John Thompson convinced me I was wrong and he was right in the appointment, and I do not suppose the hon. gentleman from Belleville will object to any opinion expressed by Sir John Thompson, one of the cleverest men they had in the Conservative ranks.

Hon. Sir MACKENZIE BOWELL—I venture the assertion that whatever position Sir John Thompson took was correct, and I would venture another statement, that he never advocated anything of the kind so far as appointments are concerned. It is possible my hon. friend might judge of the propriety of placing so much power in a minister from the fact that I believe, if my recollection serves me right, that he himself might have been a surgeon in the penitentiary, and that is one good evidence why the minister should not have had the power.

Hon. Mr. WILSON—My hon. friend knows full well what view Sir John Thompson took.

Hon. Sir MACKENZIE BOWELL—Not on that point.

Hon. Mr. WILSON—He knows the position he assumed with reference to all the supplies and necessaries for the penitentiary. I remember his expression very well. I remember taking an opposite view to the one I am taking now. I am not conservative enough not to be converted. I have been converted and see the error of my ways ; therefore it is that I am speaking as I do.

Hon. Sir MACKENZIE BOWELL—If Sir John Thompson held the views upon this question which my hon. friend says he did, it is somewhat singular that they are not in the law. I am speaking of the law as it exists now, and also the amendment to it, and if Sir John Thompson held the views my hon. friend says he held, I am quite satisfied he would have suggested to parliament the propriety of changing the law.

Hon. Mr. WILSON—I think my hon. friend misunderstands me. I take the view to-day I have always held, that the law intended that the Minister of Justice, being responsible to the government and to the country, should have the control of these matters. Why is it desired that some one else should make the appointment? Who is to appoint the minor officers, the guards, &c., unless you leave it in the hands of those who are responsible?

Hon. Sir MACKENZIE BOWELL—I am not talking of the guards. There is a general principle involved. I hold that all important appointments should emanate from the Governor in Council upon the recommendation of the minister who is at the head of the department and, under responsible government, that is the only principle upon which to act. My former leader, Sir John Macdonald, never would permit the appointment of even a lighthouse keeper until it had come before council, because the Premier and every other member of council is personally and politically responsible for the appointment of every officer, no matter how high or how low. The minister should not have the power to place in office a number of officials without the knowledge of his colleagues. If they are aware of all that is being done, then when they are attacked in the House for having made appointments which are alleged to be improper, they are in a position to justify the appointment. Under this law nothing of the kind can take place. You might have surgeons, chaplains, and all the other officials, other than the two who are indicated in the statute, appointed, and from the Premier down no other member of the cabinet would have any knowledge of it. That is not the principle upon which the country should be governed, neither is it doing justice to the colleagues of the minister who makes the appointment.

Hon. Mr. WILSON—The hon. gentleman from Belleville is taking a different course now to what he took years ago. He is now condemning government by order in council. He says that the Minister of Justice who has the right, and who exercises the right to appoint these men, is not responsible. Why is he not? Must he not bring every single appointment before his colleagues and be responsible for each appointment he makes in that asylum? He is responsible to the government and also to the country. Who else would be? The warden, the deputy warden, or the Governor in Council? It is virtually the Governor in Council that has the appointment upon the recommendation of the Minister of Justice, and, therefore, I see no reason why my hon. friend should feel so strongly upon this point, nor do I see any reason why he should condemn government by order in council. I remember in years gone by he was a strong advocate of the very principle he is now condemning; therefore he is more inconsistent than I am.

Hon. Sir MACKENZIE BOWELL—It is a great pity the hon. gentleman does not know enough to draw a distinction between an order in council to carry out something not authorized by law, and the appointment by the Governor in Council of some official.

Hon. Mr. WILSON—Is this not governed by law? Are we not passing a law to-day by which we will hold the proper persons responsible?

Hon. Sir MACKENZIE BOWELL—That is just what I say we should not do.

The clause was adopted.

On clause 32,

32. No officer, on the permanent staff of a penitentiary, shall carry on any trade or calling of profit or emolument other than his employment in the penitentiary, except by consent of the Governor in Council; provided always that in cases where such exemption shall be granted a reduction of at least twenty per cent shall be made from the salary attached to the office or position held by such officer.

Hon. Mr. LOUGHEED—It seems to me it is discretionary under this clause whether the official shall carry on any other occupation.

Hon. Mr. SULLIVAN—That should not be. They all get about the same salaries.

Hon. Mr. LOUGHEED—The last three or four lines permit the warden to follow any other occupation. It seems to me it is not good policy. He will have all his time occupied in the performance of his duty. He is not like a surgeon or some officer employed only for a portion of his time.

Hon. Mr. FERGUSON—I think the warden should not be allowed to do any other work under any circumstances. I think it would be prejudicial to the interests of the penitentiary.

Hon. Mr. SULLIVAN—Neither the warden nor the deputy should be allowed to do it. The surgeon is not allowed in Kingston.

Hon. Mr. SCOTT—It only applies to smaller penitentiaries such as Dorchester, and is not likely to be abused.

Hon. Mr. LOUGHEED—Has my hon. friend any knowledge of what induced that discretion to be placed in the Governor in Council. I do not think there is anything in the old Act of that kind.

Hon. Mr. SCOTT—No, it is new. It is intended to apply to the surgeon and chaplain, where his whole time is not given to the public.

Hon. Mr. FERGUSON—This opens the door to all officials.

Hon. Mr. LOUGHEED—The old clause was a salutary provision—No officer, warden or servant, except the surgeon and chaplain, shall carry on any trade or calling or profit or emolument, &c. Apparently this discretion was not exercisable under the old Act.

Hon. Sir MACKENZIE BOWELL—Could you give us any reason why this wise provision is made ?

Hon. Mr. SCOTT—I presume the reason the change took place was a simple one. One of the guards was keeping a boarding house, and it was thought under the law that he was liable to be dismissed. I think it was an unwise change.

Hon. Sir MACKENZIE BOWELL—He could not continue that under this clause except with the consent of the Governor in Council, and all he would have to do would be to say to the guard 'You must give up that boarding house or give up the position in the penitentiary.' What we object to is leaving the power with the Governor in Council to give the warden and others permission to carry on other business.

Hon. Mr. LOUGHEED—I might point out that the construction to be placed upon the exercise of the discretion would apply to the warden and deputy warden, because those are the only two officers appointed by the Governor in Council. The other officers are appointed by the minister.

The clause was allowed to stand.

On clause 33,

The minister shall fix the salary to be paid to each officer or employee ; provided always that such salary shall not exceed that prescribed by schedule A. to this Act.

Hon. Sir MACKENZIE BOWELL—You give the power to the minister to regulate the salaries providing he does not exceed the schedule we have in this Act.

Hon. Mr. LOUGHEED—Are those the maximum amounts mentioned for salaries ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—The only point is, whether this power should be exercised by a minister or by the Governor in Council. The tendency in all the departments for a long time has been to take the power away from council and give it to the minister. The reason stated by the hon. gentleman from Belleville that all the members of the cabinet should be personally responsible for the appointments they make, is a good one. We hear members shaking their skirts clear of responsibility of the government. Take the Wagner appointment. The minister should make his recommendation to council and all these appointments should be made by council. That is parliamentary government.

Hon. Mr. SCOTT—That is not parliamentary government as it is in England. The minister in Canada does not exercise the same powers as the Secretary of State does in England. This is a broad subject and I do not propose to discuss it now. But to my mind it is absolutely impossible for any one but the individual minister to gauge the value of services of inferior officers. It is better to have one man responsible. Thirteen or fourteen gentlemen sitting round a table never heard of Jones or Smith, and when the appointment comes up they cannot pass any intelligent judgment upon it and they could not have time to inquire into the matter. It is absolutely impossible.

Hon. Mr. FERGUSON—I think it is nevertheless wrong. If the old practice were maintained it would be better and every individual minister would have to come before his colleagues, and as they would have to take the responsibility with him, more care would be exercised in making the appointments. They are responsible still, but they are able to make a great many people believe they are not. If it were done in a constitutional way they could not put the blame on a minister who has resigned or died.

Hon. Sir MACKENZIE BOWELL—Let me ask the hon. Secretary of State as a member of the cabinet would he have consented to the appointment of that man Wagner, or the reappointment of Wagner in the west after he had been convicted of stealing from the immigrants and sent to gaol and punished for it? I venture the assertion that the hon. gentleman would have put his foot on it at once.

Hon. Mr. SCOTT—Not if I had any knowledge about it. How would I get the knowledge? You cannot inquire into the antecedents of every name.

Hon. Sir MACKENZIE BOWELL—It is a matter of public notoriety. He was a government official who had been convicted of stealing from the immigrants and defrauding them. He was appointed by the minister and no one knew anything about it until it came before parliament. While I have very little confidence in the government, speaking politically, I question very much whether the head of the government, or my hon. friend whom I have known for upwards of half a century, would have consented to such an appointment, but we have in this case an illustration of the danger of placing the whole of this power in the hands of a minister, who, by his actions, shows that he has no regard either for the honour of his office or those with whom he sits in council.

Hon. Mr. FERGUSON—Can my hon. friend imagine himself going to the government asking for an order in council reappointing a man who is an ex-convict, without advising his colleagues that the man had such a record?

The clause was adopted.

On clause 34,

34. The minister instead of appointing a Protestant chaplain for any penitentiary, may direct that the clergymen of the different denominations represented in the community where a penitentiary is situate, shall be permitted to perform the duties of the Protestant chaplaincy in rotation, each in his turn taking three months, the assignment being under the direction of the warden, in which case the salary allowed for a Protestant chaplain shall be divided among the clergymen of the several denominations performing such duties in proportion to the time given to such duties by each.

Hon. Mr. LOUGHEED—I notice that this clause is entirely new. I do not know whether it is obligatory upon the minister or not. I presume that the Protestant clergyman who shall minister to the spiritual requirements of the convicts will have to strike an average theology. Has my hon. friend any idea how that can be carried out? How long may each clergyman minister?

Hon. Mr. POWER—They are each to act in turn for three months.

Hon. Mr. LOUGHEED—In that case, by the time a convict serving a long sentence is released, he will have the ministrations of all the different denominations. I doubt very much the propriety of that.

Hon. Mr. SCOTT—Each case has to depend upon the peculiar circumstances. It is quite impossible to lay down in advance any fixed rule. The proper thing is to give the minister discretionary powers.

Hon. Mr. LOUGHEED—But immediately you put that provision on the statute-book, then you subject the minister to the importunities of every religious denomination which calls itself Protestant. Surely the minister should be sufficiently responsible to exercise discretion in saying what Protestant ministers should attend the convicts in a particular penitentiary, without saying that every denomination should participate. It seems to me that a clergyman who ministers for a term of three months only to a number of convicts cannot become sufficiently interested in them to follow up the peculiar requirements of any particular individual.

Hon. Mr. FERGUSON—I think there is the germ of a very good principle in this clause, but I can hardly see that it is right to fix the period at three months. I think

convicts are entitled to the religious consolation of the denomination, whatever it may be, to which they belonged, even though they may not have been very good members of it, but dividing the time into periods of three months each among the four leading denominations of Protestants in Canada I am afraid would not work satisfactorily. It might happen that in a particular penitentiary at a particular time there would be no convicts connected with the denomination to which the officiating clergyman might happen to belong. If there were greater elasticity so that the service might be rendered in proportion to the religious tendencies of the convicts it would be better.

Hon. Mr. POWER—I quite agree with the last speaker. I think the proper thing is to make some per capita arrangement, if it may be so termed, and allow the clergymen of different denominations each to attend the members of his own denomination. This provision may be less objectionable in the future than it would have been in the past, because I understand that there is a movement on foot which appears likely to be successful, looking towards the union of two of the great Protestant denominations, but I think this clause is very badly drafted, and I suggest that it should stand over to be redrafted. In its present form it is not calculated to meet the approval of any denomination.

Hon. Mr. SULLIVAN—If the convicts were consulted they would probably agree to this, because they would have the spice of variety. But the chaplain stands in a peculiar relation to the convicts. He is their confidential advisor and friend, and when you get a good chaplain the influence he wields is very great indeed. It is really not worth while dividing up this small salary of $1,200 between the great Protestant denomiations of Ontario, and I think to do so would destroy the influence of the chaplain altogether. A man who is retained permanently in such a position takes an interest in the convicts to a much greater extent than would one who is only there for a few months at a time. I think it is a very bad clause, and if I were a Protestant I would not vote for it.

Hon. Sir MACKENZIE BOWELL—I take a different view of this clause from the hon. gentleman from Marshfield. As I understand it, the difference between the various Protestant denominations merely relates to questions of church government. The great fundamental principles of Christianity are recognized by them all, just as they are in many respects recognized as between Protestants and Roman Catholics. There are a great many points on which all may agree. It seems to me that this is opening the door for a good deal of trouble and annoyance. I can see plainly that it is an attempt to meet the clamor, if I may term it, of the different Protestant denominations when these appointments are to be made. The Presbyterians claim it, the Methodists claim it, or the Church of England claim it upon the ground that the man who previously held the position belonged to their particular denomination. I think it is a great mistake. Either the hon. gentleman should let the clause stand or strike it out altogether. I think the hon. gentleman from Kingston has put the case clearly. As a Protestant, if I were one of the clergymen, I never would accept the offer of a position of that kind for a term of three months. I would treat it with contempt.

Hon. Mr. BOSTOCK, from the committee, reported that the committee had made some progress with the Bill, and asked leave to sit again.

The Senate then adjourned until Monday at eight p.m.

SENATE.

OTTAWA, Monday, June 25, 1906.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

STANDARD APPLE BARREL BILL.

INQUIRY.

Hon. Mr. FERGUSON rose to :

Inquire whether the government intend to introduce a Bill at this session of parliament to provide that an apple barrel of uniform dimensions and size shall be used in Canada, as recommended by the conference of representatives from the various Fruit Growers' Associations, held in Ottawa, in March last ?

Hon. Mr. SCOTT—The right hon. Minister of Trade and Commerce is out of the

city. I inquired at the department and they stated they had heard nothing of this matter. They have not been advised in any way, so that I may say there will be no chance of a Bill being introduced this session.

THIRD READING.

Bill (149) An Act respecting the Central Railway Company of Canada.—(Hon. Mr. Lougheed.)

PENITENTIARIES BILL.

COMMITTEE OF THE WHOLE.

The House resumed in Committee of the Whole the consideration of Bill (176) An Act respecting Penitentiaries.

(In the Committee.)

On clause 34,

34. The minister instead of appointing a Protestant chaplain for any penitentiary, may direct that the clergymen of the different denominations represented in the community where a penitentiary is situate, shall be permitted to perform the duties of the Protestant chaplaincy in rotation, each in his turn taking three months, the assignment being under the direction of the warden, in which case the salary allowed for a Protestant chaplain shall be divided among the clergymen of the several denominations performing such duties in proportion to the time given to such duties by each.

Hon. Mr. SCOTT—I observe that in giving an explanation in the other Chamber, the Minister of Justice stated that it was intended to apply this provision to the Dorchester penitentiary where he thought it was regarded as an advantage. It is not the kind of principle which can be laid down absolutely. In a matter of this kind it would be wise to leave it to the discretion of the head of the department as to what action should be taken in each case. Evidently the sentiment of some is in favour of the provision, while to others it is objectionable.

Hon. Mr. LOUGHEED—What does my hon. friend propose to do about it then? If it is objectionable, as he has pointed out, surely some change ought to be made.

Hon. Mr. SCOTT—I said that from the standpoint of some parties it is objectionable. From the standpoint of others it is advantageous. It appeared to be rather sought at Dorchester. The clergymen might agree among themselves as to the period of time each should serve. It might be ten days or twenty days. I certainly would object to the three months fixed period. I think if anything is to be left to the discretion of the minister it would be well to leave it all to him.

Hon. Sir MACKENZIE BOWELL—Do you propose to strike out the three months?

Hon. Mr. SCOTT—I propose to strike out the three months. I would let the minister give it a trial. It might not succeed, and of course it would be changed five or six months from now.

Hon. Mr. LOUGHEED—How does the system work in the other penitentiaries?

Hon. Mr. SCOTT—It work satisfactorily. I have heard of no complaint.

Hon. Mr. LOUGHEED—A permanent chaplain is appointed under the present Act.

Hon. Mr. SCOTT—Oh, yes. You see the Dorchester penitentiary is a very small one, and the number is less than anywhere else.

Hon. Mr. LOUGHEED—That is a very bad reason for departing from a well established principle, established from long experience, and for introducing a unique proposition of this kind, because a small penitentiary finds that the old system has not worked satisfactorily.

Hon. Mr. POWER—I have made some inquiry into the case of the Dorchester penitentiary and the chaplaincy there, and I find that the plan which is laid down in the clause now before the committee has actually been in operation in Dorchester for some time, and I am informed that on the whole it has not worked very satisfactorily. If that is the case, our better way would be to strike out this clause, or to amend it, so as to put it into a more satisfactory shape. It must strike any one that the provision made in this clause, cannot work satisfactorily. Suppose there are prisoners of four different denominations in the penitentiary at Dorchester. Under this clause the whole year may be divided up equally into periods of three months amongst these four clergymen. During nine months the convicts of any one denomination are deprived of the benefit of clergy so to speak;

that is if they are strong in their own creeds; and it may be that there are only two or three prisoners in the penitentiary belonging to one denomination, but that denomination may have a three months chaplain as well as a more numerous denomination, and if we are to have a different system from the present one, it should be a system based upon the work done by the several clergymen, and that the clergymen should be paid in proportion to the number of convicts whom they attend. That seems to me to be the more equitable and reasonable way. I am assured by persons having the best reason to be informed that the system set out in this clause which has been in operation in Dorchester penitentiary for some time has not worked satisfactorily. If it is the pleasure of the committee, I shall submit an amendment embodying my own views on the matter.

Hon. Mr. LOUGHEED—Read the amendment.

Hon. Mr. POWER—I would suggest this:

34. The minister, instead of appointing a Protestant chaplain for a penitentiary, may direct that clergymen residing in the neighbourhood and representing different Protestant denominations shall be permitted to hold religious services and otherwise minister to the spiritual wants of the inmates of the penitentiary who belong to their respective denominations, the times and places of such services to be fixed by the warden subject to the approval of the minister; in which case the amount allowed as salary for a Protestant chaplain shall be divided among the clergymen holding such services in proportion to the number of inmates belonging to their respective denominations.

Hon. Mr. SCOTT—I have no objection to that.

Hon. Sir MACKENZIE BOWELL—How have the clergymen of Dorchester penitentiary been paid in the past, and in what way?

Hon. Mr. SCOTT—The allowance has been $800 a year for two chaplains, one Catholic and one Protestant. They are paid different salaries in different penitentiaries, depending on the number of convicts of course. I have no objection to the amendment, because as I stated a moment ago, I would leave it to the minister to make the arrangement he thought best. I do not think that a hard and fast rule should be laid down by an Act of parliament as to how the stipend should be divided up.

Hon. Sir MACKENZIE BOWELL—The suggestion made by the hon. member from Halifax is an improvement on the other, because a difficulty would arise from the causes which he has suggested. The difficulty, to my mind, has been to secure under the proposed clause the services of any chaplain because the Methodist clergyman, for instance, could not well afford to leave his congregation in order to attend three months at the penitentiary. In fact, all the Protestant denominations that change their stations every three or four or five years would be placed in a very difficult position. Perhaps it would be well to put the motion on the order paper, so that we may have an opportunity of studying it.

Hon. Mr. SULLIVAN—Hon. gentlemen speak as if they were seeking to favour the convicts. Lay that aside. The theological views of convicts are very general indeed. The convict simply says he is a Protestant or Catholic according to whichever denomination gives him the greatest facilities for a good time. That is what governs him entirely. One good man is better than this division you are making, and the Church of England have, I contend, the right of going. That is in anything approaching to a general Protestant church, and moreover, it has had the position from the beginning, and therefore the minister should engage some Protestant clergyman and for goodness sake give him the salary and not a pittance of $200 for a clergyman from every denomination. You want to get the best man you can, and in order to secure the best man, you should give him the full salary. I know it is not enough to support a man of any eminence, but some man in the neighbourhood belonging to a Protestant denomination will take it, and being attached that way will do his work and do good. The chaplain is the confidential friend of the convicts. He looks after their interests, writes their letters, &c., and of course everything is done with the knowledge of the officials of the prison. He ought to be conversant with and have full experience of those men. As to the shades of the differ-

ent Protestant denominations, it would be folly to think of arranging it in that manner. I would give it to one clergyman, whoever he may be.

Hon. Mr. LOUGHEED—The weak spot in the amendment is the distribution of the allowance amongst the various clergymen, in proportion to the number of convicts belonging to the respective churches. It seems to me that will create a rivalry to a certain extent amongst the various churches as to which will receive the largest allowance. We shall have a certain number of convicts professing Armenianism, and a certain number professing Calvanism, and thus through the various phases of theology, and you will find a rivalry amongst the different clergymen, as to who has the greatest number of adherents. This allowance for a chaplain might be distributed evenly among the various denominations in the neighbourhood of the penitentiary, and thus prevent a canvass being made which possibly may result in an endeavour to secure the largest number of convicts as belonging to one denomination.

Hon. Mr. POWER—With respect to the observations of the hon. senator from Kingston ;* I do not undertake to say that I differ from him ; but the position is this : in the Bill before us provision is made for departing from the plan adopted in the past, and my contention is that it is more equitable and fairer that the sum set apart for the salary of the Protestant chaplain should be distributed amongst the clergymen who do duty, in proportion to the amount of work they do. With respect to the observation made by the hon. leader of the opposition, I have a higher opinion of the clergymen of other denominations than my own than that which the hon. gentleman seems to have. I can hardly imagine a clergyman canvassing amongst the convicts with a view of securing their nominal adherence to any particular denomination. We have scriptural authority for the belief that the labourer is worthy of his hire, and if one clergyman attends to fifty convicts and another attends to only five, surely the former who does more work is entitled to more consideration than the latter ? I should be perfectly willing that the clause be stricken out altogether, but I contend that, on the whole, the principle contained in the amendment is the sounder one. I shall move that amendment, and if it is the wish of the committee it can stand over to be considered later.

Hon. Mr. WATSON—I entirely agree with the hon. gentleman from Kingston (Hon. Mr. Sullivan). I think the old system of appointing a permanent clergyman to look after the spiritual wants of the prisoners would be much better than to divide it up. Any person who knows anything of the class of men who are to be ministered to is aware that they have no very strong religious convictions, and I do not think any particular fault would be found by protestant clergymen if the old system were continued. It appears to me that the class of men who are found in penitentiaries are of peculiar dispositions, and do not possess strong religious convictions and if there is any way in which any clergyman will be able to induce these men to lead better lives it will certainly be by permitting him to become familiar with the parties. I think the clause in the present Act provides that the minister had the right to appoint a Protestant clergyman, and I think it would be much better to strike out this new clause and leave it as it was before, or leave it to the minister to appoint the clergyman. I do not know that any fault has been found with that system in the past, and if it has worked satisfactorily, why make the change ? I rather think the clause as it now stands provides for the regulation of the pay as suggested by the hon. gentleman from Halifax ?

Hon. Mr. SCOTT—No.

Hon. Mr. WATSON—I think the last two lines of clause 34, 'Among the clergymen of the several denominations performing such duties in proportion to the time given to such duties by each,' appear to qualify, and the clergymen performing the duties would be the clergymen for the time being. If it is left to the warden and the minister to select the clergymen they might be selected just as has been suggested, but you might have five Presbyterian and fifty Methodist convicts. I should judge that would be the proportion that might be there

—and while the clergymen who were being paid to administer to the fifty Methodists would be occupied for nine months, the poor Presbyterians would only have thirty days of a clergyman, if they were employed in proportion. I think it would be much better to strike out that provision and allow the minister to appoint the clergyman as in the past.

Hon. Mr. FERGUSON—In addition to the objections already urged, which were in the mind of the government, no doubt, when they framed the Bill, there is a further objection—and it is a strong one—that in this matter political patronage comes in and our knowledge of politics, as they are current at the present moment, is that they come into everything, and the political views of the different clergymen in the town where the penitentiary is located would be thoroughly gauged by those who had the control of the patronage, and the chaplain would be forced on the minister. The appointment would be made upon political grounds. Apart from all the other reasons urged, that would be a very bad state of things, and it is the state of things, from our knowledge of politics in Canada at the present time, which would be sure to exist. I rather like the amendment suggested by the hon. gentleman from Halifax, and he should move it in order that it might go on record, but it might not be pressed to a division until further consideration was given to it, and it could then be found whether it might not be modified or some other changes brought into it that would make it fair and harmonious. I can scarcely agree with my hon. friend from Kingston when he is disposed to act as an umpire and settle this matter between the different denominations of Protestants by telling them they could bow to the Church of England because it has better claims. All the churches in this country are on an equal footing and the Church of England has no better status than any other denomination. I think the amendment suggested by the hon. gentleman from Halifax would have a good effect. There is no question about the Catholics. Whatever proportion of criminals are Catholics, they would receive consolation from the Catholic clergy, and those who belonged to the Protestant denominations, or were adherents of any Protestant denomination, would receive consolation from their own clergymen under that clause.

Hon. Mr. SCOTT—I understand that is the system that is in force now, and I find on looking over the notes, that it was supported by the minister who comes from New Brunswick who certainly ought to know. The Hon. Mr. Emmerson thought that that was a better way, and by striking out two lines I changed the reading of it and I would suggest to make it read as follows :

> The minister, instead of appointing a Protestant chaplain for any penitentiary, may direct that the clergymen of the different Protestant denominations represented in the community where a penitentiary is situate, shall be permitted to perform the duties of the Protestant chaplaincy in rotation, each in his turn taking three months, the assignment being under the direction of the warden, in which case the salary allowed for a Protestant chaplain shall be in proportion to the time given to such duties by each.

Hon. Mr. CLORAN—This clause is subversive of what we call the principle of conscience, I quote the first two lines, which read :

> The minister, instead of appointing a Protestant chaplain for any penitentiary, may direct that the clergymen of the different Protestant denominations in the community, &c.

The different Protestant clergy may be vastly different from the prisoners——

Hon. Mr. SCOTT—No. In our penitentiaries there may be lots of Church of England people who will not accept the services of these clergymen.

Hon. Mr. SULLIVAN—They can have their own.

Hon. Mr. CLORAN—It is suggested that they shall have their own ministers. It should be put in the clause that the men in the penitentiaries have the right to call in any minister they please.

Hon. Mr. SULLIVAN—It would never work. Every convict would have a chaplain of his own.

Hon. Mr. CLORAN—Why should the state have a right to dictate to the prisoner what clergyman he should have ?

Hon. Mr. SULLIVAN—He need not take them.

Hon. Mr. CLORAN—The prisoner in the penitentiary should have the right to call a minister to suit his conscience.

Hon. Mr. SULLIVAN—They have no consciences.

Hon. Mr. CLORAN—If these people have no consciences, wait until they have consciences and when that time arrives let us cultivate their consciences. I think this clause is an interference with the right of liberty of conscience. It depends upon the ministers of that community as to who shall be appointed, whether they shall be Baptist, Calvinist, Church of England or whether they shall be Catholics. Supposing there are a number of men in the penitentiary who belong to none of these churches, are you going to deprive them of religious succor and aid? That is what this clause means or would effect.

Hon. Mr. WATSON—I move that clause 34 be struck out altogether, leaving the appointment to the minister, because I think it much better to have a permanent clergyman.

Hon. Mr. FERGUSON—Then you would have no chaplain at all.

Hon. Mr. WATSON—Yes, the minister has power to make the appointment.

Hon. Mr. LOUGHEED—Will my hon. friend from Halifax read his amendment again.

Hon. Mr. POWER—I withdraw my amendment.

Hon. Mr. SCOTT—I made the clause to read by striking out the words from 'Protestant chaplaincy' in the 12th line, cutting out the term of three months. However, I am quite ready to adopt any view the House may take.

Hon. Mr. LOUGHEED—Before the clause is dropped, I desire to ascertain first where the power comes in to appoint a chaplain?

Hon. Mr. POWER—That will be found under clause 27.

Hon. Mr. LOUGHEED— I venture to say that a chaplain would not come under that section. Chaplains are not necessary for the administration and police of a penitentiary.

Hon. Mr. SCOTT—There is no use in criticising what has been done for the last thirty-five or forty years. These chaplains have been appointed all along and no one has ever questioned the right to do so.

Hon. Mr. LOUGHEED—Has my hon. friend the Act there?

Hon. Mr. SCOTT—The fact is undoubted.

Hon. Mr. FERGUSON—If this clause is struck out and you leave the schedules, there will be full power to appoint Protestant and Roman Catholic chaplains.

Hon. Mr. SCOTT—They have that right now. This is simply a special case for Dorchester, to divide up what was allowed to the Protestant chaplain among three or four religious denominations.

Hon. Mr. FERGUSON—The matter will then become simply one of political patronage.

Hon. Mr. LOUGHEED—I object to the Secretary of State sweeping aside every objection which is made without having a knowledge of the statements which are being put forward. My hon. friend said that the old Act made no provision for the appointment of chaplains.

Hon. Mr. SCOTT—I beg the hon. gentleman's pardon. I said the very reverse. I said it has been going on for thirty years.

Hon. Mr. LOUGHEED—I asked my hon. friend to point out to me the existing law with reference to the appointment of chaplains. My hon. friend answered that clause 27 of the Bill was practically the same as the old law.

Hon. Mr. SCOTT—That was an answer made by the hon. gentleman from Halifax.

Hon. Mr. LOUGHEED—In section 22 of the old Act, we find express power given to the Governor in Council to appoint Protestant and Roman Catholic chaplains. Now, the position I take is this: if this clause be striken out there is no power in the Bill, as far as it has been pointed out to me by my hon. friend who has charge of it, to appoint chaplains. Under section 27 power is not given to the minister to appoint chaplains.

Hon. Mr. SCOTT—I say it is.

Hon. Mr. LOUGHEED—It would not give that power because chaplains are not necessary for the administration and police of a penitentiary. The Act now in force reads as follows :

The Governor in Council may appoint for any penitentiary a warden and deputy warden, Protestant and assistant Protestant chaplain, when required, Roman Catholic and assistant Roman Catholic chaplain, when required, surgeon and accountant, all of whom shall hold office during pleasure.

Unless express provision is made in the Bill we are now revising, certainly the power to appoint chaplains will not be given to the Governor in Council.

Hon. Mr. SCOTT—I do not agree with my hon. friend. When I introduced this Bill I stated that so far as the officers were concerned the Governor in Council would appoint the warden and deputy warden. For all the other officials the minister was authorized under this Bill to make the appointment, and I say so still.

Hon. Mr. LOUGHEED—I ask my hon. friend to point out to me any clause in the Bill giving the minister power to appoint chaplains ? That power is not given as far as has been pointed out to me.

Hon. Mr. SCOTT—It is a matter of interpretation, and I think my interpretation is right.

Hon. Mr. POWER—I would draw attention to the fact that the accountant and surgeon are not provided for by name in this Bill, any more than the chaplain. The general principle is laid down that the Governor in Council appoint the warden and deputy warden. All other necessary officials are appointed by the minister. The chaplain is just as necessary an officer as the surgeon, if the hon. gentleman from Kingston will excuse me for saying so. The surgeon looks after the bodies of the convicts, and the chaplain looks after their souls ; and surely the souls are of as much consequence as the bodies.

Hon. Sir MACKENZIE BOWELL—The difficulty which presents itself seems to be as to the interpretation to be given to the latter portion of clause 27. The point raised by the leader of the opposition is, the chaplains and surgeons are not necessary for the proper administration of and police of any penitentiary. That is the position he takes. If the hon. Secretary of State will accept this suggestion, let the government assume the responsibility collectively to appoint the surgeons and chaplains as well as the warden and deputy warden and leave the balance with the minister ; that is the interpretation, if my recollection serves me right, which the hon. Secretary of State put upon the clause when we were discussing it before.

Hon. Mr. SCOTT—No, I was perfectly clear from the beginning that the Governor in Council had only the appointment of a warden or deputy warden, and that all the other officials were appointed by the Minister of Justice. I stated that distinctly. The Bill was drawn with that view; it was drawn in the Department of Justice and they knew what they wanted. In the schedule, provision is made for the different officers, and chaplains are specifically cited.

Hon. Mr. WATSON—I should say that the minister, in drafting this Bill and putting clause 34 there, certainly understood he had the power.

Hon. Mr. WOOD—I think the amendment suggested by the hon. Secretary of State should be adopted. In looking at these different clauses it appears to me that clause 27, where it provides that the minister may appoint or authorize the appointment of such other officers as may be necessary for the proper adminstration of any penitentiary, and section 33, which provides that the minister shall fix the salary to be paid to each officer or employee, cover it. If there is any doubt about it at all, it could be remedied by inserting in section 27, 'Such other officers and employees.' Then schedule 'A' would designate the different employees to whom the clauses apply. If clause 34, as I understand it, were eliminated entirely, there could only be one Roman Catholic and one Protestant chaplain. Clause 34 as amended by the hon. Secretary of State gives the minister discretionary power; he may, if he thinks proper, allow the ministers of different Protestant denominations to officiate in the penitentiary. It appears to me that that on the whole is a wise discretionary power to give the minister and, under certain cir-

cumstances, it might be found very useful to have a discretionary power to appoint ministers of different denominations, and divide the money among them in proportion to the duties they perform. I believe this is the practice which has prevailed in Dorchester penitentiary, and I have not heard of any complaint against it. It has worked very well and very satisfactorily all round. I agree with what has been said by some hon. gentlemen, that with regard to a great majority of the prisoners there is not any necessity of making very fine distinctions as to the theology of the clergymen who administer to them while they are in confinement; but circumstances may arise when it may be desirable, and it would be for the benefit of certain prisoners that they should have the services of a clergyman of some particular denomination. I think the suggestion that the minister should have this discretionary power when he thinks proper to exercise it, is a wise one, and I should be glad to see it adopted.

Hon. Mr. SCOTT—I should like to call the attention of the leader of the opposition to interpretation clause (b) :

The expression officer means and includes any officer or employee of any of the classes mentioned in the schedule to this Act, or any servant in the employ of the penitentiary.

In the schedule to the Bill the clergymen are named.

Hon. Mr. LOUGHEED—That is only by implication.

Hon. Mr. SCOTT—No, nothing could be clearer.

Hon. Mr. LOUGHEED—Then why should wardens and deputy wardens be mentioned ?

Hon. Mr. SCOTT—I have explained already that the Governor in Council have the appointment of warden and deputy warden, and the Minister of Justice has the appointment of all others.

Hon. Mr. FERGUSON—I agree with the remarks of the hon. senator from Westmoreland, and think that the amendment suggested by the minister, would meet the case very fairly. On close examination it will be found that clause 27, taken in connection with the interpretation clause and the schedule, would give power to appoint these two chaplains and other officers. But if we were to adopt this clause as proposed to be amended, by the hon. Secretary of State, it would simply modify the matter as far as the appointment of a Protestant chaplain is concerned, and enable the minister to apportion the work of the chaplain among the resident clergymen of the different Protestant denominations. I understand that this principle has alredy be applied, although the old law scarcely admits of it, but it was found to be in itself so fair and reasonable that it has been applied in the Dorchester penitentiary even without a provision such as we are now proposing in the law. Having been found that it was necessay there that is a fair and reasonable way to admit that principle, we should make the law so that the principle may be legally applied there and elsewhere. It also gives rise to another advantage which I have already presented to the House ; with regard to the Roman Catholic chaplain there would usually be at the site of the penitentiary only one priest, but when you have to select a chaplain from each of the Protestant denominations it would be found, from the way political pressure is brought to bear on the minister, that he would be scarcely able to resist the influence brought to bear upon him to appoint a clergyman in sympathy with the government of the day. It would remove that pressure altogether if the minister were allowed to apportion the work and distribute the allowance among the ministers of the different denominations.

Hon. Mr. SULLIVAN—Suppose a number of the convicts were to claim that they were Methodists to-day, and to-morrow claim to be Baptists, and then some other day Presbyterians, the odium theologicum would be introduced. I say strike it out altogether. If you knew these gentlemen that you are legislating for, you would find them the greatest blackguards and scoundrels imaginable, and it is not for them to indicate what denomination they belong to. It is for you to say under what code of morality they can best be attended to. It all depends on the man ; it does not matter whether he is a Salvation Army officer, a Catholic priest or a Protestant minister, it is the individual himself that influences the convict. Therefore this patched up, mean, miserable con-

dition you have of dividing a few hundred dollars amongst five or six denominations makes me sick. I wonder that Protestantism has got down to that degradation that such a thing could be tolerated for a moment. I scout the idea. I hope the hon. gentleman from Calgary will prevail and that this condition will be entirely removed.

Hon. Mr. SCOTT—I move to strike out the line 'in rotation each in his turn taking three months,' and leave in the rest.

Hon. Mr. WATSON—I think a great mistake would be made to divide up the salary among different denominations. One chaplain who meets the prisoners from week to week and from month to month, and gets acquainted with them is better qualified to give them spiritual advice than a succession of chaplains.

The committee divided on the amendment to strike out clause 34, which was adopted on the following vote:—

Yeas, 25; nays, 11.

On clause 35,

Hon. Mr. LOUGHEED—It seems to me that subsection (c) has been productive of a great deal of mischief in bringing about the superannuation of many officers who are well fitted for duty, but for unknown reasons secure a general superannuation.—'Who may be retired to promote efficiency or economy.'

Hon. Mr. SCOTT—I do not think so—I have not known it to be abused in the manner my hon. friend speaks of. In fact, it is very rarely invoked, not as often as it should be.

Hon. Mr. POWER—This does not provide for superannuation, but for a gratuity to an officer who is going out, and I think it is a reasonable proposition.

Hon. Mr. LOUGHEED—It permits the payment of a retiring allowance to an officer who for certain reasons, may have to retire from the public service. If he has the necessary political influence he invokes this clause. The expression is: 'Who may be retired to promote efficiency or economy.' Of course that will permit of the government giving a gratuity to any officer who, for fixed reasons, would retire in any event, and it seems to me unless there are good reasons advanced and not general reasons, such as are embodied in this subsection, the government should not have the power to give a retiring allowance or a gratuity to an officer because he is retiring from the public service.

Hon. Mr. SCOTT—It is done now. It can be done. There is the power to do it. All you require is to get the order of the treasury board but it is very rarely invoked, because there is always the disposition not to throw a man out unless for very strong reasons. Superannuation, as my hon. friend knows, was done away with many years ago, and a man going out now, unless he is under the old system, receives a very small gratuity in proportion to the length of service.

The clause was adopted.

On clause 31,

36. No officer shall be allowed any perquisite except as follows:

(a) Any officer whose duties require him, and who is directed by the minister, to reside on the penitentiary reserve may, during the will of the minister, occupy free of rent any house or quarters, with any grounds attached which forms part of the penitentiary property;

(b) Wardens and deputy wardens shall be entitled to free residence or quarters and to such allowance of heat, light and water as the minister deems necessary therefor;

(c) The ornamental grounds attached to the residence or quarters of a warden or deputy warden may be kept in order and cultivated by convict labour, but otherwise no convict labour shall be employed in keeping in order or cultivating any grounds occupied by an officer;

(d) Any officer may be allowed such uniform as the inspector, with the concurrence of the minister, prescribes.

Hon. Mr. SCOTT—This is simply redrafted.

Hon. Mr. POWER—It has added water to the perquisites, and in these days of watered stock, perhaps it is very appropriate.

On clause 3,

37. The warden shall be a corporation sole known by the name of 'The warden of the penitentiary,' (designating the place as named in this Act, or named in the proclamation establishing it as a penitentiary), and by that name he and his successors shall have perpetual succession and may sue and be sued, and may plead and be pleaded unto, in any of His Majesty's courts.

Hon. Mr. SCOTT—That is the law as it stands.

Hon. Mr. LOUGHEED—I would ask my hon. friend, purely out of curiosity, why a warden should be 'a corporation sole' as distinguished from other officers of public institutions?

Hon. Mr. POWER—In order to enable him to make contracts without any trouble, I suppose.

Hon. Mr. LOUGHEED—That would apply equally to officers of other public institutions?

Hon. Mr. SCOTT—That is word for word what is contained in the Revised Statutes.

Hon. Mr. LOUGHEED—Yes, but does my hon. friend know what led up to it? It would apparently be unnecessary to obtain a fiat from the government to institute a suit against the Crown in such a case.

Hon. Mr. SCOTT—It is the same as section 34 of the old Act. He would not be allowed to make contracts otherwise.

On clause 45,

45. The warden shall receive into the penitentiary every convict legally certified to him as sentenced to imprisonment therein, unless certified by the surgeon of the penitentiary to be suffering from any dangerously infectious or contagious disease, and shall there detain him, subject to the rules, regulations and discipline thereof, until the term for which he has been sentenced is completed, or until he is otherwise legally discharged.

Hon. Mr. LOUGHEED—What becomes of the convict if this certificate is made by the surgeon?

Hon. Mr. SCOTT—He is not received. If he was sent from a jail he would have to be sent back again, and they would have to take care of him. Where there are 1,000 in a penitentiary, it would be a very serious matter to admit any convict suffering from a contagious disease.

Hon. Mr. LOUGHEED—If he is sent from a jail, the provincial authorities having once delivered him over to the federal officer for transference to the penitentiary, would refuse to receive him back. It seems to me there should be a clause providing that he be returned from whence he came. Otherwise the provincial authorities will say, 'We have issued the necessary warrant transferring him to the federal authorities and we absolutely refuse to accept him.'

Hon. Mr. SULLIVAN—There is no isolated hospital in any of the penitentiaries, although there is a good one for patients suffering from ordinary diseases. If a convict were found to be suffering from a very slight attack of smallpox, he might not be unwell enough to prevent his coming to Kingston, but he could not be admitted to the penitentiary. They would send him back immediately; there would be no other alternative.

Hon. Mr. FERGUSON—But here is a case in which a prisoner, after having been tried and convicted, receives a long term sentence such as entitles the province to send him to the penitentiary. At the door of the penitentiary he is examined by the surgeon, who finds or claims to find that he has some infectious disease. The question is, what is the status of that prisoner? The long term sentence passed upon him qualifies him for the penitentiary and obliges the federal government to accept him. The federal surgeon finds that he has some infectious disease. What is to be done then? Is he to be sent to the provincial jail, which is not a place where he can be properly incarcerated?

Hon. Mr. McMILLAN—You can't send him back, because the railways would not take him.

Hon. Mr. LOUGHEED—Furthermore, he is not a provincial prisoner. He is a prisoner of the federal authorities. Immediately the judge sentences the man to the penitentiary he then is in the custody of the federal authorities.

Hon. Sir MACKENZIE BOWELL—Would the hon. Secretary of State ascertain how prisoners who contract contagious diseases in the penitentiary are treated now? There are contagious diseases such as typhoid fever which are contracted in the penitentiary, and if the penitentiaries have not isolation hospitals they ought to have.

Hon. Mr. SULLIVAN—I may say that the penitentiaries have splendid hospitals.

Hon. Mr. SCOTT—If hon. gentlemen will refer to clause 44, they will see there that it is the duty of the jail surgeon to certify in the first instance and I will read the memorandum that has been sent me :

A convict is not in the custody of the warden until the latter has given a formal receipt to the sheriff. The section is intended to authorize the wardens in case of doubt to withhold the receipt until the prison surgeon shall have examined the convict: If the surgeon reports adversly the warden will refuse the receipt, and the convict still will remain in the custody of the sheriff. As the latter is a provincial officer, we have no power to direct him as to the subsequent disposal of the prisoner.

That is the practice observed, and a recent case arose in Ottawa.

Hon. Mr. LOUGHEED—It seems to me that immediately the prisoner is sentenced to the penitentiary, he is in the custody of the federal authorities, and the sheriff is simply an officer of the federal authorities to deliver him to the warden. True, he is a provincial officer, but he is carrying out the functions of a federal officer in so doing. After a prisoner is sentenced to imprisonment in a penitentiary, he cannot be said to be in the custody of the province.

Hon. Mr. SCOTT—Oh, yes, that is the law.

Hon. Mr. LOUGHEED—I question that very much.

Hon. Mr. FERGUSON—It has certainly been settled long ago that long time prisoners are subject to be taken charge of by the federal government. I remember a case of that kind in Prince Edward Island, in which we pressed it against the federal government and obtained a settlement of it because they would not take charge of long time prisoners for a number of years, and the province was put to the expense of keeping them. Finally a settlement was made, the federal government admitting our contention and paying the amount to the province; therefore, I hold that after a prisoner has been sentenced by a court of competent jurisdiction for a long term of imprisonment, sufficiently long to entitle him to be sent to a penitentiary, then the provincial authorities have a right to forward him. He may be under the charge of their officers—of course he will be during the court and at the time of the sentence and for the purposes of the trial he is incarcerated in the jail of the province, but as soon after his conviction as possible he is sent to the penitentiary, I should say it was the duty of the federal authorities to take charge of him if he is afflicted with any disease, and they should transfer him to the hospital.

The clause was allowed to stand.

On clause 51,

51. The minister may, at any time, in his discretion, by warrant under his hand, cause any convict in a penitentiary, and who appears to the inspector to be under sixteen years of age, and susceptible of reformation, to be transferred, for the remainder of his term of imprisonment, to the reformatory prison, if there is one, of the province where such convict was sentenced.

Hon. Mr. SCOTT—The only change in this clause is that the minister is substituted for the Governor in Council. I happen to know something about the working of this arrangement. The Governor in Council, of course knows nothing about these matters.

Hon. Sir MACKENZIE BOWELL—But, of course, they have to take the responsibility.

Hon. Mr. SCOTT—They cannot possibly.

Hon. Sir MACKENZIE BOWELL—I should like to know what kind of government we are governed by? If the minister does anything the government are responsible for it.

Hon. Mr. SCOTT—Yes, but in a matter of that kind it would be most idle to bring it before the Governor in Council.

The clause was adopted.

On clause 55,

55. When a surgeon of a penitentiary reports in writing to the warden that any convict confined in such penitentiary is insane, and ought to be removed to an asylum for the insane, the warden shall report the facts to the inspector.

2. The minister may thereupon, if an arrangement exists with the lieutenant governor of any province for the maintenance of such convict in an asylum for the insane of the province, by warrant under his hand, direct the removal of such insane convict to the custody of the official in charge of such asylum, for the unexpired portion of his sentence; and the warden of the penitentiary, when required so to do, shall deliver up to the constable or other officer or person who produces such warrant, the insane convict, together with a copy, attested by the warden, of the sentence and date of his conviction, as given to the warden on reception of the convict into his custody; and the constable or other officer or person shall give a receipt therfor, and shall thereupon, with all convenient despatch, convey and deliver up such convict, with such attested copy, into the custody of the official in charge of such asylum, who shall give a receipt therefor; and the con-

vict shall be kept in custody in such asylum under his sentence, until the expiration or sooner determination thereof, or until his removal elsewhere under the provisions of this Act, or his discharge by law.

3. If, before the expiration of his sentence, any convict so detained in an asylum recovers his reason, and such recovery is certified to by the surgeon or medical officer in charge of such asylum, the minister may in like manner direct the removal of such convict from such asylum to the penitentiary ; and thereupon such convict may in like manner be removed and delivered again to the warden of such penitentiary, where he shall be kept in custody under his sentence.

Hon. Mr. SCOTT—There is no change in this clause except that the minister is substituted for the Governor in Council.

Hon. Mr. FERGUSON—No matter whether there is a change or not, we are now passing an Act from beginning to end, and I should like to have the information upon this point in reference to section 55 which has just been declared carried. If the convict becomes insane, this section provides that he may be sent to an insane asylum. As the insane asylums are all in charge of the provincial governments, what financial provision is made for such a case as that?

Hon. Mr. ROBERTSON—It is in the law.

Hon. Mr. FERGUSON—What part of it?

Hon. Mr. ROBERTSON—The federal government makes an arrangement with the provincial government.

Hon. Sir MACKENZIE BOWELL—That is one of the misfortunes which results from not reading the clauses. That practice leads to a great deal of discussion, simply for the reason that one clause is governed by the other, and none of us had time to look over the clauses to see what they contained. We are galloping along as though we were running a horse race.

Hon. Mr. SCOTT—Where we are not making any change, it was thought that it was not necessary to read the clauses. Where the law has been on the statute-book for thirty-five years, the clause is not read.

Hon. Sir MACKENZIE BOWELL—We have discussions which last half an hour, and when we look back at clauses which have not been read, we find discussion was not necessary. If the law as it stands on the statute-book for thirty-five years was all right, there was no necessity for consideration. It might, however, be possible that some suggestions could be made to improve the old law just as it is proposed to improve it by the amendments which are being offered by the government.

The clause was adopted.

On clause 57,

57. If the surgeon certifies that the person is insane, the warden shall report the fact to the inspector; and the minister shall thereupon communicate the fact to the lieutenant governor of the province within which the person was sentenced, so that he may be removed to a place of safe keeping.

2. The lieutenant governor may, thereupon order the removal of the person to a place of safe keeping within the province, and he shall, upon such order, be delivered to the person therein designated, for transport to such place, and he shall remain and be detained there or in such other place of safe keeping as the lieutenant governor, from time to time, orders until it appears to the lieutenant governor that he is of sound mind, when the lieutenant governor may order him to be discharged ; but if, at any time after his removal to such place of safe keeping, and before his complete recovery, the lieutenant governor thinks fit to order that he shall be given up to any person by him named, he shall be given up accordingly.

Hon. Mr. SCOTT—There is, as hon. gentlemen know, an insane ward in Kingston penitentiary and, except in the case of Manitoba and British Columbia, the insane are sent to Kingston. In British Columbia and Manitoba, the provincial governments are paid $1 a day for the keep of the men who are sent from the penitentiary.

Hon. Sir MACKENZIE BOWELL—There is a lunatic asylum in connection with the penitentiary in Kingston. Is that a provincial institution?

Hon. Mr. SCOTT—Oh, no, federal.

Hon. Sir MACKENZIE BOWELL—It is only used for convicts.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Does the provincial government of Ontario pay the expenses in connection with that?

Hon. Mr. SCOTT—No, I think not.

Hon. Sir MACKENZIE BOWELL—It cannot be under the control of the province.

Hon. Mr. SCOTT—No, these are under the control of the province of Manitoba and British Columbia, and in such cases the federal government pays to the province $1 a day for each convict.

Hon. Sir MACKENZIE BOWELL—Then is there a lunatic asylum in Kingston penitentiary? The hon. gentleman has just told us there is an asylum connected with the penitentiary.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—What does it mean by the lieutenant governor discharging the insane person, in line 37? It appears to me that if a convict were confined as being insane, in the provincial asylum, that upon his recovery he should be again transferred to the federal authorities at Kingston or whatever penitentiary he may have come from; but under this clause it would appear that the lieutenant governor may discharge him.

Hon. Mr. SCOTT—I think not.

Hon. Mr. LOUGHEED—Will my hon. friend look at lines 45, 46 and 47.

Hon. Mr. SCOTT—It only applies in the case of Manitoba and British Columbia. In all other cases the convict who becomes insane is still retained and goes to the Kingston penitentiary. If he recovers from his insanity he has to serve out his term. The same rule exists as regards Manitoba and British Columbia.

Hon. Mr. LOUGHEED—The insanity from which he may suffer may be but temporary. If he recovers, he should again be transferred to the custody of the Dominion authorities.

Hon. Mr. SCOTT—I think that has been done. Provision is made in subsection 3 of section 55.

Hon. Sir MACKENZIE BOWELL—The answer of the hon. Secretary of State to the question which I proposed a few moments ago does not seem to be borne out by clause 57. The question I asked was, what was done with the prisoner who became insane while he was in the penitentiary. The answer given by the hon. gentleman was that he was placed in the asylum which is under the control of the Dominion government situated in Kingston, and which is connected with the penitentiary. That interpretation is not borne out by clause 57, which reads as follows:—

57. If the surgeon certifies that the person is insane, the warden shall report the fact to the inspector; and the minister shall thereupon communicate the fact to the lieutenant governor of the province within which the person was sentenced, so that he may be removed to a place of safe keeping.

That certainly implies that if the prisoner becomes insane the government of the province is to be notified of the fact and he is to be sent to a provincial lunatic asylum.

Hon. Mr. SCOTT—That is only where they have no insane ward in the penitentiary.

Hon. Mr. LOUGHEED—It does not say so.

Hon. Mr. SCOTT—That has been the law ever since the penitentiary was established.

Hon. Sir MACKENZIE BOWELL—I do not find any provision in the law for carrying out what the hon. gentleman says.

Hon. Mr. SCOTT—I presume where the existing law has been found to work satisfactorily, they have made no change in it; that is the only explanation.

Hon. Sir MACKENZIE BOWELL—But I was discussing the question on the merits of the case, as well as the law. If the person becomes insane in the penitentiary, then one would suppose he would be sent to the lunatic asylum connected with the penitentiary. If, however, there are no asylums in connection with the penitentiaries, at Dorchester or at St. Vincent de Paul, he must be sent somewhere else.

Hon. Mr. SCOTT—He goes to Kingston from Dorchester or St. Vincent de Paul.

Hon. Sir MACKENZIE BOWELL—How does that comport with the clauses I have just read, which provides that the lieutenant governor shall be informed of the fact, and the province takes care of him?

Hon. Mr. FERGUSON—I would infer from clause 58 that there is no asylum in connection with the Kingston penitentiary and that provision must be made by the province.

Hon. Sir MACKENZIE BOWELL—But there is.

Hon. Mr. FERGUSON—What does clause 58 mean?

58. If the lieutenant governor of the province within which any such person was

sentenced has made arrangements with the lieutenant governor of the province of Ontario for the safe keeping of any such person in Ontario, and such arrangements have been communicated to the minister by the lieutenant governors of the provinces concerned, the minister shall, in the case of any such person, communicate, under the next preceding section, with the lieutenant governor of Ontario, who shall, in such cases, have all the powers thereby given.

Assuming that a convict belongs to, say Nova Scotia, and there is no asylum in connection with Dorchester penitentiary, then it would seem that lieutenant governor of Nova Scotia would have to make some arrangement with the lieutenant governor of Ontario in order to provide for the prisoner's maintenance in an asylum in Ontario.

Hon. Mr. SCOTT—The way it operates is this : During the term for which the convict has been sentenced, he is kept in the penitentiary, and at the expiration of his sentence, if it happens to be in the province of Ontario, he would be sent to the provincial asylum the moment his term of imprisonment there terminated.

Hon. Sir MACKENZIE BOWELL—Then he would finish the term of imprisonment in the Kingston asylum?

Hon. Mr. SCOTT—Yes, but in Manitoba and British Columbia he would have to go direct from them because they have no insane ward connected with either of them. In that case, the federal government pay the province $1 a day.

The clause was adopted.

On clause 66,

66. Any convict who is furnished with money or with tickets for transportation in pursuance of the provisions of subsection 4 of section 70 and who uses the same for any other than the purpose intended is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months.

Hon Sir MACKENZIE BOWELL—What has led to the adoption of this clause ?

Hon. Mr. SCOTT—A certain sum of money is given to the convicts when they leave, for the purpose of taking them to the patricular part of the country to which they elect to go. If, instead of making the journey, a man spends that money in Kingston and gets drunk, he is liable to be taken up for it.

The clause was adopted.

On clause 70,

70. No convict, upon the termination of his sentence, or otherwise, shall be discharged from a penitentiary during the month of December, January or February, unless at his own request, but may remain in the penitentiary until the first day of March following the termination of his sentence ; and no convict who, at the expiration of his sentence, is found to be suffering from any acute, dangerous, contagious or infectious disease shall be discharged unless and until in the opinion of the warden such discharge may safely be made ; provided that a convict remaining from any cause in a penitentiary after the termination of his sentence, shall be under the same discipline and control as if his sentence were still unexpired.

Hon. Mr. SCOTT—Previously the time mentioned here covered five months instead of three. It was formerly November, December, January, February or March, but it has now been cut down to the three months mentioned.

The clause was adopted.

On schedule (a).

Hon. Mr. SCOTT—I have under my hand a statement showing increases and decreases as regards the Kingston penitentiary. The following is a list of the officials showing what changes have been made :

KINGSTON PENITENTIARY.

Warden (with free quarters, heated and lighted) $2,600	No change.	
Deputy warden (with free quarters, heated and lighted).. 1,500	"	
Matron (with free quarters heated and lighted.. 600	"	
Deputy matron (with free quarter, heated and lighted.. 450	Increase of	$50.
Protestant chaplain.. .. 1,200	No change.	
Roman Catholic chaplain.. 1,200	"	
Surgeon and medical superintendent of the asylum for the insane.... 2,400	Increase of	$600.
Accountant and clerk of cordage industry.. 1,700	Inc. from	$1,400.
Warden's clerk 900	"	$800.
Storekeeper 1,000	"	$900.
Assistant storekeeper .. 700	"	$600.
Steward and baker.. .. 1,000	"	$900.
Assistant steward 700	"	$600.
Hospital overseer and school instructor.. .. 900	"	$800.
Assistant hospital overseer and school instructor.. 700	No change.	
Messenger.. 600	"	
Engineer 1,200	"	
Electrician 900	Inc. from	$800.
Asistant electrician. .. 700	"	$600.
Three firemen (each). .. 600	"	$500.

Superintendent of cordage industry..	$1,200	Inc. from	$1,000.
Chief trade instructor..	1,000	No change.	
Trade instructors.. ..	800	Inc. from	$700.
Chief keeper..	1,000	No change.	
Chief watchman..	800	Incr'd from	$600.
Gate keeper and armourer..	700	"	650.
9 keepers	700	"	600.
Watchmen..	650	"	500.
Guards..	600	"	500.
Stable guards..	600	"	500.
Temporary guards.. ..	500	"	400.

Hon. Mr. LOUGHEED—Do these officers get their meals in the penitentiary ?

Hon. Mr. SCOTT—I think so. Of course the surgeon and the chaplains do not.

Hon. Mr. LOUGHEED—Are the increases in the other penitentiaries in the same ratio ?

Hon. Mr. SCOTT—On the same lines.

Hon. Sir MACKENZIE BOWELL—I learned that these officers do not get their meals in the penitentiary except they are detained there and cannot get home.

Hon. Mr. SCOTT—St. Vincent de Paul is on a slightly lower scale.

The schedules were adopted.

On clause 32,

32. No officer, on the permanent staff of a penitentiary, shall carry on any trade or calling of profit or emolument other than his employment in the penitentiary, except by consent of the Governor in Council ; provided always that in cases where such exemption shall be granted a reduction of at least twenty per cent shall be made from the salary attached to the office or position held by such officer.

Hon. Mr. POWER—It may be well enough in the case of some of the smaller penitentiaries to allow some of the subordinate officers, perhaps a surgeon or chaplain or some other officer who lives outside, to engage in other occupations, but the warden and the deputy warden who reside in the penitentiary should certainly not be allowed to do any other business, and I would suggest that we add at the end of this clause words to this affect :

And provided that no such exemption shall be granted to any officer who resides in the penitentiary.

If the surgeon is a permanent officer and lives in the penitentiary, he should not be allowed to practice outside. Clause 28 provides that the warden and the deputy warden shall live in the penitentiary, and this proviso would prevent them from engaging in any other business.

Hon. Sir MACKENZIE BOWELL—It seems to me that this clause as it reads can only apply practically to surgeons and to clergymen. It may be possible that surgeons for the smaller penitentiaries might not have their whole time occupied in attending to them. And they might be appointed at smaller salaries than $1,200 because there is provision that the salaries may be regulated not to exceed those provided in the schedule, and clergymen if they are appointed to the penitentiary might be appointed at a lower salary than $1,200 and allowed to perform other duties at the particular stations in which they are located. I do not know any other officers connected with the penitentiary who should have that exemption. But the proviso suggested by the hon. gentleman from Halifax should be inserted to prevent the possibility of allowing the warden or deputy warden who reside in the penitentiary from doing any other business. Their time, of necessity, must be fully occupied.

Hon. Mr. SCOTT—The explanation given by the minister in the other House reads as follows:—

We provide an exception so that in case of some of the smaller penitentiaries where the work of the penitentiary would not fully occupy the whole time of the medical man or surgeon he might be allowed to continue in general practice outside.

Hon. Sir MACKENZIE BOWELL—I had not read that, but it is just what I supposed it was. Does the hon. gentleman accept the suggestion made by the hon. gentleman from Halifax?

Hon. Mr. SCOTT—Oh, Yes.

The clause was adopted.

On clause 45,

45. The warden shall receive into the penitentiary every convict legally certified to him as sentenced to imprisonment therein (unless certified by the surgeon of the penitentiary to be suffering from any dangerously infectious or contagious disease) and shall there detain him, subject to the rules, regulations and discipline thereof, until the term for which he has been sentenced is completed, or until he is otherwise legally discharged.

Hon. Mr. LOUGHEED—What about this clause ?

Hon. Mr. SCOTT—I do not really see that we can do anything. I was reading a rule of the penitentiary here. They would not receive a man and he is not considered their prisoner until the warden gives a receipt for him. It is the duty of the jail surgeon to make an examination, and this is an extra precaution in case the jail surgeon has neglected his duty.

The clause was adopted.

On clause 6,

6. The Kingston penitentiary, for the province of Ontario,—the St. Vincent de Paul penitentiary, for the province of Quebec,—the Dorchester penitentiary, for the province of Nova Scotia, New Brunswick and Prince Edward Island,—the Manitoba penitentiary, for the province of Manitoba and all that part of the territories of Canada situate east of the one hundred and second west meridian,—the British Columbia penitentiary, for the province of British Columbia, and the Alberta penitentiary, for the province of Alberta and Saskatchewan, and for all that part of the territories of Canada, except the Yukon Territory, situate west of the one hundred and second west meridian, shall each be maintained as a prison for the confinement and reformation of persons lawfully convicted of crime before the courts of criminal jurisdiction of the province, territory or district for which it is the penitentiary, and sentenced to confinement for life, or for any term not less than two years.

Hon. Mr. LOUGHEED—I would suggest that we pass this clause, and then my hon. friend can make inquiry into the matter and when we come to the third reading, if it is necessary to make the amendment it can be done.

Hon. Mr. WATSON—I have consulted a map with regard to this matter, and I think that clause 6 is all right. It takes in a portion of Saskatchewan west of the 102nd west meridian, but it is easier to reach the Manitoba penitentiary from there than it would be the Saskatchewan penitentiary.

The clause was adopted.

Hon. Mr. BOSTOCK, from the committee, reported the Bill with amendments, which were concurred in.

INTERPRETATION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (171) an Act to amend the Interpretation Act.

(In the committee.)

Hon. Mr. SCOTT—The commission on revising the laws had substantially made the interpretation as it is here, but it was thought better that it should be enacted by parliament rather than that the commissioners should take upon themselves to include the clauses in the Interpretation Act. Clauses 1 and 2, and 5 and 6 are taken bodily from the English Interpretation Act. The Bill was suggested by the Deputy Minister of Justice who has had charge of the revision of the statutes, and it is at his instance that these changes are made.

Hon. Mr. JONES, from the committee, reported the Bill without amendment, and it was read a third time and passed.

INDIAN ACT AMENDMENT BILL.

THIRD READING.

The order of the day being called, Committee of the Whole on Bill (194) an Act to amend the Indian Act.

Hon. Mr. SCOTT said: As I explained on a former stage of this Bill, it is changing the amount that is payable directly to a band by the Crown, for instance for taking any portion of the land of a band, and disposing of it for the benefit of the band. Instead of funding the whole amount, it is proposed to give to the Indians for the benefit of improvements on the reserves a portion equal to one-half. Probably the House would understand it better if I just read the reasons given by the head of the Indian Department.

The amendment to the Indian Act whereby it is intended to increase the amount from ten to fifty per cent in cash that may be paid to the Indians at or about the time of the surrender of their lands to the Crown to be disposed of for their benefit has been submitted to and returned from the Justice Department and is now in form for presentation to the House.

There are in the Dominion of Canada between 1,400 and 1,500 reserves, containing in round numbers 5,000,000 of acres of land. These reserves are to be found in every province of the Dominion and consist in many, if not the majority, of cases of well selected and very valuable land.

The number of the reserves, especially those of British Columbia and, to some

extent, in Nova Scotia are seldom inhabited by the bands to whom they belong, and in other sections of the country, particularly Ontario, Saskatchewan and Alberta, while the Indians permanently reside on the reserves, yet considerable portions of these are not used or occupied, and it is evident that it would be better for the Indian were these unoccupied lands disposed of and the money applied for the benefit of the band. Representations have been made to the department from time to time in the press, by ordinary correspondence and by members of parliament in the House and out of it that an effort should be made to secure the surrender of these lands in order that they may be sold, not only for the benefit of the Indians, but in order that an opportunity may be given to settlers to acquire these lands. Under the law as it now stands no portion of a reserve can be sold, alienated or leased without the consent of the Indians being first obtained under the provisions of the Act.

The Indian has evinced no very great desire to give up his land, one of the reasons advanced being that the money received from the sale thereof is kept by the department, very little of it spent on the reserve and only a small amount coming back to them by way of interest.

After making full allowance for the rights of posterity to share either in the land or the proceeds thereof it is considered advisable to increase the proportion that may be paid in cash from the proceeds at or about the time of surrender as an inducement to the Indians to consent to the department disposing of the unused portion of the reserve and thereby place in the market considerable quantities of land that may be made available for the benefit of the community generally.

Hon. Sir MACKENZIE BOWELL—Do I understand the reasons given to imply that these lands cannot be disposed of without the consent of the tribe?

Hon. Mr. SCOTT—They must agree to the surrender first.

Hon. Sir MACKENZIE BOWELL—The first portion of the memorandum that the hon. gentleman read would lead to the conclusion that the government may take the power without the consent of the band.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—It gave reasons why power should be given to the government to sell these lands, and then afterwards it says it should be by the consent of the tribe. Do I understand that the only purpose is to give the Indians the 50 per cent instead of 10 per cent now given them ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Is that to be divided among the members of the tribe or to be used for the improvement of lands? The latter portion I concur in, because it is much better that the land should be sold than left in the hands of tenants. I am speaking now of Indian lands in the county where I reside. How Indian reserves in the far west are affected I do not know, but I know there are very valuable lands in the Mohawk reserve which would be better sold and in the hands of owners than remain as they are to-day occupied by tenants. Most people know how tenants, as a rule, use lands. Do I understand that the only purpose of the Act is to give the Indians a larger proportion of the money than they now receive ?

Hon Mr. SCOTT—That is the whole object.

Hon Sir MACKENZIE BOWELL—There is no indication how that 50 per cent is to be disposed of. Is that left to the tribe ?

Hon. Mr. WATSON—I know there is some necessity for this legislation. For instance in Manitoba the Indian inspector was instructed to try to make arrangements with the Indians to surrender part of their reserve, and they decidedly objected, because the amount they were to receive was so small, and they could not appreciate the benefit of the interest later on, and some arrangement had to be made to throw that land open. Hon. gentlemen will understand that large reserves were made for the benefit of the Indians, which are not occupied by them. One reserve, the Rosseau, a portion of which was surrendered a short time ago, was sold by the government to the highest bidder, and a large sum of money was placed to the credit of the Indians, much to the benefit of the municipality in which the land was situated. I know of other

large reserves in the same position. There is one at Kamsack, where not more than 25 per cent of the land is occupied by the Indians, and the government is endeavouring to get the Indians to surrender a part of that land also. The reason for asking this legislation is to empower the government to give the Indian more cash so as to get him to agree to surrender. The government cannot take the lands unless the Indians agree to relinquish them, and this legislation will permit the government to give the Indians a larger proportion of what is realized for the sale of the lands. Most of the Indians who are on the reserve where this Act will be applied in Manitoba and portions of the Northwest Territories, are Indians who are living on and cultivating their lands. They are buying wagons, horses and machinery, and farming the land generally. Most of this money will be applied by them to purchasing machinery and improving their farms. That relates particularly to the province of Manitoba. I got that information from the inspector. I think this is a good provision to make. It will facilitate making arrangements with the Indians to surrender valuable lands which they do not require, in order that they may be occupied by white settlers.

Hon. Sir MACKENZIE BOWELL—There is no doubt about that—at least that is the view I take of it. The question I asked was whether there was to be any control by the government or its officials as to the manner in which the 50 per cent of the money paid for the lands and 10 per cent for the timber, was to be paid to the Indians, or is that left exclusively to be disposed of and managed by the Indians themselves ?

Hon. Mr. WATSON—I understand the Indian receives the full benefit of the land that is sold and the 50 per cent.

Hon. Sir MACKENZIE BOWELL—Who is to spend it?

Hon. Mr. WATSON—The money is given to the Indians and they spend it as they please.

Hon. Mr. POWER—I do not rise to oppose the measure, but I really feel a great deal of doubt as to whether it is a sort of legislation which we ought to pass. Those reserves are not intended for the Indian of the present day alone. They were intended as a permanent provision for the Indians.

Hon. Mr. MACDONALD (B.C.)—That is right.

Hon. Mr. POWER—And the law as we have it in the revised statutes provides that only 10 per cent of the money is to go to the Indians, and one of the effects of that is that the Indians, as a rule, are not anxious to part with their reserves because they get very little money out of them. Now we are offering half the price of the land to the Indians. That is a much greater inducement, and my own feeling about it is that there will be a tendency on the part of the Indians all over the country to part with those reserves, which would be rather an unfortunate condition of things. If the disposition of the reserves was confined to the older provinces like Nova Scotia and Ontario, I should not so much object; but in the western provinces, where there are a great many Indians, and where the lands are becoming more valuable every year, I doubt the wisdom or the fairness of the legislation.

Hon. Mr. WATSON—I do not think there is any possible danger of the government who are guardians of the Indians, asking them to surrender more land than they should.

They will protect the Indians and permit them to retain enough land. It is much better in the west, particularly in Manitoba, for the Indian reserve to be further north, because they are no good where there is civilization. They are all right in other territories. If they would relinquish those lands and take other lands further north where the soil is not fit to grow wheat, they would be much better off. They should be where they could hunt and fish. In Manitoba they occupy reserves where every acre, practically, is good wheat land, and so far as any fear of the Indians being able to bargain away more land than they should, I think the Indian Department will take sufficient care that enough reserve is left for the use of the bands.

Hon. Mr. MACDONALD (B.C.)—We know that in this country there are millions of acres of land in the hands of the government

for sale. Why should we touch the Indian reserve? It is a foolish move; an improper thing to do. If there was a scarcity of land; if it was found that the Indians have too large a reserve, a portion might be sold with discretion, but we know that there is some one else at the bottom of this whole thing. Some one has taken a fancy to the land and has worked upon the minister or the deputy, and that is the whole scheme.

Hon. Mr. WATSON—Oh, no.

Hon. Mr. MACDONALD (B.C.)—There is nothing in it for the Indian. It is for the benefit of some person who wishes to get hold of the Indian reserve. Furthermore, there is no power given in this Bill to sell that land. Under this measure the government cannot give a title to it. The clause says:—

70. The Governor in Council may, subject to the provisions of this Act, direct how, and in what manner, and by whom, the moneys arising from the disposal of Indian lands, or of property held or to be held in trust for Indians.

It does not give power to sell the lands. It says the proceeds from the sale shall be disposed of.

Hon. Mr. WATSON—They have power now, if the Indian will relinquish the claim, but the land is disposed of by public tender, and they will still be disposed of in that way. But it is to induce the Indian to agree to part with his reserve by giving him a larger amount of the money.

Hon. Mr. MACDONALD (B.C.)—They will do anything for money, and the money will be gone in one month. If you give an Indian three or four hundred dollars to-day, to-morrow he won't have a farthing. He spends it on guns, clothing and many articles which are of very little use to him. I do not like this Bill at all. I am sure that it is not at all for the benefit of the Indians, but in the interests of some white man who has taken a fancy to part of the reserve.

Hon. Mr. SCOTT—The minister in the other House said it was not proposed to interfere with the reserve. It was the isolated lands that belonged to the Indians, as a rule that are not occupied at all, and have no connection with the lands occupied by the band. Assuming the Indians would be entitled to 160 acres each, in Manitoba alone there are 106,073 acres over and above the assumed area that each Indian would be entitled to receive.

Hon. Mr. MACDONALD (B.C.)—Does the hon. gentleman say it is not part of the reserve ?

Hon. Mr. SCOTT—No, it is not.

Hon. Mr. WATSON—It is land not occupied but is a part of the reserve. That is particularly the case in the older provinces where the lands are not occupied.

Hon. Mr. MACDONALD (B.C.)—We know that the Indians occupy very small parts of the reserve. There are beautiful reserves in British Columbia, and out of 600 they cultivate about ten acres. They have a potato patch and a few cattle and horses. They do not occupy the whole of the reserves, but it would not be fair to sell them because they are not occupied.

Hon. Sir MACKENZIE BOWELL—The only portion of the Act that may be detrimental to the Indians is the handing over to the tribe of the fifty per cent of the receipts of the sale of land and the ten per cent for the timber. If that money were invested by the government in other lands where the Indians or the increase in their population could go, then the difficulty could be met. In the past the receipts of the moneys derived from sales of these lands have always been funded for the benefit of the Indians ; now they propose to take fifty per cent of the money derived from the sale of the land and give it to them as an inducement to surrender the reserve. I was going to call the attention of the senator from Halifax to an illustration of the administration of trust lands by the late government. A great number of acres of the Mohawk reserve in the township of Tyendinaga, were included in the town of Deseronto, which was a very thriving town increasing in population. This reserve land was occupied by huts and all sorts of shelters of that kind. After a great deal of persuasion, the Indian tribe met in council and consented to the sale of a portion of the reserve which was within the corporation limits, but they made this condition, that the receipts from the sale of all these town lots should be invested in land

up in Bruce or in Huron district, where the younger portion of the tribe could go and settle. There was water there and hunting facilities conducive to the comfort of the Indian tribe. I do not know whether the tribe in other portions of the Dominion increases as they have been doing on the Mohawk reserve. That reserve is settled by Indians who are educated men, occupying very prominent positions, but they adhere with a tenacity that is truly wonderful to their tribal rights and the lands which belong to them. And it was only on condition that the proceeds of the sale of land should be invested in lands up on Lake Huron and Lake Superior for the younger portion of the tribe that they would consent to sell at all. If that were done in dealing with the reserve in the west it would preserve the rights of the Indian tribes. The only fear I have is that the fifty per cent of the money given to the tribe will be squandered.

Hon. Mr. RILEY—I do not think it is the intention of the department to give 50 per cent of the money derived from the sale of the lands in cash in all cases. It might be well to do that where Indians are well civilized, but where they are not civilized they should not get the money. The Indians of the west only get the treaty money, $5 a head. It is intended to furnish those agencies with stock, implements, etc.

Hon. Sir MACKENZIE BOWELL—If those tribes to whom the money is to be given are not civilized and do not know how to use it, that is the strongest possible argument that they should not be allowed to have it.

Hon. Mr. RILEY—They would not give the 50 per cent to any but civilized tribes.

Hon. Mr. WATSON—I think the power taken under this Bill is that they may use it to get the Indians to relinquish the land. The management of the Indians of Canada in the past, under all governments, has been such that they can be trusted to look carefully after the interests of the Indians in the future. They ask for power under this Bill to give the Indians the immediate use of 50 per cent of the money derived from the sale of their lands. The land I speak of was sold at $15 an acre. The Indians who held that land, as a matter of fact, lived away back on another reserve 15 miles from the place. I know the agent had a great deal of difficulty to get the Indians to relinquish the land, because they wanted to get a steam threshing machine, and some wind mills. I know the agent made some arrangement with them by getting some advance from the department, to assist in getting those things before they would relinquish the land. The interests of the Indians will be perfectly safe in the hands of the Indian Department.

Hon. Mr. SCOTT—I see the minister stated in another place that the lands held by Indians in the Territories of Saskatchewan and Alberta, are 2,171,114 acres over and above the 160 acres granted to each family of five.

Hon. Mr. MACDONALD (B.C.)—They require room for hunting,

Hon. Mr. JONES. There is this danger to be considered: any land sold hereafter will bring increased values. I should think that 35 per cent or 40 per cent is the proportion of the money received from the sale of the lands that will be paid to the Indians under this Bill. Though the department take power to give 50 per cent they will not exercise that power except under exceptional conditions. I should think beyond all question that the amount left after paying 50 per cent to the Indians would leave a far larger sum in the hands of the government than at the time of the passing of the Bill we are proposing to amend would have been left, on the basis of paying the Indians even 10 per cent. The lands have grown in value, the sum that will be given to the Indians will be helpful if it is reasonably well used, and I suppose it is reasonable to expect that it will be more appropriately used than it was in earlier years. The sum left in the hands of the government would, in my opinion, be much larger than in the earlier years in the history of the country. There are hardships to the settlers that live in the vicinity of reserves which also should be considered, in the matter of taxation, the making of roads, the building of schools, &c. The settlers will be materially helped in certain directions if the law is, as it has been so far as I know—and I heard no complaints—intelligently administered; so that new conditions having arisen it is na-

tural that some greater power be given to the department to deal with what are materially larger sums for the Indians than there were when the Act of 1898 was brought into force.

Hon. Mr. MACDONALD (B.C.)—The Indians deserve the first consideration above every white man and every settler. It is their country, and they are a helpless people requiring the fostering care of the government and they should not be robbed of an acre of land to please any white man.

Hon. Mr. JONES—I should be glad, if the department thought it workable, to see a condition in the law providing that where a tribe dispose of a part of their reserve or all of their lands if they will, should they dispose of such portions as will leave them less than 160 acres each, then to that extent, it should be made up by a reserve elsewhere. Some scheme of that kind might be considered by the department. I think it will become a necessity, because there are a number of reserves where it will be in the best interests of the tribe themselves, as well as in the interests of the country that they should be treated in that way, give them what will be to them a very considerable sum of money indeed, and in lieu of the remainder such land as will be worth more to the Indian than the land he has now.

Hon. Mr. SCOTT—The explanation given by the Minister of the Interior in another place indicates that he thinks it is only reasonable that some of the vast values which are held in land in trust for the Indians should be turned to account instead of coming to parliament for the money. He said that he did not wish to advance 50 per cent of the purchase price unless it was necessary to do so to procure a sale of the land, recognizing that it is better that the Indians should have the money in fund and only receive the interest from year to year. But where it was desirable in the interest of a growing town to secure lands, the urgency of the case must, to some extent, govern the action of the department.

Hon. Sir MACKENZIE BOWELL—A good deal of argument has been advanced, it seems to me, with the idea that I or those who have spoken upon this question were opposing the principle of the Bill. That is not the difficulty I have in reference to it, my only objection was to the payment of the 50 per cent of the proceeds of the sale of these valuable lands. Unless great care is taken it will be found that the same harpies will hover around the tribes when the money is paid as were in evidence when the scrip was given to the half-breeds. Some people managed to find out that this scrip was to be issued and they were thus placed in a position to secure a transfer of it at very low prices. The Indian has no idea of providing for the future. If he can satisfy the needs of the moment, that is sufficient, and if the band gets this 50 per cent the fear I have is that it will fall into the hands of just such characters as those who robbed the half-breeds of their scrip.

The SPEAKER. There is nothing before the Chair.

Hon. Mr. SCOTT—I move that the Speaker do now leave the Chair.

The motion was agreed to.

The House went into Committee of the Whole on the Bill.

Hon. Mr. FERGUSON—The chairman will observe that we have already fully discussed the provisions of the Bill.

Hon. Mr. THIBAUDEAU (Rigaud), from the committee, reported the Bill without amendment. The Bill was then read the third time and passed.

COURT OF APPEAL FOR MANITOBA BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (195) An Act respecting the Court of Appeal for Manitoba. He said: This Act is to come into force so soon as the Act of the legislature of Manitoba passed at the session thereof held in the 5th and 6th years of His Majesty's reign, intituled an Act respecting the Court of Appeal, is brought into force. When Manitoba brings that legislation into force we are to be prepared for it. The chief point is that the contested elections are to be tried before the Court of Appeal, rather than before the Court of King's Bench in Manitoba.

Hon. Mr. FERGUSON—There is some discrepancy as between the title of the Bill

and clause 7, which makes a provision applying to Nova Scotia, New Brunswick and Prince Edward Island, British Columbia and the Northwest Territories, while the title of the Bill says that it is an Act respecting the Court of Appeal for Manitoba.

Hon. Mr. SCOTT—In the provinces named this class of cases are left to the Supreme Court to control, but in the province of Manitoba it is provided that when the Court of Appeal is brought into force by proclamation it will have control of controverted elections.

Hon. Mr. FERGUSON—I do not think that meets the point I have called attention to. If one were looking for something relating to courts in the lower provinces, one would not expect to find it under such a title as we have in this Bill.

Hon. Mr. LOUGHEED—My hon. friend will observe that what the Act purports to do is to amend another Act which does not concern the Court of Appeal for Manitoba at all. There should be a substantive Act to carry out the provisions of this amendment. It may possibly affect Manitoba but it has nothing to do with the constitution of the Court of Appeal.

Hon. Mr. POWER—There is not the difficulty that the hon. gentleman from Marshfield thinks. Chapter 14 of the statutes of 1894 is an Act dealing with the disfranchising of voters who have taken bribes. Section 20 of that Act deals with appeals from the decision of the court which disfranchises any voter, and it provides that the appeal shall be, in the provinces of Nova Scotia, New Brunswick, Prince Edward Island, British Columbia and in the Northwest Territories, to the Supreme Court en banc in the said provinces and territories respectively, and in Manitoba to the Court of Queen's Bench. The Bill now before us, instead of saying that paragraph (c) of section 20 of the Act which I have referred to shall be amended, re-enacts the whole of paragraph (c) with the desired amendment.

Hon. Mr. LOUGHEED—It would have been very much better had that Act been amended by a substantive Act instead of introducing the provision into an Act which has nothing to do with the subject.

Hon. Mr. POWER—Yes, the appeal is to this Court of Appeal.

Hon. Mr. LOUGHEED—I quite appreciate that. May I ask my hon. friend, while I am on my feet, if the government have made their selections of judges for this court?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—That means they have not appointed them yet I suppose?

Hon. Mr. SCOTT—They have not thought of it yet.

Hon. Mr. LOUGHEED—If the government has not thought of who the judges are to be, the proposed judges have given very serious consideration to their own appointments.

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

On the motion that the Bill be considered in Committee of the Whole to-morrow—

Hon. Mr. LOUGHEED—Does my hon. friend recall whether the salaries mentioned in clause 7 are the same as those paid in the Court of Appeal in Ontario?

Hon. Mr. SCOTT—No, I think not.

Hon. Mr. LOUGHEED—They are certainly not in excess of the amounts mentioned in clause 7. However, we can look into that when we are in committee.

The motion was agreed to.

SECOND READING.

Bill (47) An Act respecting Forest Reserves.—(Hon. Mr. Scott).

FISCAL YEAR BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (162) An Act respecting the Fiscal Year.

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

Hon. Mr. SCOTT moved the suspension of rules 17 and 41 as far as affects this Bill. He said: The Deputy Governor is to assent to Bills to-morrow, and perhaps it would be well to have this disposed of to-night.

Hon. Mr. POWER—I may say that the 5th clause of this Bill says: 'This Act shall

come into force on the 1st day of July, 1906. We are not likely to have the Deputy Governor down again before prorogation, and we shall not have prorogation before the 1st of July.

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

(In the Committee).

Hon. Mr. POWER—I wish to direct the attention of the committee to what is clearly an error. Clause 2 of the Bill reads :

2. Section 37 of the Consolidated Revenue and Audit Act, chapter 29 of the revised statutes, is repealed and the following is substituted therefor :—

37. The public accounts shall include the period from the first day of April in one year to the thirty-first day of March in the next year.

That leaves out at least one or two days in the year. The section which this repeals reads as follows :

The public accounts shall include the period from the 30th June in one year to the 30th June in the next year.

And clearly that is more nearly correct.

Hon. Mr. JONES—That leaves out a day also.

Hon. Mr. POWER—It may do that. Although there is nothing in our Interpretation Act about it, I think one day is included, and one day excluded in the calculation of time in that way and my suggestion is that we should substitute for the 1st day of April, the 31st day of March in the first instance so as to make it correspond with the original Act. The nine months is made perfectly clear.

The clause reads :

5. This Act shall come into force on the first day of July, one thousand nine hundred and six, except that the fiscal year 1906-1907 shall consist of nine months only, beginning on the said first day of July and ending on the thirty-first day of March.

That would certainly include both dates.

Hon. Mr. JONES—If you make changes it will have to go back to the Commons.

Hon. Mr. POWER—But you cannot assent to a Bill which leaves out one day.

Hon. Mr. JONES—The hon. gentleman's contention is that heretofore there has been one day left out, and now there will be two days.

Hon. Mr. POWER.

Hon. Mr. POWER—No, I did not say that. In the calculation of time you include one day and exclude the other.

Hon. Mr. SCOTT—The first year certainly is well defined, because it says it shall begin on the 1st of July and end on the 31st March. If it should be thought wise to change it another year we can do so.

Hon. Mr. LOUGHEED—I must take issue with the hon. gentleman from Halifax. In a lease would not those three days be included ? The text of the Statute must be taken into consideration, and I would have no hesitation in saying that both days would be included.

Hon. Mr. FERGUSON—We have set that matter completely at rest by the first clause of the Interpretation Act which we have passed this evening. I think the following makes it entirely clear that it will include both these dates :

1. Where an Act, or any order in council, order, warrant, scheme, letters patent, rule, regulation, or by-law, made, granted, or issued, under a power conferred by any Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

Hon. Mr. POWER—It does not say anything about when the Act is to come into operation.

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

The Bill was then read a third time and passed.

SECOND READINGS.

Bill (170) An Act respecting Immigration and Immigrants.—(Hon. Mr. Scott.)

Bill (135) An Act respecting the Empire Trust Company, and to change its name to the Dominion Trust Company.—(Hon. Mr. Mitchell.)

PETITION FROM AN ALIEN.

The SPEAKER—I have received a petition from James T. Patterson, from New York, an alien.

Hon. Mr. POWER—It is not in order now, it should be read to-morrow.

The SPEAKER—Praying for the payment of money. When the motion is made

to receive the petition, any other motion can be made then.

Hon. Mr. YOUNG—The hon. Speaker has charge of the petition and it entails an expenditure of money. I ask is it in order? It looks bad for the Speaker to present a petition that is not in order.

The SPEAKER—I mentioned the fact that it was from an alien and that it asked for an expenditure of money.

Hon. Mr. YOUNG—I should think that the fact that it asks for an expenditure of money was sufficient to rule it out.

The Senate adjourned until to-morrow at three o'clock.

SENATE.

OTTAWA, Tuesday, June 26, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (198) An Act respecting the British America Assurance Company.—(Hon. Mr. Young.)

Bill (199) An Act respecting the Western Assurance Company.—(Hon. Mr. Watson.)

Bill (135) An Act respecting the Empire Trust Company and to change its name to the Dominion Trust Company.—(Hon. Mr. Mitchell.)

REVILLON BROTHERS BILL.

REPORTED FROM COMMITTEE.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (76) An Act respecting the Revillion Brothers (Limited), with amendments.

Hon. Mr. COFFEY moved concurrence in the amendments.

Hon. Mr. SCOTT—I suggested to the chairman of the committee that some of the paragraphs of this Bill should be restricted in their operation. The Bill already contains larger powers than have been given to any other company, and some of the powers are quite unusual. As originally drafted, I think, the provisions were too general. My suggestion was that the paragraphs which particularly affected the public interest should be restricted. For instance paragraph 1, of this Bill reads:

> 1. Revillon Brothers, Limited, hereinafter called 'the company,' may make contracts with any government, corporation or person, for the carriage of the mails in any portion of the territory in which its fur and trading posts are now or hereafter may be established.

There is nothing to prevent their having trading posts at Toronto, Ottawa, or Montreal, and that would practically give them power to run a mail between those places. I suggested that it should read as follows:

> May make contracts with any government, corporation or person for the carriage of mails in any portion of the unorganized territory in which fur and trading posts are now or hereafter may be established.

There can be no objection to that. I am quite sure it escaped the attention of the government and the members of the House of Commons; otherwise it would never have been allowed to come up in that form. Then the expression in clause 3: 'between any of its posts or settlements' evidently contemplated that its operations were not to be carried on wherever telegraphs and telephones had already been established, and I should also limit that to the unorganized territory where they are operating. It would not in any way prevent them from making a connection at the boundary with any company, either telegraph or telephone, which has already been chartered in Canada. Then in regard to clause 9, it is quite evident that the company themselves had not any notion of carrying on an express or money-order business in any part of the settled parts of the Dominion, because this clause distinctly speaks of the territory in which its fur and trading posts are now or may be hereafter established. All I ask is to qualify that by inserting the words: 'In any portion of the unorganized territories.' If the promoters of the Bill are willing to accept my amendments, I have no objection to their going through now. Otherwise I shall move that they be taken into consideration to-morrow.

Hon. Sir GEORGE DRUMMOND—The points now proposed by the hon. leader of the government were duly placed before the committee and were considered at some length. They did not meet the views of the majority of the committee and, therefore, were not adopted; but I must say that I hold a similar view myself. I do not object to the powers and privileges granted to the firm of Revillon Brothers, but I think it was their purpose and intention, and it is only fitting, that these powers and privileges should be limited by some territorial definition, which the words now proposed by the hon. leader of the government would effect, in my view.

Hon. Mr. SCOTT—I am quite sure the promoters of the Bill, if they apprehended the character of my suggestions, could have no possible objection to them. Every one, I think, will recognize that it would be preposterous to say that the firm might carry on a mail or money order business, between say Montreal and Toronto. That was never contemplated. The powers asked for will be of great advantage in connection with their posts in the unorganized territories. I will give a formal notice later on that the amendments will appear on the order paper; meantime I move that they be taken into consideration to-morrow..

The motion was agreed to.

COMMANDER SPAIN'S SERVICES.

INQUIRY.

Hon. Mr. BOLDUC (in the absence of Hon. Mr. Landry) inquired:

What is the name of the ship, or the names of the ships, if there are more than one, on board of which Commander Spain discharged the duties of a master of a sea-going ship in the merchant marine, before obtaining his certificate of service on the 2nd of February, 1893?

What was the length of service thus performed by Commander Spain in the merchant marine, specifying the dates of command which he exercised on each of the ships in question?

Hon. Mr. SCOTT—Commander Spain's service has been in the Royal Navy, and in the Department of Marine. He was thirteen years in the Royal Navy, and has been sixteen years in the Marine Department.

By law he is entitled to, and obtained his merchant marine master's certificate in accordance with section 99, 57-58 Victoria, chapter 60, Merchant Shipping Act, on account of his previous service in the Royal Navy. During his 16 years service in the department he has had a great deal of experience with the merchant service, the branch of the department under his supervision bringing him constantly into relation with merchant shipping.

THE LUMINOUS BUOY ON ST. THOMAS BANK.

INQUIRY.

Hon. Mr. BOLDUC (in the absence of Hon. Mr. Landry) inquired:

Was the substitution of an acetylne light for the Pintsch gas light in the luminous buoy on the St. Thomas bank—a substitution which according to the statement of the government took place on the 24th of October, 1905—announced in the 'Canada Gazette,' and on what date?

Was it otherwise announced and in what way was it communicated to those interested?

And when?

Hon. Mr. SCOTT—The answer to the first question is 'No'. To the second and third questions: It was not otherwise announced as no change was made in the aid to navigation beyond substituting acetylene for Pintsch gas. Changes of this nature are never advertized by the department.

PENITENTIARIES ACT AMENDMENT BILL.

THIRD READING.

The order of the day being called:

Third reading Bill (176) an Act respecting Penitentiaries, as amended:

Hon. Mr. SCOTT said: I was giving the House information on the point of describing the boundary between Manitoba and the Territories. I made inquiry in the survey branch of the Interior Department and the answer was that it was correct, but that it would be verified more properly if it read in this way:—

Of that part of the Territories of Canada situated east of the province of Saskatchewan, and of the 102nd meridian.

I move that the Bill be not now read the third time, but that it be amended by inserting the words I have just mentioned.

Hon. Mr. WATSON—According to that description a portion of the territory north

of Saskatchewan and east of the 102nd meridian will be left out.

Hon. Mr. LOUGHEED—Should it not read 'And for all that part of the territory of Canada except the Yukon territory, situated west of the 102nd meridian?' You are now making provision for the inclusion of certain territory within the district of the Alberta penitentiary. Consequently the territory must be west of the 102nd meridian.

Hon. Mr. SCOTT—No, east of the 102nd meridian; we are describing the territory of the Manitoba penitentiary.

The motion was agreed to.

Hon. Mr. LOUGHEED—I will point out that the same amendment should be made in the 28th line of the 6th clause, only substituting west for east.

Hon. Mr. SCOTT—It is a rather delicate matter. I referred it to the Interior Department and they have taken the responsibility of it. Possibly there is a neck of land to the north that would not be included, but I am not prepared to make any further change.

Hon. Mr. POWER—As I understand the position, it is this: there is a sort of corner of the province of Saskatchewan which extends to the eastward of the 102nd meridian. The amendment which the hon. Secretary of State has just made provides for that corner on the one side. It provides that everything east of the eastern boundary of Saskatchewan, and of the 102nd meridian shall come within the territory of the Manitoba penitentiary, and it seems to me that the suggestion made by the leader of the opposition is a very important one. That if you define the territory of Manitoba penitentiary on one side, you have to define the territory of Alberta penitentiary on the other side, and I think that the same words should be inserted before 'the 102nd meridian' in the 28th line.

Hon. Mr. SCOTT—In the information given me, it was not considered absolutely necessary to put this clause in at all, but it was for greater certainty and to make it more easily understood. The line which my hon. friend states ought to be changed, is situated west of the 102nd meridian. That is the correct description. I do not think we need repeat these words again.

Hon. Mr. LOUGHEED—I am satisfied it won't work out on the map correctly.

Hon. Mr. SCOTT—I move the third reading of the Bill as amended.

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

MILITIA PENSION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (200) An Act to amend the Militia Pension Act, 1901.

(In the Committee.)

On clause 2,

Hon. Mr. SCOTT—This clause is the same as clause 1 except that it is in regard to the non-commissioned officers and men who are taken over to the garrison at Halifax from the imperial office.

Hon. Mr. LOUGHEED—In what Bill do you make provision for contribution to be paid by the imperial government for the time served in the imperial force?

Hon. Mr. SCOTT—That is arranged with the imperial government.

Hon. Mr. LOUGHEED—Why is it not embodied in this Bill?

Hon. Mr. SCOTT—It is simply a matter of correspondence.

Hon. Mr. LOUGHEED—Will it not then be obligatory upon the Canadian government to pay those men a pension?

Hon. Mr. SCOTT—Not with the assurance of the War Office that they are prepared to pay them. They have agreed to transfer to Canada from time to time, and, as each man is transferred, he is entitled each year to so much of his pension and a certain amount is handed over annually to Canada, which is passed to the credit of the fund here. Their men are in a different position from ours. Our men make a payment, as under the superannuation fund, toward a fund from which they get their pensions.

Hon. Mr. LOUGHEED—This is a mutual arrangement between the two governments, as I understand it. The pension is a right to which the pensioner is entitled; he can

collect it by law I suppose. Consequently in this Act it is not conditional. The Canadian government is not making it conditional upon this time being counted that the imperial government should contribute the proportion to which the soldiers would be entitled. It seems to me it should all be conditional upon the imperial government contributing the proper proportion of the pension.

Hon. Mr. SCOTT—I presume we can place confidence in the imperial government that they will carry out what they propose, without including a provision in an Act of parliament. It would not have any more effect even if we did, because we cannot coerce them. They have already agreed as to the men we take over that they will account to Canada for the proportion of the pension which they should pay.

Hon. Mr. POWER—I am rather surprised that the hon. leader of the opposition should raise any question, even if there is no provision, that the imperial authorities should pay a proportion of the pension. I think if we get the services of these British officers and soldiers we are doing our duty as citizens of the empire in allowing the time which they have spent in the service of the empire under the imperial authorities, to count towards their pension.

Hon. Mr. LOUGHEED—That is simply equivalent to saying that because of the existence of an imperial spirit, we should recklessly draw Acts of parliament and make no provision for the proper carrying out of a compact of this nature. That is no good reason why the statute should not be conditional upon the imperial government contributing their share of the pensions.

Hon. Mr. FERGUSON—The suggestion of the hon. gentleman from Halifax might work out very adversely as regards Canada if any considerable number of these officers had put in the greater portion of their term of service before coming to Canada. Assuming that some of them have only one or two years to put in in order to complete their term of service, it would be scarcely fair that we should undertake the duty of pensioning them for the rest of their lives; but, as the hon. Secretary of State has told us that there is an arrangement between the two governments with regard to the matter, no doubt it can be worked out. I should like to know whether these men who become officers of the permanent force of Canada will become contributors to a pension fund in the same way as our own officers.

Hon. Mr. SCOTT—The imperial government do not exact any annual payment as we do. We exact 5 per cent each year.

Hon. Mr. FERGUSON—Will our principle be made to apply in these cases?

Hon. Mr. SCOTT—No, the time they serve in the imperial army is credited to them. I observe that the leader of the opposition in the other House asks whether the imperial government would reimburse the Canadian government year by year. Sir Frederick Borden replied that they would, that an account is kept with each officer, and that he is credited annually with the proper amount. That amount will be paid to the Canadian government when the officer has earned his pension under the Canadian law.

Hon. Sir MACKENZIE BOWELL—Do our mititia volunteers who are on service, pay into a superannuation fund?

Hon. Mr. SCOTT—Yes, 5 per cent is deducted from their pay annually and funded. The Minister of Militia informed the House of Commons that that fund was practically self-sustaining. The men have to serve a long term before becoming entitled to a pension. If they retire before the expiration of 20 years they do not receive a pension, simply a donation, so that the fund practically is large enough to meet the demands upon it at the present time. That is with regard to the permanent force.

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

The Bill was then read the third time and passed.

The Senate adjourned during pleasure.

BILLS ASSENTED TO.

The Honourable the Chief Justice of Canada, acting as Deputy to His Excellency the

Governor General, being seated on the Throne.

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

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

Who being come with their Speaker.

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follows :—

An Act respecting the harbour of North Sydney in Nova Scotia.

An Act respecting the Columbia and Kootenay Railway and Navigation Company.

An Act respecting the Mather Bridge and Power Company.

An Act respecting the Schomberg and Aurora Railway Company.

An Act respecting a patent of the Anderson Puffed Rice Company.

An Act to amend the Supreme and Exchequer Courts Act.

An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railroad and Steamboat Company.

An Act respecting the Canada Atlantic Railway Company.

An Act respecting the Montreal Park and Island Railway Company.

An Act respecting the Central Ontario Railway.

An Act respecting the Thorold and Lake Erie Railway Company.

An Act respecting certain patents of Chester Burnell Duryea.

An Act to incorporate the Canadian Handicrafts Guild.

An Act for the enfranchisement of Jamieson Webster Lewis, an Indian of the Moravian Band of the Thames, in the province of Ontario.

An Act respecting the Lake of the Woods Milling Company, Limited, and the Keewatin Flour Mills Company, Limited.

An Act to incorporate the Canadian Bible Society Auxiliary to the British and Foreign Bible Society.

An Act respecting the Farmers Bank of Canada.

An Act respecting a patent of Henry Luther Houk.

An Act respecting a patent of the Cyclone Woven Wire Fence Company, Limited.

An Act respecting the Niagara, Queenston and St. Catharines Railway Company.

An Act respecting the Richelieu and Ontario Navigation Company.

An Act respecting the Quebec and Lake Huron Railway Company.

An Act respecting the Quebec, Saguenay and Gulf of St. Lawrence Railway Company.

An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.

An Act to amend the Weights and Measures Act.

An Act to amend the Criminal Code, 1892.

An Act to amend the Exchequer Court Act.

An Act respecting the Huron and Erie Loan and Savings Company.

An Act to incorporate the Inter-Ocean Fire Insurance Company.

An Act to amend the Rocky Mountains Park Act.

An Act to make further provision respecting grants of land to members of the militia force on active service in the Northwest.

An Act to amend the Customs Tariff, 1897.

An Act for the relief of John Albert Peer.

An Act to incorporate the Kamloops and Yellow Head Pass Railway Company.

An Act respecting the Pacific Northern and Omineca Railway Company.

An Act to incorporate the Vancouver, Fraser Valley and Southern Railway Company.

An Act to incorporate the Ashcroft, Barkerville and Fort George Railway Company.

An Act respecting the Kettle River Valley Railway Company.

An Act for the relief of Minnie Florence Irvine.

An Act to incorporate the Colonial Bank of Canada.

An Act for the relief of Charles William Holmes.

An Act for the relief of Harriette Wesley Baker.

An Act respecting the James Bay Railway Company.

An Act to incorporate the Buffalo, Niagara and Toronto Railway Company.

An Act to incorporate the Brandon Transfer Railway Company.

An Act to incorporate the Erie, London and Tillsonburg Railway Company.

An Act respecting the Toronto and Hamilton Railway Company, and to change its name to the Toronto, Niagara and Western Railway Company.

An Act respecting Leprosy.

An Act respecting the Citizens' Bank of Canada.

An Act to authorize the exchange of certain school lands for other Dominion lands.

An Act respecting the British America Assurance Company.

An Act respecting the Western Assurance Company.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :—

In His Majesty's name, His Honour the Deputy Governor doth assent to these Bills.

The Deputy Governor was pleased to retire, and

The House of Commons withdrew.

The Senate resumed.

THIRD READINGS.

Bill (201) An Act to amend the Militia Act.—(Hon. Mr. Scott.)

Bill (202) An Act respecting roads and road allowances in the provinces of Saskatchewan and Alberta.—(Hon. Mr. Scott.)

Bill (157) An Act to incorporate the Hillcrest Railway, Coal and Coke Company.—(Hon. Mr. Gibson.)

GENERAL INSPECTION ACT AMENDMENT BILL.

ORDER POSTPONED.

The order of the day being called :

House again in Committee of the Whole on Bill (C) An Act to further amend the General Inspection Act.—(The Right Hon. Sir Richard Cartwright.)

Hon. Mr. SCOTT (in the absence of Hon. Sir Richard Cartwright) moved that this order be discharged and placed on the orders of the day for Tuesday next.

Hon. Mr. LOUGHEED—My hon. friend must know that the government has no intention of proceeding with this Bill during the present session.

Hon. Mr. SCOTT—I did not care to discharge it in the absence of the Minister of Trade and Commerce—that is the reason.

The motion was agreed to.

RAILWAY ACT AMENDMENT BILL.

ORDER DISCHARGED.

The order of the day being called :

Committee of the Whole House on (Bill H) an Act to amend the Railway Act, 1903, with respect to the operation of mortgages.—(Hon. Mr. Béique.)

Hon. Mr. POWER (in the absence of Hon. Mr. Béique)—I find that it is impracticable to get this Bill passed this session. I, therefore, move that this order of the day be discharged.

The motion was agreed to.

GRAND RIVER AND WESTERN POWER COMPANY BILL.

THIRD READING.

The order of the day being called :

Consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill Z) an Act to incorporate the Grand River and Western Power Company.—(Hon. Mr. McMullen.)

Hon. Mr. McMULLEN moved that the amendments be concurred in.

The motion was agreed to.

Hon. Mr. McMULLEN moved the third reading of the Bill. He said : The parties have come together and the opposition is withdrawn. I have here a copy of the agreement executed between the parties. I spoke to Mr. Gibson, and he said he had no further opposition to the Bill. They have agreed with the town of Dunnville to give them some two hundred horse-power for all time to come, free, and have also agreed not to lower the Grand river below the ordinary level of the water.

Hon. Mr. EDWARDS—I am very sorry indeed that my temporary absence from the House caused me to miss that which I intended to do.

Hon. Mr. POWER—The hon. gentleman has plenty of time yet.

Hon. Mr. EDWARDS—I think not. My intention was to move that this Bill be referred back to committee. My reason for so intending is that the Bill is absolutely without the jurisdiction of this parliament. It deals with properities entirely within the jurisdiction of Ontario. All the streams involved are provincial streams, over which this parliament or the Dominion government have no control whatever, and in so far as the Bill is concerned it will be a dead letter under any circumstances. It will have no effect, because as I said before, it is entirely without the jurisdiction of this government or this parliament. I may be answered : 'Well if that is your view, why not let it go ?' Simply because I do not want to see this Senate do what I think it should not do. However, it is now too late, I regret to say, to make the motion I intended, and the only thing I can do is to avail myself of the motion of which I gave notice a day or two ago, that on the third reading of the Bill I would move that clause 17 be striken out, which I now do. In making this motion I am simply adhering to a principle which I have advocated ever since I have had the honour of a seat in parliament ; namely, that the power of expropriation is an extraordinary power—a power which should only be exercised under extreme circumstances. Under any circumstances it is an infringe-

ment upon the right of the subject, but in dealing with railways, telegraph lines and enterprises of that kind there is perhaps justification; but in so far as a private undertaking is concerned, purely an industrial company, there is no reason whatever why any such power should be given. It may be said that this is a very large company. It is true it appears to be a large company, but the principle is exactly the same as if it were a small company, and if the principle is to be adopted by the parliament of Canada that such power is to be given to large companies, then it must also be given to small companies.

What would be the effect if all the industrial companies throughout the land possessed the power of expropriation? I was one of those who firmly believed that the rights of the subject would always be guarded in the Senate of Canada, and I am one of those who would be very sorry indeed if the principle ever prevails here that this injustice—for I consider it unjust legislation—should prevail. I have been many years in parliament, and I have attended, perhaps, as many committees dealing with private Bills as any other member. I have heard several discussions upon this subject, but the first occasion, in my presence, on which a company of this kind has received powers of expropriation was a few days ago in the committee when this Bill was assented to. I may not be able to accomplish anything, but there is one thing I always will do, and that is to adhere to the principles which I believe to be right, the principles which I believe to be best in the interests of the people of the country, and I shall never consent to a private corporation—because this is a private corporation —obtaining the right of expropriation for private purposes. For these reasons I move that clause 17 of the Bill be stricken out.

Hon. Mr. POWER—One cannot help having a great deal of respect for the opinion of the hon. gentleman who has just sat down; but I think he is somewhat mistaken. One would imagine that the rights of private individuals were going to be subjected to a very great danger, and that there was great risk of serious injustice being done if the right of expropriation was granted to this company. Now the right of expropriation which is granted by this Bill is the same right which the united wisdom of parliament has caused to be inserted in the Railway Act. The rights of the owners of lands are very carefully protected; and, as a matter of fact, instead of having their property taken from them without sufficient remuneration, as a rule the owners get a great deal more than the lands are worth. I think that is a fact about which there can be no question. Still, if the hon. gentleman's statement that this right of expropriation had never been given to a company of this kind until this case came up were correct, there would be a great deal of force in his contention, and I for one should be somewhat disposed to support him; but the hon. gentleman is quite in error. With the permission of the House I wish to call attention to a few enactments contained in the statutes of 1903 and 1904. The first Act to which I direct attention is chapter 96, of the Acts of 1903. That is an Act respecting the Canadian Northwest Irrigation Company. Section 6 of that Act gives powers of expropriation, and makes the provisions of the Railway Act applicable to the works of that company, just as they are made applicable to the works of this company.

Hon. Mr. MACDONALD (B.C.)—Is that a private Bill?

Hon. Mr. POWER—Yes. I shall not cite any but private Acts. Chapter 109 of the same year is an Act to incorporate the Columbia River Improvement Company, Limited, an Act very much on the same lines as the Bill before us. Section 17 of that Act gives the same powers of expropriation which are given by section 17 of this Bill. Chapter 119 of the Acts of the same year is intituled 'An Act to incorporate the Erie, Ontario Power Company', and section 17 of that Act gives powers the same as those which are given by section 17 of the Bill before us.

Hon. Mr. SULLIVAN—One wrong does not justify another.

Hon. Mr. POWER—Chapter 170 is the next one to which I call attention, 'An Act to incorporate the Ottawa and Quebec Power Company'. Section 7 of that Act, subsections 2 and 3 give powers of expro-

priation such as are given in the Bill before us.

Hon. Mr. EDWARDS—What company is that ?

Hon. Mr. POWER—The Ottawa and Quebec Power Company.

Hon. Mr. EDWARDS—Where is the location of their operations ?

Hon. Mr. POWER—Their operations were to be near the Ottawa river and the works were to be near the head of the Remoux rapids on the Ottawa river. Chapter 188 is 'An Act to incorporate the Sault St. Louis Light and Power Company.' Section 12 of that Act gives the same powers of expropriation as are given in the Bill before the House. Then I take the next year, 1904, and I find chapter 65 of the Acts of 1904 is, 'An Act to incorporate the Cedars Rapids Manufacturing and Power Company.' Under section 12 of that Act the company has the same rights which are given by section 17 of this Bill. Chapter 107 of the Acts of the same year is 'An Act to incorporate the Okotoks and High River Lumbering and Developing Company,' and section 9 of that Act gives the same power that are given by the 17th clause of this Bill ; and, unless I am very much mistaken, we have already passed this session an Act giving similar powers. I do not think it would be fair to single out this particular enterprise for exceptional treatment.

Hon. Mr. ELLIS—I do not think we should single out this company and treat it differently from any other company, but it really seems to me time the attention of parliament was directed to Bills of this kind. I quite agree with the statement made by the hon. gentleman from Russell, that it is all very well, where there is a great public undertaking, to come in and take private property, and that no doubt was the reason why many Acts contain this particular clause. But to apply this particular clause of this Bill to purely a private company seems to me to be going far beyond what is just and fair. It makes no difference that a man is to be compensated for his property if he does not want to part with it. This is a private company, organized entirely for the benefit of the persons incorporated in it, and we should give the company no more right than an individual. If I came to parliament and wanted power to expropriate the property of the Senate for the purpose of carrying out some project the position would be the same as in the present case. If the company cannot get it, then it cannot get it, and that may be no very great harm. I do not think the Parliament of Canada is bound to do an injustice simply to enable a private company to expropriate the rights of another person, even if those rights are paid for, and even if the parliament declares that this company, which is a private company purely, is going on with an undertaking for the general benefit of Canada. If we continue to stretch the constitution to the extent to which it is stretched, what earthly right can there be guaranteed to a province, and what is the use of my hon. friend bringing forward the rights of Quebec. It seems to me that on no occasion, except for a public undertaking of an undoubted character in which all the country can share, should individual rights be taken, whether they are paid for or not, so long as the individual does not wish to part with them.

Hon. Mr. CASGRAIN (de Lanaudière)—I do not understand how this can be called absolutely a private company when you have a declaratory clause stating that the works are for the general advantage of Canada. That clause has been unanimously passed. This company will develop power for the use of all the industrial enterprises that may be on the borders of this canal. If you do not wish to grant this company the power of expropriation, you render the Bill absolutely void, because any single proprietor along the course of the undertaking could block the whole enterprise. We have discussed this over and over again. This is not like a private concern, such as a sawmill or a store ; this is an undertaking to supply power to the public generally, under certain regulations, and at certain prices, for the benefit of the whole surrounding country. I do not see why you single out this particular company from all others unless there is a desire to kill the charter and prevent the Bill becoming law, because the Bill would not be worth the paper it is printed on without the power of expropriation. I submit, therefore, that the clause

should stand as it is and the report of the committee should be adopted.

Hon. Mr. McGREGOR—The declaration that it is for the general advantage of Canada does not make it so.

Hon. Mr. McMULLEN—Next to railways, power and light are two of the most important matters affecting the welfare of the people of Canada to-day. Electricity has been working wonders in manufacturing. This project is for the production of electric power that will be used, in all probability, in the immediate vicinity of where the power is produced as well as in Hamilton and Toronto. It is just as necessary to the development and prosperity and progress of this country that electric companies should be given a free hand to produce power cheaply, as it is that railway companies should have power to build railways. They are both necessary in the development of the country. As my hon. friend said a moment ago, if the power of expropriation were asked by a milling company, for its own use solely, it would be a different thing: this is for the development of power to be supplied at a low rate whereever it is needed in that neighbourhood. It is a matter of vital interest to this country that we should encourage the development of cheap power.

Hon. Mr. SULLIVAN—That is a very nice argument advanced by the hon. gentleman. He always does make a nice argument when he is going to support anything. This power of expropriation should be guarded very carefully, as each case is a law unto itself. I seconded cheerfully the motion of my hon. friend from Ottawa to expunge this clause, because I think it is the most dangerous power ever exercised in this Senate to give to any private individual the power to take land from individuals and pay them whatever they like.

Hon. Mr. POWER—They do not do that.

Hon. Mr. SULLIVAN—If I were sure the project was for the general advantage of Canada, I might not object. But who knows whether it is or is not ? Do you think these people have organized this company for the special benefit of Canada ? Is it not for the benefit only of those who compose the company ? Unless they can show that there are good reasons why this scheme is for the benefit of the public in the immediate neighbourhood of the work, the power of expropriation should not be granted.

Hon. Mr. CASGRAIN (de Lanaudière)—The hon. gentleman from Kingston says that unless they can show it is for the general advantage of Canada, and in the public interest, this power should not be granted. They are not being granted the power asked for unless they can show to the satisfaction of the Minister of Railways and to the railway board that it is for the general advantage. They must have produced their plans of expropriation, due notice must have been served on the owners, and the owners can then be heard in opposition to the application. There is plenty of notice and plenty of recourse, and it is only after this company has made it absolutely certain to the satisfaction of the Minister of Railways and Canals, and of the railway board, that these rights are absolutely needed, and later all the parties are heard and after the plans have been deposited in the registry office of the county where they are doing the work, for 30 days, that the power will be granted. I think therefore, that the public interest is perfectly guarded.

Hon. Mr. KERR (Toronto)—We are perhaps getting a little away from the real issue. This charter gives great powers and privileges to a company of individuals who have joined together for their mutual profit. It is not a public enterprise being formed solely from philanthropic motives, nor is there evidence that there is any special demand for it, or any great outcry in the community for the granting of this charter. Those who are asking it are asking for the great privilege of creating power to be farmed out and sold by them and transmitted to distant parts. For that purpose they are proposing to use the waters of a public stream over which this Dominion has no control, but which is vested in the province of Ontario, which has a legislature of its own and which can deal with its rights if they are interfered with. We have heard of no application to the province ; of no right conceded by the province. Power is asked for to pass over private lands, to divert the waters of the Grand river across a

section of the country passing over private lands. The waters are to be discharged into a stream known as the Jordan, which flows also through private lands. The Jordan is a small stream which used to be called Twelve Mile Creek. From that it will discharge the waters down into Lake Ontario. I ask any one seriously to say, is it not a farce to call a work of that description, one for the general advantage of Canada ? The Senate has not assented to that yet. It is open to the Senate to refuse to pass this Bill, with that clause in it.

Hon. Mr. DAVID—But the declaration is there and the committee accepted that declaration.

Hon. Mr. KERR (Toronto)—Yes, but it is open to the Senate to say that with that clause in the Bill they will not pass it. It is just as open for consideration on the next motion that is to be made as it would be at any time, so that this Senate has not concluded itself at all by the action of the committee. The point that I want to make is, that here is a scheme of private individuals who seek from us an Act of incorporation and ask us to give them power of interfering with streams under the control of the province of Ontario, and out of that property to be enabled to create a power company and to produce power for mercantile purposes entirely for their own gain. That is their whole proposition, and although this declaration that it is a work for the general advantage of Canada is in this clause, we are not bound as yet by that because we have not affirmed it in this House. Although the committee did pass it, I do not think we are in any sense concluded by it. Under these circumstances, what should we do ? Confer this power ? Oh, yes, the railway companies have it. Sometimes great hardship is experienced by individuals in the exercise of the rights which are conferred upon railways with respect to that power of expropriation. The compensation given for lands taken, it is true, is sometimes high. In other cases everybody knows the people are not at all compensated for the injury which has been done them. It is a question of definite interference with provincial and private rights. What call is there, what necessity is there, for this? Why should this parliament declare that this company shall have the power to take the land of a farmer in the county of Haldimand or in the county of Welland? Why should they take any part of his land ? Why should they cut his farm in two, possibly destroying it altogether ? What would you think if it were your own farm that was being dealt with in that way ? And yet that is the way you should think of it now. If a case were made out of necessity for this power being given to the company ; if a case were made out that while it was going to injure some people it was going to confer a great benefit upon others, and that the community at large were interested in seeing that the power was conferred ; then there would be some excuse ; but no case of that kind has been made out. It is simply a case of certain persons forming themselves into a company and coming here and asking for incorporation, obtaining powers which as individuals they could not have, and then asking this additional power from you. I say it is wrong. I submit that the fact that it has been done in other cases is no precedent at all. We have done it in some cases and we have refused it in others where the demand has been resisted. Where it has passed through unobserved it has been granted ; but it has been refused many times. In 1904 it was refused two or three times.

Hon. Mr. McMULLEN—In what case ?

Hon. Mr. KERR (Toronto)—The power company here at Hull for one.

Hon. Mr. POWER—That was a very exceptional case.

Hon. Mr. KERR (Toronto)—If ever there was a case where private rights should give way, it seems to me it was in that case, but nowithstanding the fact that there was a demand for power, that the water-power was not producing all the energy required, and that by introducing such works as were proposed the available power for manufacturing would be increased a great many times ; yet in that case it was resisted, and because private rights were going to be interfered with it was refused. So in the case of the Thompson River Company, where those who were erecting booms were

going to interfere with the rights of parties and expropriate their property, this power was struck out. There are other instances; there is no use in multiplying them, and the cases in which the power has been granted cannot be considered as forming a binding precedent. As the hon. gentleman from Kingston says, if we have done wrong in the past, that is no reason why we should repeat it now. There is no reason shown why that clause should be inserted in the Bill, declaring the work to be one for the general advantage of Canada. It is a distinct interference with the present use of the waters of the Grand river, which are within the control of the province of Ontario, and dependent upon which are great rights in the town of Dunnville, both public and private, where Dunnville may, by the raising of these waters, be flooded or where it may be, as was explained to the committee, that if the waters are drawn off to too great an extent, private interests might be seriously interferred with and the whole community affected. Under these circumstances I do not think any case has been made out for this power being included in the Bill.

Hon. Mr. FERGUSON—I did not think when my hon. friend from Rockland (Hon. Mr. Edwards) made his motion that it would be regarded serious as to call for very much of an argument. I thought the proposition was so simple at this time of day that it did not call for very much discussion. However, some hon. gentlemen seem to think that it does, and, therefore, it becomes necessary to put the case as it appears to me. Great stress is laid on the fact that this is a private company. It is no more a private company than a company seeking a railway charter. They are precisely in the same position. Neither of them come to the parliament of Canada as philanthropists. They come for the purpose of making money for themselves, but their proposition is of so public a nature, and so much to the public advantage, that parliament sees good to the public arising from the building of the railway or the construction of the works, and they are therefore prepared to do what is necessary to facilitate their operation. It is a fact which need not be argued, that we could not have railways without the power of expropriation, and I am inclined to think we could not in many cases have power works without the power of expropriation. What is the difference between the two? The railway company proposes to build a railway to sell transportation and to make money out of it. The power company seeks incorporation in order to sell power to propel railways as well as for other purposes. The public advantage comes in equally well in both cases. Then take the case of irrigation. Farmers own land, or it is a part of the public domain, it is not blessed with a copious rainfall. Irrigation becomes an essential matter, and irrigation cannot be had in a great many cases without the power of expropriation, and parliament steps in and gives the power of expropriation. Therefore I have thought that the matter was so simple that it scarcely required to be discussed. Of course it is a serious matter to exercise the power of expropriation. We know that. Private interests have to succumb to what are the broader public interests. I remember two or three years ago when the government introduced a Bill in this House for the purpose of extending the power of expropriation as far as the government was concerned, I tried very hard to impress the hon. gentlemen—I do not know whether my hon. friend from Russell (Hon. Mr. Edwards) was one of my audience or not—but I tried strongly to impress the hon. gentlemen sitting on the opposite side of the House with the danger of the proposition that was then submitted to us, and which has been made law.

Hon. Mr. EDWARDS—What proposition?

Hon. Mr. FERGUSON—To enlarge the power of expropriation, so that the government could take private property, and if they found afterwards that they did not want it they could throw it back on the hands of the owners. They could take a limited interest in it or an interest for a limited time. It was extending the power of expropriation in what I conceded to be a dangerous manner, and I have very little doubt that already hardships have arisen under it. At all events, great hardships will arise under it, if it is not administered with great caution and care. However, parlia-

ment gave that power. We are not in this Bill giving that extraordinary power. We are giving the right of expropriation, and a final tribunal will determine what the owner is to receive as compensation for the property which is taken from him. I cannot see any difference in principle, or for that matter, in a great many cases in practice, between the power of expropriation to a railway or giving it to a power company.

Hon. Mr. EDWARDS—Would the hon. gentleman give it to every private corporation ?

Hon. Mr. FERGUSON—I would give it to any company that is seeking a charter from this parliament, where it is of such a nature that the project cannot be successfully carried on without it.

Hon. Mr. EDWARDS—That has not been shown to us.

Hon. Mr. FERGUSON—I am not acquainted with the locality in this case, but I assume it is similar to a good many other localities, and that a great many private interests will be affected, and one man owing a little strip of property, perhaps not worth $100, might prevent the construction of a work which might give employment to hundreds of people, and which might supply power to electric railways and to factories all over the country. Is that right ? Unless you have the right of expropriation, one man who might hold an interest not amounting to $100, could block a very important project. That is why we give the power of expropriation. The object is not to take land at less than its value. The private interest has to yield to the public interest, and it will not be left in the power of any one man to prevent a useful public work from being carried on in the general interest of the public. My hon. friend from Russell started with the declaration that the whole Bill was wrong, because this work was situated entirely within the province of Ontario, and my hon. friend intended to refer it back on that ground.

Hon. Mr. EDWARDS—Allow me to correct the hon. gentleman. I said the streams involved from which this water is to be obtained are provincial streams, absolutely within the jurisdiction of the province of Ontario, over which the Dominion has no control.

Hon. Mr. POWER—The Dominion has control over the canal.

Hon. Mr. FERGUSON—I would not set up my view against that of a lawyer of standing on that point, but I am strongly of the opinion that if we grant this charter and give them this power, declaring the work to be for the general advantage of Canada, they can do anything they require to do ; but if they have not that power they can go to the legislature of Ontario, as I have no doubt they will if necessary, and I have not the slightest doubt they will obtain there any powers necessary to supplement what we are giving here in order to carry on such a useful work as this is. I am quite convinced no parliament will refuse it because power companies are as essential for the progress of any country, just as railways are, and in other parts of the country irrigation is just as essential as either of them ; therefore I have no hesitation in giving my assent to the Bill.

Hon. Mr. WILSON—Before the vote is taken, I desire to give my reasons for voting on this Bill.

Hon. Mr. SULLIVAN—Which way is the hon. gentleman going to vote ?

Hon. Mr. WILSON—The hon. gentleman will find that out full well if he will wait a few minutes. I believe there is a principle involved in the Bill which we as members of this House ought to support. As far as clause 17 is concerned they may contend now that it comes entirely under the jurisdiction of the province of Ontario. If that is the case, why has not the principle advocated by the hon. gentleman from Russell been acted on continually ? It appears to me that we frequently advocate principles just as it may suit the individual ; that ought not to be. There is a reason for the passing of this Bill. We know that in Dunnville they have already a dam and water-power to a certain extent, by which grist mills are being run. If this was to arrest the water-power there, whereby it would flood the land and further interfere with the farming community along the stream above

that point, I certainly would not be one to advocate the granting of rights to the company. Already they have that right, and we have no means of overcoming it, and they have flooded many acres of land in that vicinity and interfered with the farming community. That trouble exists at the present time. Why should we refuse the right of generating more power there, to enable the village of Dunnville and other places to further their interests in manufacturing industries ? As far as clause 17 is concerned, we find that no injustice can be done to any party. It must be brought into operation under an order in council, and I must confess, and gladly do so, that the statement made by the hon. gentleman from Marshfield is a true and correct principle that we ought to follow in this instance. It is not a private company ; it is a public company. The water-power has been there for some time; they have industries established, I know not how long, and it is by means of these industries that the village of Dunnville is the prosperous place it is. Although they have this water-power, you say to them that they shall not use it for any other purpose than merely running mills. Would hon. gentlemen prevent the people of Dunnville from having the same rights and privileges which we have been granting to hundreds of other municipalities ? I think it would not be fair. I do not believe any hon. gentleman who has examined carefully the condition of the country about Dunnville and the industries along this stream, would feel disposed to act on sentiment, because I must say it is a very easy thing for some hon. members to swallow themselves in reference to provincial rights and provincial powers without any hesitation or difficulty. They say one thing one day, and perhaps the next day a different thing. My hon. friend has ears to hear, and has a right to change his opinion, and he is systematically doing that, and to-day he is opposing this Bill upon the principle of it being within the jurisdiction of the province of Ontario. I strongly contend that hon. gentlemen here, if they knew the locality, would say that the water-power that is going to develop new industries there ought to be granted. I believe that it will develop industries there. The town of Dunnville ought to be encouraged. They were in a backward condition for a long time, and the flooding of the country above the stream is not going to be increased in any way whatever to the injury of the farming community more than it is at the present time. Therefore I shall vote for the third reading of the Bill.

The amendment was lost on a division.

The main motion was carried, and the Bill was then read a third time and passed.

COURT OF APPEAL FOR MANITOBA BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (195) An Act respecting the Court of Appeal for Manitoba.

(In the Committee.)

On clause 1,

Hon. Mr. LOUGHEED—Does this provincial statute come into operation by proclamation ?

Hon. Mr. SCOTT—Yes. The controverted elections are to be tried in the Court of Appeal, and those changes in the Bill are consequent upon that.

The clause was adopted.

On clause 3,

Hon. Mr. LOUGHEED—Does my hon. friend know whether this is to be a court of appeal, or a court of original jurisdiction ?

Hon. Mr. SCOTT—It is a Court of Appeal. I endeavoured to inform myself on it, but they did not send down a copy of the Act. I suppose there is a copy in the Justice Department. I shall endeavour to procure a copy before the third reading.

The clause was adopted.

On clause 7,

Hon. Mr. SCOTT—The salaries are put on a par with the salaries paid to judges of the Court of King's Bench and the courts in Toronto. The chief justice gets $8,000, and the puisne judges $7,000 each.

Hon. Mr. FERGUSON—I think clause 7 should not form part of this Bill, but should

be an independent Bill. It is amending the Act with reference to taking bribes, and it seems to me that it is very incongruous to have it in this Bill.

Hon. Mr. SCOTT—It refers, of course, to the bribing of voters, and the only change in the clause is 'And in Manitoba to the Court of Appeal.' It read before 'And in Manitoba to the King's Bench.' It is germane here, because it gives jurisdiction to the Court of Appeals.

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

THE CONSTITUTION OF THE SENATE.

DEBATE CONTINUED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David : That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.—Hon. Mr. Ellis.

Hon. Mr. ELLIS moved that the order of the day be discharged, and made the first order of the day after third reading for to-morrow.

Hon. Mr. SULLIVAN—I wanted to say something on this motion and would like to follow my hon. friend to-morrow.

Hon. Sir MACKENZIE BOWELL—Are there not others who could occupy the time we have at our disposal, because this is the last order on the paper for to-day ?

Hon. Mr. ROBERTSON—If neither the hon. senator from Kingston nor the hon. senator from St. John is prepared to speak, I should like to make a few remarks on the subject.

Hon. Mr. ELLIS—Then I beg to withdraw my motion.

Hon. Mr. ROBERTSON—I have listened with a great deal of attention to the speeches made on this important subject, and I must say they were fraught with a good deal of consideration and information. It gave me great pleasure indeed to listen to them, particularly the speeches delivered in the first part of the discussion. I noticed that all who spoke on the subject agreed on one particular point, namely, that an Upper House in this parliament is required, and no one has expressed the opinion that it is right or necessary to abolish the Senate. In my own opinion it would be a great mistake to abolish the Senate. It would deprive the parliament of Canada of one of its most important elements. Supporting this view we have the opinion of such men as Sir John Macdonald, Sir Oliver Mowat, Hon. Geo. Brown and Sir Wilfrid Laurier. I think we have done right in paying respect to the opinions of such noted men, men of experience, who knew what they were talking about when they said that a second Chamber was necessary in this country. Besides this we must remember that the fathers of confederation in framing the constitution of this Dominion considered that a second Chamber was necessary. The only point which has been under discussion to any great extent is, how can we change the constitution of the Senate so as to improve it with regard to the appointment of senators. A great many suggestions have been advanced by different speakers. Some are in favour of the elective system ; some are in favour of having half the senators elected and the other half appointed by the Crown. Others would desire that the universities should have a voice in the matter ; others that the leader of the opposition should share in the nomination of senators. My own opinion is, after careful consideration of the matter, that no improvement can be made on the present method of appointing senators. As to the local governments of the different provinces having these appointments in their hands, I do not approve of this proposition at all, because it would introduce into our local legislatures a bone of contention. I differ very much from my hon. friend from Shediac, who said he approved of having the local legislatures appoint our senators, and that this would have the effect of eliminating partyism from the Senate. I cannot see that ; my opinion is that it would have the contrary effect, and would introduce partyism here. We have not now very much partyism here. Senators are found dividing on quite other than party lines in regard to questions coming

before the House; but I believe if we were to adopt the idea of the hon. gentleman from Shediac, partyism would be found to increase very rapidly in the Senate. The men appointed by the local governments would be bound to support the parties appointing them. Then again, we would be introducing the system which is adopted in the United States, where the different states of the Union have the appointment of senators. I, as one humble member of this Senate, will object with all my power to having any part of the system of the United States introduced into our parliament. The senators of the United States, I have no hesitation in saying, instead of being responsible to the people of that country are simply the nominees of the combines, the trusts, and the moneyed men. They actually represent the money of the United States. Can you expect to have an independent body, when its members are appointed in that manner? The present United States Senate shows this very clearly. We have an independent body here—being appointed by the Crown, independent of all influences outside the Senate. It is not so with the Senate of the United States. The hon. gentleman from Wolseley (Hon. Mr. Perley) suggested an idea of appointing senators which, certainly, was novel, but I do not believe he will get very much support for his scheme. It was that the leader of the government should appoint eight members of his cabinet, that the leader of opposition would appoint six of the wisest men he could select, and that the chief justice of the province in which the appointment was to be made would select three. These men would cast a ballot for the senator. You will notice that the chief justice would have the appointment of the three men, who would constitute the majority of the electing body. They would hold the balance of power, and the result would be that we would have an element here which is very useful in its place, but which I think would be better to keep in the minority. We would have the House filled full of lawyers. I do not think it would be possible to carry out the hon. gentleman's idea in any way. I think it would be a complete failure in comparison with the way in which senators are at present appointed. My own idea is that, if we depart from the present system, we had better go direct to the electorate and be elected say on a property qualification for a value of $500 or $1,000. Let half the Senate be elected every 5, 6 or 8 years, as may be considered best. At the end of that time let the other half be elected. This would give senators a tenure of ten or twelve years, which would be sufficiently long to show whether a man was a capable man for the Senate or not. If he was a very capable man and a very good man he would then have the opportunity of being re-elected. This is the course I would prefer if any of the plans are to be adopted which are suggested here; but I cannot see that there is any benefit in a system of direct election. We would have an interminable number of elections. We have already elections for the House of Commons, elections for the local legislature, civic and municipal elections, and I think these are quite enough without having the Senate elected. You would have some 44 or 45 senators elected every 5 or 6 years, but that would not include all the elections, because there would be quite a number of by-elections. Since the present government came into power ten years ago Sir Wilfrid Laurier has had the appointment of from 55 to 60 senators—55 at all events, there may have been a few more. 5 to 6 every year; 47 of these were to replace Conservatives, and eight to replace Liberals. This shows that we have from 5 to 6 by-elections every year, which would be a nuisance. I cannot, therefore, consent to the idea that if we were elected it would be a better system than we have at the present time. I cannot see but that the Prime Minister with his cabinet, they being advised by the members and senators from the locality in which the senator is to be appointed, can make just as good selections as under any system of direct election. Then we have to take into consideration the experience and the wisdom of the fathers of confederation when they adopted this system. They certainly thought they were adopting the system best calculated to meet the needs of the country, and I think it would be wise on our part to follow what they have done. and keep it in existence. We are not very much troubled with partyism in the Senate. We see it spring up occasionally, but not to a very great extent. Any hon. gentleman who has sat in this

Chamber for any length of time and has noticed the Bills coming before the House and observed the analyses and criticism to which each measure is subjected, will have seen that senators vote in nearly every instance without regard to what might be called a strict party line. I do not know how it was before my time, but I believe it was much the same as it is at present. The usefulness of the Senate is evinced very strongly in the amendments made to Bills coming before the House. Scarcely a Bill comes from the House of Commons but what is scrutinized very carefully by the Senate and a great many important amendments are made. Take for instance the case of the Railway Bill we had here two years ago. We made from 90 to 100 amendments to that Bill, and when it went back to the House of Commons they adopted from 70 to 80 of that number. I think I am within the mark, and I believe that senators sitting about me will agree that that Bill was very much improved indeed by the amendments which the Senate made to it. Some of the speakers on this subject, particularly the hon. gentleman from Marshfield (Hon. Mr. Ferguson) took a great deal of credit to the Senate—and I do not say that he was not right in doing so—for throwing out several important Bills. One Bill he mentioned in particular, the Franchise Bill of Prince Edward Island. When we entered into confederation the laws of Canada were made applicable to our island. Among them was the Franchise Act, and as the hon. senator said, we had at that time an elective legislative council. We had £100 qualification for electors in connection with elections to the legislative council, and it was during the reign of the Mackenzie government that we were applying this Bill to our island, and they adopted this £100 qualification as the qualification for voters in Prince Edward Island in the election of members of the House of Commons. In the Senate at that time there was a representative from Queen's county, Prince Edward Island. He moved that the Bill be rejected. It would have been quite easy for that senator—he was a man who understood the condition of Prince Edward Island very well—to have moved an amendment giving us universal suffrage in Prince Edward Island as we have it for our local election, and I think if he had done so it would have been adopted both by the Senate and by the cabinet, but in place of that he moved that the Bill be thrown out. This senator made a great ado about disfranchising the young men and the poor men of Prince Edward Island. That was a little bit of partyism, the like of which I have rarely seen exhibited here since. It was not the intention of the government of that day to disfranchise the young men, or the poor men of Prince Edward Island.

Hon. Mr. FERGUSON—Senator Haythorne, a Liberal, took the same position.

Hon. Mr. ROBERSON—I am surprised he did not read the Bill a little better. Party capital was going to be made out of this in Prince Edward Island, and was made out of it. I had to meet it, and the hon. Secretary of State, who was in this House at the time, can put me right if I am wrong. At the foot of the Bill was a clause to the effect, namely, that the franchise provided in the Bill by the Dominion government was only to be in existence until such time as the local government would provide a franchise for the people of Prince Edward Island. The local government was in session at the time, and in 48 hours could have adopted a franchise suitable to Prince Edward Island but they neglected to do so. Then, of course, the Bill was thrown out here and we went back to universal suffrage.

Hon. Mr. FERGUSON—The hon. gentleman is in error in this respect; the alternative in the Bill was, not that the local legislature should furnish another franchise, but that they should provide a registration of voters.

Hon. Mr. ROBERTSON—And a franchise. Probably the hon. Secretary of State, if he remembers anything of it, will put me right. The proviso at the bottom of the Bill was that this qualification should only be in existence until such time as the local government would provide a franchise and a list of voters to prepare for the Dominion election. The hon. senator, perhaps, did not remember this at the time he was speaking, but he left that portion of it out; therefore,

I do not think there is so much credit to be given to the Senate for throwing out that Bill as the hon. senator claimed. Another Bill thrown out by the Senate was the Yukon Railway Bill. I think it was a mistake on the part of the Senate to defeat that Bill.

Hon. Mr. FERGUSON—Oh, no.

Hon. Mr. ROBERTSON—That Bill was based largely on the Canadian Pacific Railway scheme. Alternate sections of land were to be given as a subsidy in the country through which the road was to pass, yet we hear senators even to-day saying the government were giving away a province to that railway. The land was a terra incognita; it was mostly rock. There might have been minerals, but the company that took the chances of building a railway through that country took very great risks, and I do not believe you could get any company—you certainly could not get the same company—to enter into such a contract to-day. That portion of the country is a dead letter, but if a railway had been built through it the land would have been opened up and mining, lumbering and other industries developed up.

Hon. Mr. FERGUSON—Can my hon. friend tell us why the government did not re introduce that Bill if it was so good a measure?

Hon. Mr. ROBERTSON—Simply because they gave away the whole business to the United States, and United States capitalists built a railway in there in opposition to this Canadian route. That, of course, turned the tide of trade away from the Dominion to the bordering states on the Pacific. I do not know whether it is true or not, but it was reported at that time, and has since been intimated, that United States lobbyists were around the Senate at that time, and probably the fate of the Bill was the result of lobbying. I do not say it was; I do not know whether it is true or not, but if that is the case it is the biggest slur ever cast on the Senate.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is misrepresenting, unintentionally no doubt, the whole Bill and the country through which the road was to pass.

Hon. Mr. ROBERTSON—I do not understand the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—I have no doubt the hon. gentleman is unintentionally misrepresenting the object and character of the Bill and the character of the country through which the road was to pass as well as the subsidies which were to be given in aid of the enterprise.

Hon. Mr. ROBERTSON—I am not misrepresenting it at all. Every alternate section was to be given on the way. You did the same thing with the Canadian Pacific Railway, and have since been claiming that you made the lands of the Northwest valuable by building the Canadian Pacific Railway through them. The same results would have followed had the Yukon Railway Bill not been defeated.

Hon. Sir MACKENZIE BOWELL—The Bill did not propose to give one single acre of land to the company in the part of the country through which the line was to run.

Hon. Mr. ROBERTSON—The question is asked, why did they reject the Bill ?

Hon. Sir MACKENZIE BOWELL—We will tell you that by and by.

Hon. Mr. ROBERTSON—I do not know; perhaps it was all right for the Senate to throw out the Bill. At the same time there are very grave doubts about it. I think the Senate is deserving of credit for having thrown out other Bills. No doubt questions will come up in this Senate which we will probably throw out after serious consideration. I notice at the present time that some of our newspaper friends forecast that in the near future the Senate will throw out some Bills. I should like to know how they get that information ? I think it is a piece of impertinence for any journalist to pass judgment in this regard. Those people who are anxious that the Senate should be abolished I think should be sufficiently satisfied with the changes that are taking place in this chamber at the present time. The figures I pointed out a few minutes ago show that the Senate is changing fast enough to please any body or any section of men. New elements are coming in every day and old men who gave this Senate a character are passing away very fast, to our great regret. Some of the older men

that are here, and who gave this Senate as I say, a character, established it in this country, made it a portion of the parliamentary history of the country, were the glory of this Senate, and it is regrettable to see them passing away as fast as they are. But there is one little objection that might perhaps come up in reference to this point, and it is this; that under the late Conservative regime the Liberal members were pretty nearly wiped out. I think there were only ten or eleven left. At the present time our Conservative friends are passing away and that makes the balance of power probably too weak on their side. I admit that. That is one argument which might be advanced in reference to the elective system. It would maintain the balance of power in the Senate; at the same time I do not think there is any particular harm going to result from any party dwindling down to a small number. As long as there are a dozen or two dozen of good representatives on either side they can put forward the ideas the opposition represent, as strongly probably as if there were three dozen. Our friends are now 33. They could afford to be reduced to half that number, and I believe their views would be just as forcibly advanced in this Senate as it is at the present time. They could criticise measures, oppose measures and agree with measures just as strongly as an opposition of fifteen or twenty as they do at the present time. Under those conditions, not wishing to weary the House, I think it would be wisdom on our part to retain the Senate just as it is at the present time; to hold to our present mode of appointment to the Senate, to give credit to the fathers of confederation who formed the constitution of the Senate, who granted it its powers, and in my opinion I do not believe we can amend it in any regard. I think, therefore, that we should pay no attention whatever to the flippant and ungenerous remarks, such as we see in a newspaper published in Toronto the other day, made by men who know little or nothing of the character of the Senate. I am pleased to see that another paper, which I consider far ahead of the Toronto 'News', namely the Montreal 'Gazette', advises the House of Commons to stop talking and do their work, or else go home and let the Senate do the work, as they do it better than the House of Commons. Under these circumstances, my idea is to pay no attention to the flippant remarks made by members of the House of Commons and by some newspapers whose editors know very little about what they are discussing.

An important point which appears to have been overlooked in this debate is the importance and value of the example of the Senate, not merely upon the parliamentary life and practice of Canada, but upon Canadian society at large.

Any one who follows the procedure in this House must admit, and many who do not so follow it admit, that as compared with any other legislative body on the continent of America, the Senate is a very model of parliamentary decency and order. And one of the proudest boasts a Canadian can make to-day is that this country, governed as it is as nearly as may be after the unequalled British model—a form of government which combines the maximum of personal liberty with the maximum of law, order and personal safety—stands on this continent as the champion of well ordered liberty as opposed to all ill-considered license which but too often acts as a cloak for excess and lawlessness.

This honourable House is the acknowledged custodian and authoritative exponent of the ancient, distinctly dignified, and wisely devised forms and stately ceremonials of British parliamentary practice, the scrupulous preservation of which, there can be no doubt, has had a valuable practical influence upon the satisfactory development of the parliamentary system of government in Canada. From its rigid and even jealous adhesion to established precedent, and its scrupulously strict observance of the more stately forms of procedure, the Senate of Canada stands as a model of sound parliamentary practice, and it has exercised, and still exercises an important and benign influence upon the whole parliamentary body in this Dominion.

This House, by reason of its component parts, is naturally a staid and cautious body. It stands unflinchingly for what has been proved by the unerring test of time to be wholesome and beneficial, as against any rash and hasty theories which are bound to be evolved in a young, vigorous and enterprising community such as ours.

And this honourable House has, who can doubt it, a mellowing elevating influence, not only upon the body politic, but upon Canadian society in all of its strata and miscellaneous ramifications.

In these days of advancement and unrest, any human agency that has a restraining influence upon the prevailing iconoclastic tendency of the age, that acts as a brake upon the rapidly developing tendency of the public mind under proper restraint, that inculcates respect for authority and honourable and useful precedent, that demands a high standard of honour in public as in private life, requires no justification of its existence.

Hon. Mr. ELLIS moved that the debate be adjourned till to-morrow.

Hon. Mr. SULLIVAN—I think this is going to be a long drawn out discussion, and I would suggest that it be proceeded with to-night. It will degenerate into a miserable debate if we do not proceed with it in a more rapid way.

Hon. Mr. SCOTT—In an important debate of this character, we have always consulted the wishes of the hon. gentlemen who desire to speak. We have only one important measure on the order paper for to-morrow, and I fancy we can finish this debate in good time.

The motion was agreed to.

GRAIN INSPECTION ACT, AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (207) an Act to amend the Grain Inspection Act.

The Bill was read a first time.

Hon. Mr. SCOTT moved that the Bill be read a second time to-morrow.

Hon. Sir MACKENZIE BOWELL—Is this Bill dealing with standards ?

Hon. Mr. SCOTT—Yes. They have the notion that the standard has been too high, to the detriment of the people in the Northwest.

The SPEAKER—I have received a petition from the Winnipeg Grain and Produce Exchange with reference to this Bill, which I will lay on the table.

Hon. Sir MACKENZIE BOWELL—Is it for or against the measure ?

The SPEAKER—I do not know.

The Senate adjourned till three o'clock to-morrow.

SENATE.

OTTAWA, Wednesday, June 27, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PETITION OF J. T. PATERSON.

REJECTED.

The petition from James Thomson Paterson, of the city of New York, praying to be paid for his services as an expert witness before a special committee of the Senate appointed to investigate into the affairs of the Mutual Reserve Fund Life Assurance Company of New York in Canada, was read.

Hon. Sir MACKENZIE BOWELL—I call your attention, Mr. Speaker, to the fact that this is a petition praying for public money, which, under the constitution of parliament, cannot be received. If a reference be made to Bourinot and May, it will be found that that principle is laid down very clearly. Hence the petition is out of order.

The SPEAKER—This petition cannot be received, as the granting of the prayer of the petition would involve the expenditure of public money.

THIRD READINGS.

Bill (150) An Act respecting the Windsor, Essex and Lake Shore Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (159) An Act to incorporate the Cobalt Railway Company.—(Hon. Mr. McHugh.)

Bill (57) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.—(Hon. Mr. Edwards.)

TEMAGAMI, TIMISKAMING AND COBALT RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. CASGRAIN, from the Committee on Railways, Telegraphs and Harbours, re-

ported Bill (JJ) An Act to incorporate the Temagami, Temiskaming and Cobalt Railway Company, with amendments.

Hon. Mr. POWER moved concurrence in the amendments. He said: There is really only one amendment. Clause 9 of the Bill as it was submitted to the committee set forth the various powers which the company could exercise, and the committee struck out that clause, and substituted the two clauses which the committee have been in the habit of inserting in Bills of this kind. They may be called standard clauses, and the amendment is simply to substitute the two clauses for the one clause, which appears in the Bill.

Hon. Sir MACKENZIE BOWELL—It seems to me, from what I heard of the amendments as read by the clerk, that they are of some importance, and therefore should stand until to-morrow.

Hon. Mr. POWER—I would appeal to the hon. gentleman not to insist on his right. There was no difference of opinion in the committee. These are the standard clauses. This is a Bill originating in the Senate. It is in the standard and orthodox form, and if we refuse to allow it to go through to-day the probabilities are that it will not become law this session. The Hon. Mr. McHugh, who is in charge of the Bill, is not present. I simply take charge of the measure in his absence. It is a Bill for a railway which is to go through the Temiskaming and Cobalt districts. About one-half of the line is in the province of Ontario and the other half in the province of Quebec. It is an important undertaking, and it is really very desirable that the Bill should become law this session. I trust, therefore, the hon. gentleman will not insist on his right.

Hon. Sir MACKENZIE BOWELL—With that explanation I withdraw my objection.

The motion was agreed to, and the Bill was read a third time under suspension of rule 70.

BURK'S FALLS AND FRENCH RIVER RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. CASGRAIN (de Lanaudière) from the Committee on Railways, Telegraphs and Harbours, reported Bill (158) An Act to incorporate the Burk's Falls and French River Railway Company, with amendments. He said: One amendment is to add clause 14 making the railway subject to any laws of Ontario now existing or hereafter to be enacted, and the other amendment is to add clause 15 declaring this railway to be a work for the general advantage of Canada.

Hon. Sir MACKENZIE BOWELL—I suppose the work is entirely within the province of Ontario.

Hon. Mr. CASGRAIN (de Lanaudière)—It is.

Hon. Mr. DAVID—Is it to the general advantage of Canada because it connects two railways?

Hon. Mr. CASGRAIN (de Lanaudière)—Yes, it connects the Grand Trunk Pacific and the Canadian Pacific Railway.

Hon. Mr. DAVID—That makes it a work for the general advantage of Canada, and, therefore, lawfully a Dominion work under the constitution of Canada.

The amendments were agreed to, and the Bill was then read a third time and passed.

FIRST AND SECOND READINGS.

Bill (LL) An Act for the relief of Nettie M. Bulmer.—(Hon. Mr. Frost.)

THE NORTH ATLANTIC TRADING COMPANY.

LORD STRATHCONA'S CORRESPONDENCE.

Hon. Mr. FERGUSON—Before the orders of the day are called, I wish to draw the attention of the hon. Secretary of State to what purport to be copies of letters received by the government from Lord Strathcona, and which are published in the evening papers of yesterday and the morning papers of to-day. I will read some extracts from the report of the Montreal 'Star' of last evening, which I find to be as copious as any of the others:

On April 28th Lord Strathcona wrote that he had noticed in the Toronto 'Globe' of April 5 that it was mentioned that he had opened the negotiations which led to the existing arrangement with the North Atlantic Trading Company. He disclaimed having originated or carried through the negotiations. He said that the suggestions put forward by Mr. Preston never commended themselves to his better judgment.

He adds: 'But it was urged upon me so strongly that a trial might be given to the scheme, and it was received with so much favour by the Department of the Interior, that I did not feel justified in the circumstances in withholding such assistance as I could properly give to carry into effect the declared policy of the government.' Further on he says: 'I had no connection at all with the negotiations in connection with the first interchange of letters, the Department of the Interior having placed itself in direct communication with the company. While personally I could not approve of the proposed arrangements, I felt it incumbent on me, under the circumstances, to carry out the policy of the government, but at the same time I wish most distinctly to disclaim the direct responsibility attributed to me in the matter.'

On May 12 Lord Strathcona wrote Sir Wilfrid Laurier another letter, in which he said: 'My principal reason for not favouring a hard and fast contract with any body of individuals like the North Atlantic Trading Company was the fear that it might launch us in difficulties with some of the governments concerned. There was also the consideration that they would obtain the advantage, without any great expense of effort themselves, of the movement which was bound shortly to take place, as the result of our continuous educational work with the various agencies on the continent. My idea was that the agents who had been working on our behalf should themselves participate in the bonuses; and that we should endeavour also to secure the co-operation of the large continental steamship companies, which it would not have been difficult to arrange, judging from my interviews with the North German Lloyd directors, and Mr. Ballin of the Hamburg-American line—gentlemen of great prominence on the continent—as reported in my letters before referred to. Of course it would have been possible to gradually lessen the bonus payments, as the emigration increased the increase being the natural consequences of the work that was being done, and of the the successful settlement of the people who were going out from year to year.'

Lord Strathcona's letter concluded as follows: 'I am sure you will understand, in writing this letter, that I only wish to make my own position clear, and that I have no desire whatever to reflect in any way either upon the Department of the Interior or its officers in connection with the arrangements made between the government and the company.

Then he goes on to deal with the statement of Mr. Preston, which I would consider it unnecessary to mention in this connection were it not for the concluding observation which I shall read:

On May 19, 1906, Lord Stratcona sent a long cable to the premier in which he said: 'Preston, in his evidence as reported in the press, stated having said I admitted that certain papers stolen from his office are in possession of Griffith. I made no such admission. I was informed certain letters were in Griffith's personal possession, not with office papers, and Griffith absolutely denied they were stolen from Preston's office, which statement rests so far as I know, on Preston's assertion.' The cable goes on to say that Mr. Preston's evidence as to what occurred at Hamburg in 1898 does not correctly represent what took place, and goes on to say: 'Count Hatzfeldt did mention it to Lord Salisbury and Mr. Chamberlain and Mr. Chamberlain communicated conversation to me. I explained the nature of my visit to the continent, which had more to do with general questions and with the steamship companies than with German emigration in particular. My explanation was regarded as entirely satisfactory.

'Preston's reported statement that I was aware of negotiations with North Atlantic Trading Company from beginning to end is only partly accurate. I knew of them, it is true as reported to me, but I took no active part in the negotiations which were conducted under the direct auspices of the Department of the Interior.

In directing the attention of the hon. Secretary of State to these extracts from letters which purport to have been received by the government, I should like to inquire of him whether these documents were received before the 13th June of this year, when my hon. friend and his colleague the right hon. Minister of Trade and Commerce attributed a very large responsibility to Lord Strathcona in connection with this North Atlantic Trading Company contract. My object is to ascertain whether the government were at that time in possession of these letters, and cablegrams, and, if they were, I think it is due to the House and to the hon. gentlemen themselves to explain why they attributed so large a share of responsibility to Lord Strathcona as they did on the 13th inst. in this House.

Hon. Mr. SCOTT—I do not think I am called upon to make any comment on the subject. Any reference I made to Lord Strathcona was simply reading one of his letters. I do not propose to be drawn into any discussion on the subject of the unfortunate and unhappy differences that have prevailed in the London office. The letter that was read from Lord Strathcona was, I think, in 1899 when the negotiations were first being brought to a head, in which the statement occurs that the information should be confidential. I do not think it seemly or right that hon. gentlemen should be drawn into a discussion on the points in dispute that have arisen in connection with this inquiry in another place. Certainly I do not desire to be. I have a very strong regard for Lord Strathcona, and I am quite sure he would not do anything that was not, from his standpoint at all events, consistent

with the highest honour and the very best principles that would guide and direct any gentleman. He always had the interests of Canada foremost in his mind. I have no doubt he was anxious and desirous to support, as far as he could, any policy in the way of immigration that was proposed ; but I do not think it would be fair to say that because Lord Strathcona may have tacitly allowed it to proceed in the office that it could be charged that he was a party to it.

Hon. Mr. FERGUSON—I dare say if my hon. friend looks at the revised copy of the debates of this House, he will be borne out in his statements that he did not refer to Lord Strathcona except in that way.

Hon. Mr. SCOTT—I read a letter or telegram sent in 1899 ; the letter speaks for itself.

Hon. Mr. FERGUSON—My hon friend referred frequently through his address to Lord Strathcona, and I notice that in the revised issue of the Debates this reference is converted into a reference to some officers in London. However it is not so much my hon. friend that I have to deal with as the Minister of Trade and Commerce. I read a telegram published in the Montreal 'Star,' from 'Windermere,' in which he appeared to be authorized by Lord Strathcona to say precisely what I have now read to the House, which he has communicated direct to the government, and the Minister of Trade and Commerce repudiated that statement by saying that it was absolutely worthless, although it appears that at the very time when he made that repudiation the government were in possession of full and ample documents completely substantiating what 'Windermere' had cabled.

Hon. Mr. SCOTT—In justice to the Minister of Trade and Commerce I think my hon. friend's statement is rather too strong.

Hon. Mr. FERGUSON—Not at all.

Hon. Mr. SCOTT—It was a letter to Sir Wilfrid Laurier. All the letters to Sir Wilfrid Laurier do not come to council. I did not know of it until a short time before it was sent to committee. Necessarily the correspondence between the Premier and persons outside are not state documents that fairly and properly come before council on all occasions.

Hon. Mr. LOUGHEED—Can my hon. friend say in that connection what will be the attitude of the government in reference to retaining Preston in their employ now that his statement, made under oath, has been most distinctly contradicted by Lord Strathcona, and particularly in view of the fact that so many representations have been made to the government from important sources, labour unions and other equally important sources, demanding the dismissal of Preston ? I can scarcely appreciate how the government can retain Mr. Preston any longer in view of those facts.

Hon. Mr. SCOTT—I am quite unable to foreshadow the policy of the government, and I do not usually do so until the government has come to some decision. I do not in advance suggest what will be done.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman say if it is under consideration ?

Hon. Mr. SCOTT—No, I cannot say that.

THIRD READINGS.

Bill (105) An Act to incorporate the Sterling Life Assurance Company.—(Hon. Mr. Lougheed.)

Bill (114) An Act to incorporate the Anglo-Canadian Insurance Company, as amended. —(Hon. Mr. Casgrain, de Lanaudière.)

COURT OF APPEAL FOR MANITOBA BILL.

THIRD READING.

The order of the day being called :

Third reading Bill (195) An Act respecting the Court of Appeal for Manitoba.

Hon. Mr. SCOTT—When this Bill was up for consideration in Committee of the Whole, I was asked to give some information in reference to the passage of the Bill by the Manitoba legislature creating a Court of Appeal. After some difficulty I found a copy of the Act in the Department of Justice, and I extracted from it a short memorandum which perhaps will explain the circumstances sufficiently. The Court of Appeal for Manitoba was created by a statute passed in March last, but will only come into force on proclamation by the Lieutenant Governor in Council. It is to consist of the chief justice and three other judges, and each of the said

judges shall have all the jurisdiction, both civil and criminal, possessed by any judge of the Court of King's Bench under any statute of Canada or the provinces. So soon as the chief justice of the Court of King's Bench ceases to hold office the chief justice of the Court of Appeal shall be styled the chief justice of Manitoba. He will take precedence after the present chief justice of the Court of King's Bench has retired. The chief justice of the Court of Appeal and the other judges of that court will also be ex-officio judges of the Court of King's Bench, and may, in addition to their duties as justices of the Court of Appeal, preside over any trials in civil or criminal cases in the Court of King's Bench to be tried before a judge with a jury, and over any trials at bar and over the trial of any election petition.

Hon. Mr. LOUGHEED—Have they exclusive jurisdiction in regard to election petitions ?

Hon. Mr. SCOTT—I cannot say they have, it is open to doubt. They are given special jurisdiction over election petitions. They seem to be on the same plane with the judges of the King's Bench, because they have jurisdiction, both civil and criminal, possessed by any judge of the Court of King's Bench.

Hon. Mr. MACDONALD (B.C.)—What is the occasion for this special court in Manitoba ? In the other provinces there is no special Court of Appeal.

Hon. Mr. SCOTT—Manitoba is a growing province, and a very ambitious one, as my hon. friend probably knows. The amount of business done there is increasing very rapidly. They have the right under the constitution to create a court of the kind, and if they do so we cannot ignore it altogether. The simpler way is to recognize it.

Hon. Mr. LOUGHEED—In connection with what my hon. friend has stated about the jurisdiction in the controverted elections, may I ask was it at the instance of the Manitoba government that clause 3 of the present Bill was introduced ? That is the clause which makes provision for the transference of controverted elections from the Court of King's Bench to the Court of Appeal.

Hon. Mr. SCOTT—No I do not think so. I do not think there is any correspondence. I think the Department of Justice may have inferred that it was intended to give exclusive jurisdiction to the Court of Appeal. I would not care to say definitely, having only read the statute hastily.

The motion was agreed to.

CONSTITUTION OF THE SENATE.

DEBATE RESUMED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David : That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.

Hon. Mr. ELLIS—In the few observations which I propose to make upon the resolution offered by the hon. member from Mille Isles (Hon. Mr. David), I will endeavour, as far as possible, to be impersonal, and to follow the excellent example which that hon. gentleman set when he introduced the subject. Of course it is not easy, perhaps, to be as impersonal as he was, because there have been several speeches made during the discussion, and it may be necessary to refer to some of them. The hon. gentleman from Marshfield (Hon. Mr. Ferguson), in his opening observations, referred to the fact that on a previous occasion I had made some remarks upon the Senate, and he observed that I had the credit of being in favour of the abolition of this body ; that I was here to speak for myself, however, and could say whether that impression was well founded or not. In the observations which I made during the debate on the address at the opening of the session, I referred to the circumstance that the hon. leader of the opposition had constantly complained, since I have been here, that the Senate was not properly treated in the presentation of public matters by the government ; that many important matters were kept back until the closing days of the session, when they were hurried through. The rejoinder of the hon. Secretary of State, was that that had been the former practice as well as the present one ; and I argued from that and from other similar causes

that it was quite possible that the Senate itself was not the necessity to the public which it imagined itself to be. Now, I do not know what impression the Senate has received during the addresses which have been delivered, or what the opinion of the country may be as to the utility of the Senate, but no doubt it will sufficiently develop during the recess when the public have had time to consider all the various points which have been put forward in the course of the debate. I feel, however, that whatever doubt may have existed in my own mind still remains. I have not been cured of any doubt which I may have had on that point, because it has not been clearly shown, it seems to me, that there is an absolute necessity for the Senate; and while I would not say that it has been shown that there is no necessity for the Senate, I still feel that the doubt remains. My hon. friend himself pointed out that the government—which is perhaps true—cannot be responsible to both branches of the legislature. Therefore, there must be a limit to the powers of the Senate, and the utility of the Senate must be reduced correspondingly. It seems to me that it is a debatable question whether in a country which has responsible government there should be two branches of parliament at all. The government of the country is responsible to the people through the House which is elected by the people; and how it is possible for any other House to override the will of that House, or how it is possible for any other body to come in and constantly perform useful independent work in a parliament so constituted, is certainly a doubtful question. The House which is not responsible must in the end be irremediably weak, and must constantly give way. That seems to be a fact which cannot be controverted, and that view was also taken, though not prominently put forward by the hon. Minister of Trade and Commerce. I shall probably refer to his attitude on that point later on. But some person discussing the whole matter might raise the question whether responsible government really exists in this country at all in the way in which we formerly understood it. There is no doubt that the government is responsible to parliament, and parliament is responsible to the people; but in the observations which I have made over quite a number of years I have found that the responsibility of the government is really to the country—that the parliament of the country is ceasing to hold the government responsible to them, and that the responsibility is going directly to the people themselves. In other words, I cannot remember,—although my memory may fail me in that—any case since confederation when there was an adverse vote in the House to dismiss the government. Some hon. gentlemen may remember some such instance, but I do not. Some hon. gentleman reminds me that in 1873 there would have been if the government had not resigned.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite correct so far as 1873 is concerned.

Hon. Mr. FERGUSON—But it was the vote of want of confidence which led to the resignation of the government.

Hon. Sir MACKENZIE BOWELL—There was no vote.

Hon. Mr. FERGUSON—There was a resolution, but it was not pressed to a vote.

Hon. Mr. ELLIS—In the local legislatures now, a defeat of the government by a vote in the House is a very rare thing. I was a member of the local legislature of New Brunswick in 1883 when the government was dismissed by a vote, but it was a legislature fresh from the people, and there was no debate whatever. The leader of the opposition simply moved that the government had not the confidence of the House or of the country in view of the result of the election, and the government was defeated on that. While I do not say in all that period there has been no adverse vote, yet I say it has fallen into disuse, and the American system of which hon. gentlemen are so fearful is coming into use in this country; the people themselves decide the question of who shall govern. I merely state this as being along the lines of the observations I made with regard to one House and the responsibility of the government. But there is no doubt whatever that the idea of two Chambers is strong in the general mind of the people. That it is strong in this House is quite evident. I think

every hon. gentleman who spoke professed a great, and almost undying faith in the necessity of two branches of parliament. There are few countries, I am free to admit, in which there are not two Houses. The kingdom of Greece, I believe, one of the latest founded kingdoms of Europe, has no second Chamber—and Norway——

Hon. Mr. SULLIVAN—Bulgaria. Norway is not yet formed.

Hon. Mr. ELLIS—Bulgaria is not an absolutely independent country. In Norway the elected legislature is divided into two branches; as I understand their system, when it is elected, and they agree among themselves which shall be the upper and which the lower House. At any rate some principle like that exists in Norway. The idea of having two branches of parliament has its origin largely in the idea that there are two distinct sets of people to be looked after, and that one division of the country in some way or other,—either the peers, noblemen, land-owners, or some particular body of the people—has to be cared for by a particular branch of parliament. The English House of Lords is probably one of the oldest organizations in the world, but there was a time in English history, probably, when there was no House but the House of Lords. The King called in the great nobles, as the hon. gentleman from Shediac (Hon. Mr. Poirier) mentioned the other day, the King called his earls; he was first among his equals, and called them together for a great enterprise, and that was, no doubt, the origin of the first parliamentary assemblies in England if you choose to call them parliamentary; but, in time, when the cities became large and wealthy, the King called in representatives from the people as well, so that he might levy the taxes which were necessary, as well as to get from the lords and earls the men to follow in his battles. In time the representative body over-shadowed the other. The House of Lords, however, continued to meet first with the representatives of the towns and cities, but finally continued its existence by itself, and it existed in some form down to the time of Cromwell. When England became a republic, in the time of Cromwell, the House of Lords for quite a while disappeared. There was but one House until Cromwell, finding the lower House too strong for him, composed a House of Peers of his own, which was the laughing stock of the old English peerage, so that the House of Lords, as it exists to-day, and the peers as they exist to-day, are very largely the out-growth or have come in since, the Cromwellian period. Several hon. gentlemen who have spoken, indeed almost every hon. gentleman who has made observations on this question in the House, made a reference to the Senate of the United States, and there seems to be a terrible fear of that body. My hon. friend from Marshfield, one of the shrewdest men in the House, appeared to be willing to do the Senate of the United States a certain amount of justice, but my hon. friend from Smith's Falls was terribly in earnest in his dislike of that body. He saw in it a great cause for worry. Now it is well to remember that in the United States you have the development of the English system as it existed at the time the constitution of the national union was adopted. The United States system was founded upon somewhat different lines from the way in which we have developed, but nevertheless it is a national development, and it is a national institution. There was a time in England when there was no cabinet; and there is not a cabinet in the United States to-day in the sense in which we understand the cabinet, and the Senate of the United States is founded upon the old idea that there should be a body to assist the King and assist the ruler of the country, and to divide with him, in part at least, the power which he possessed. Therefore, the Senate of the United States has the power of confirming appointments which are made by the President. No appointment can be made by the President without the consent of the Senate of the United States. It is therefore an executive body. The hon. gentleman from Marshfield objected strongly to the secret sessions of the Senate of the United States. I can readily understand why there are secret sessions of the Senate when they are dealing with certain matters. The Privy Council of Canada hold secret session, and when any hon. gentlemen seeks to obtain information from the Secretary of State when he is not prepared to give it, he can easily understand that secrecy extends to the delibera-

tions of that body. With regard to the making of treaties, I think it is a good plan for the Senate to make them. The government is formed for the benefit of the people of the United States, and the question is: does it discharge its duties well for the people it governs? I think the right of making treaties should be in the open control of a body like the Senate rather than it should be in the secret control of an irresponsible body, of the fascinations of a King or of a back stairs influence to which in some lands some time ago treaty making was subject; influences that very often disregarded entirely the public, and are not of a character which should be admitted in the making of arrangements between peoples. I know that in this country there has always been a great deal of fault finding with treaties which the mother country made with the United States as far as they affect us. We have adopted a chronic state of grumbling with regard to the treaties. We always think we are badly treated, and that the United States has got the better of the bargain, but gentlemen who follow the discussions on the other side of the line will discover as well that, on many occasions, they have viewed the matter from a different standpoint altogether, and they are by no means sure that the treaty that has been made with Great Britain, as far as Canadian interests are concerned, has been in the best interests of the United States. I refer to all this because there was an argument in these objections to the United States Senate as against the introduction of an elective system in the Senate of Canade. The senatorial system in the United States is condemned or objected to, or it is argued against, inasmuch as some gentlemen here have brought forward or suggested or favoured the idea of electing this Senate in the same way. My hon. friend from Smith's Falls had something to say, perhaps in an indirect way, about the trusts which found their way into the Senate of the United States. I do not feel called upon to discuss that very much. My hon. friend thought it was well to argue upon it, but if I were a United States critic discussing the Canadian system, I would take up the discussion which occurred in the Senate and in the committee of the Senate, as far as that could be got at, when we were passing the new rules. Of course we know differently, but it would be a fair inference from much of the discussion, that there are strong reasons why the members of the Senate of Canada should be bound by rules which prevent them advancing their own personal interest, and if I went further I would make a strong point of the fact that the chairmanship of the Banking and Commerce Committee of this Chamber is in the hands of a leading banker, the president of the Bank of Montreal. He is a leading member of the Senate, and while I do not wish to convey any wrong impression, I suggest that an unfriendly observer might say that we are open to the same criticism as the Senate of the United States. I am doing nothing more than making the observation on the point. Mr. James Hill, who made a speech in this city the other day upon the progress which he had observed in the neighbouring republic during the time he lived there, referred to the fact that twelve or thirteen states had grown up in the United States. There is no doubt whatever, that however great the Senate of the United States may have been in its earlier days, when some of the most eminent men in the nation were in it, there has been a deterioration in some of those newer states, because the Senators chosen from these states would naturally be men interested in the public works and undertakings of the state, and would come to the front on account of their ability to carry on public works rather than their purely intellectual power. That is a thing which will settle itself in time. I assume these difficulties which have arisen will disappear, and that the senators of these states will restore the old prestige in the Senate, and that they will be just as good men in their way, if they are not as good now, as the men who represent the New England, middle and older states. Then again, with regard to the assumption of power by the Senate, to which my hon. friend referred, it must always be remembered that under the United States system of government there is a check by the legal power; that the Supreme Court of the United States has a power to decide whether the Senate or whether any of the legislative bodies—whether the law-making body—improperly exercises its power, and that legal

power decides upon the question whether the United States Congress has exceeded its authority or not. So that if there was any illegal exercise of power in that country there is a mode of settling it which is peculiar to the country itself, and which is the best system, after all, of deciding these matters.

My hon. friend quoted Mr. Bryce. He quoted the unfavourable things which Mr. Bryce said of the United States Senate, but Mr. Bryce, in his 'American Commonwealth,' vol. I., page 114, one of the most eminent of modern Englishmen, also said:—

> The Senate has succeeded in making itself eminent and respected. It has drawn the best talent of the nation, so far as that talent flows to politics, into its body; has established an intellectual supremacy, has furnished a vantage ground from which men of ability may speak with authority to their fellow-citizens.

There is no doubt whatever that the United States Senate is one of the strongest legislative bodies in the world; but the democratic spirit is making such progress in the neighbouring republic that thirty-one states have united in an application to Congress to allow senators to be elected by the popular vote. Thirty-one states are more than the requisite two-thirds required to secure a vote upon a constitutional amendment to that effect. So that, notwithstanding the fact that the Senate is elected by the state legislatures there is still a strong tendency towards securing their election by popular vote. The hon. Minister of Trade and Commerce admitted that there was a necessity for reform in the Canadian Senate. Indeed, in discussing the question, his speech took rather the direction of a warning. He suggested to us that we had better set our house in order; that there was something coming which would make it necessary for us to take steps of some kind, and he proposed a scheme of reform for the Senate to which I shall make a short reference. The hon. Minister of Trade and Commerce suggested a change in the composition of the Senate. He suggested that the number of members should be reduced, but that is not important, and he suggested that a certain number of them should be elected by the local legislatures and a certain number appointed by the government. He made a very strong point in favour of minority representation. As regards minority representation, I feel bound to say that I do not look with any favour upon it at all. The hon. member from Marshfield took it up and was very desirous that such a system should prevail. The question of minority representation has long been before the people of England. Mr. Hare, a great many years ago, developed a system on paper of minority representation; then a Mr. Marshall, I think, followed it up by some practical suggestions, by which if three vacancies were to be filled, two could be elected by the majority and one by the minority. And if I remember right the parliament of France, some years ago, adopted a system by which representatives were elected over a large area of country, and by a judicious system of voting, some minority representatives could be chosen; but that system is no longer in practice in France. If I remember right, in Ontario at one time, in the city of Toronto, there was a system of electing a minority representative. The opposition had the right, or privilege, or power, if they choose to exercise it, to elect one, but that system seems to have fallen into disuse, because it was ineffective and did not secure to the minority what was desired. My hon. friend beside me (Hon. Mr. Legris) also favoured representation of minorities, but it seems to me it is not an important thing. If the people send to parliament a certain number of men, no matter how large or how small the number of representatives of the minority is their influence would be just as great as if they formed a larger proportion of the representatives. The only advantage I can see in the minority being strong is, that the government has less difficulty in carrying out the practical work of politics in restraining its followers. It forms a check, but it is not of sufficient importance or value to introduce it here. Then the hon. Minister of Trade and Commerce proposed that a certain number of senators should be chosen from privy councillors, judges, lieutenant governors and other persons. That also was the idea of John Stuart Mill. It is not original, but the application of it is to the conditions here. Mr. Mill made the suggestion, looking at the gradual decline of influence of the House of Lords in England, and favouring a second Chamber to a cer-

tain extent, that there might be a Chamber formed on some of these lines ; he proposed to take in the great admirals, generals and judges, and he would allow the lords to be represented by one in every ten of their number, and he proposed to form a council in that way which might make a second Chamber in place of the House of Lords. But that has never been attempted anywhere. The hon. Minister of Trade and Commerce suggested also, in the course of his observations, that the legislative initiative in regard to private Bills and some other matters might be left to the Senate. That would be a good arrangement if it could be carried out, but it is impossible to suppose that the House of Commons would yield to the Senate any right which it has now. The right to initiate legislation, the right to do as it chooses with regard to legislation would be held by the Commons, and I can conceive of no arrangement of that kind which the House of Commons would make. The hon. member from Richmond, in the course of his observations, said that this very question had been discussed before, and it was entirely out of the line of probability that it could be adopted. I observe that in the confederation of Switzerland there is an arrangement which might be carried out, I will not say in the parliament of Canada as at present constituted, but it is worth glancing at for a moment. In Switzerland there are two Houses. The people generally have representation in the Lower House and have two members each in the Upper House. Each canton provides its own mode of election. Some representatives are chosen by the Canton legislatures and some by a popular vote. As soon as the parliament assembles, a division of legislative powers is made between them by the federal council, so that one does not overlap the other, but it must be remembered also in Switzerland the referendum prevails, and when parliament has agreed upon any extraordinary or out of the way question it is left for the consideration of the people. In Germany there is an Upper House in which the monarchical states appoint their members and the free cities elect theirs, but, as I understand the Germanic system, that House only lasts for one year. Each session there is a new Upper House. It has certain specified and defined powers, and is not exactly like the Senate of United States, the House of Lords or the Senate of Canada. In France each department elects a senator by an electoral college composed of the deputies, the members of the general council of the arrondissement and delegates chosen by the municipal councils of the communis or towns in proportion to population. There are three hundred senators in France, chosen for nine years in three divisions. There was a life system of senators in France, but it has almost disappeared ; the number has been reduced by death, and the Senate is now elected by a representative body. The hon. senator from Richmond, in the course of his remarks, while he was very strongly of the opinion that a nominated House had failed, was very much against fancy franchises and proposed direct election by the people. With regard to the French Senate, I shall quote an observation made by M. d'Estournelles de Constant, a French politican, to Mr. Depew :

> Believing the American method the only one by which a Conservative upper house could be had, they adopted the American scheme ; this worked admirably, and in his judgment the existence of the Republic had been due to the Senate and the independence it had from the method of its election.

But as I have just mentioned, the senators in France are elected by one remove from the popular vote. I give the hon. member from Marshfield credit for having made a careful and pains-taking survey and consideration of the whole question. He went over the legislative action of the Senate and examined as to whether it had failed in its duties or had faithfully performed them, and he came to the conclusion that on the whole the Senate had performed its duties very well. Still he favoured a change so far as to give the minority representation in the Senate. Generally, I take it that the hon. gentleman agreed with the views of the hon. Minister of Trade and Commerce. He agreed with regard to representation of minorities, as did my hon. friend beside me (Hon. Mr. Legris). My hon. friend would give the opposition the right to nominate two senators to three nominated by the government. I do not think I could go that far, if I adopted the idea at all. I question

whether under our system it would be fair and right to extend the power of the opposition leader. I do not approve of what has been recently done, making the leader of the opposition a paid officer of the state. It is not a direction along which we should develop our system of administration. I know that the Premier has said that he recognized it as a new stage in the development of constitutional government, and Mr. Fielding, in some observations which he made, used almost the indentical words, saying it was evidence of the development of our system of responsible government; but, as the opposition leader is not responsible to the majority of the people, it is hard to see why he should have such power, and, further than that, as the hon. member from Richmond argued, if it be correct to allow the leader of the opposition to perform executive work of that kind, he might just as well become a member of the government, and the whole matter of responsible administration might cease; but it could not cease because, after all, the government of the day must be responsible for the appointments which are made. Dividing power with the leader of the opposition would seem to be division of authority for which there would be not only no warrant, but which must lead to a complete confusion in the government of the country along the lines which we have adopted.

However, there was a very general agreement that the reform of the Senate is needed. The hon. gentleman from Richmond (Hon. Mr. Miller) whose experience goes back over the whole history of our country from the time of confederation, held that the nominated Chamber was a failure. The hon. gentleman from Marshfield (Hon. Mr. Ferguson) concurred in that to the extent of declaring in favour of a new mode of appointment. The hon. gentleman from Wolseley (Hon. Mr. Perley) took the ground that the Senate could not be independent and must be partisan. I regret the hon. senator is not in the House at present, as I wished to make one observation with regard to the address which he made. He rang the changes very strongly in his beautiful and harmonious voice, on the fact that the government had not filled certain vacancies in New Brunswick and persistently referred to the fact that the city of St. John was not represented here. I appreciated the compliment which the hon. gentleman paid me by forgetting me entirely; but that statement and also the statement which the hon. gentleman made, that in the early days of confederation a much better Senate was appointed than is appointed now and that in fact all religions, all classes, and all conditions of men were represented, were scarcely in accordance with the facts. I do not wish to bring up any reference to old sores. I have nothing to say in regard to gerrymanders and things of that kind; but I would like to remind the Senate, because, no doubt, the members know it, that when the first senators were called from the province of New Brunswick there was not a single Roman Catholic called among the number, so that while the hon. gentleman was, no doubt, correct so far as the other provinces were concerned he was quite inexact as far as New Brunswick was concerned. Further than that, the hon. gentleman stated that all parties were represented. I would say that the party to which I and a number of the residents of New Brunswick happen to belong was not represented in the Senate, for quite a long time. It is quite true there was a break up of parties which unhinged matters somewhat, and while it would be fair to say that there were both Conservatives and Liberals called from New Brunswick, it would be correct also to say that the opposition in New Brunswick was not represented in the Senate at first. There are two principal grounds upon which the idea of a Senate is upheld. One of them is the revision of the parliamentary work of the Lower House, and the other the representation of the provinces—that is to say, that there shall be a certain number of senators from each of the provinces, and that by this means the safety of the smaller provinces in the confederation is secured. I was very much amused at an illustration which my hon. friend opposite (Hon. Mr. Ferguson) used during the course of his observations and at the summary which he made of the various questions which have come before the Senate in which the Senate had saved the rights of the provinces. My hon. friend selected from among the number a vote

upon which some Prince Edward Island question—the formation of a steamship company or something of the kind—when all the representatives of Prince Edward Island were against this measure, their friends in the Senate nobly came to their assistance and defeated the Bill. I do not know how far that illustration is of value, because the next night my hon. friend himself voted against a measure which the British Columbia senators desired, and the whole of the representation from British Columbia in the House of Commons desired. It did not seem to me that there was very much in an argument illustrated in that manner by the hon. gentleman himself. No doubt, however, there may be times when it is to the interests of a province to be represented in the Senate as such. That must be the reason why the senators are divided up according to provinces; but I observe that upon all questions which come before this body, senators divide according to their feelings, according to their party affiliations, or according to the views they may take upon the case in question. I can conceive of no question coming forward in the Senate itself in which the members of the Senate would desire to do what was unfair or unjust to a province. The member from Smith's Falls, with great vigour, told us that the imperial parliament would not think for a moment of breaking up the existing system inasmuch as there had been a solemn guarantee that the Senate was constituted as it is for the protection of the minority in some of the provinces. I think I am quite safe in saying from a review of the course of English history, that if the parliament of Canada sought to change the constitution of the Senate, the English parliament would listen to the request, and that the views which my hon. friend holds with regard to the rebuff which we would receive, are entirely unfounded. If the British government has learned one thing better than another it has learned that the best way to treat the colonies is to allow them to develop according to their own ideas. I imagine further that if the parliament of Canada decided a change was necessary it would not make that change in such a way as to adversly affect any particular province. It would have to be with the consent of the Senate and Commons of Canada and, under such circumstances, it is most probable that the imperial parliament would agree to it. The people are generally able to get what they really want, and if they wanted a change in this respect very badly they would be as likely to get it as anything else. I have before me a memo. of two or three ideas which I entertain as regards the constitution of the Senate. First I think that the Senate might be divided into three groups, one to be elected by members of the House of Commons, one by a joint vote of the House of Commons and the Senate, and one by the municipal councils and the local house. The hon. gentleman from Prince Edward Island (Hon. Mr. Robertson), in his remarks last night, made the observation, and several other gentlemen have made a somewhat similar suggestion, that there are too many elections. My hon. friend opposite me from Rockland (Hon. Mr. Edwards) at some time in his life believed—he does not say that he has got rid of the idea yet—that the public business could be done better by three commissioners. That might be the opinion of a man who is very strongly conservative in his mind, and who does not know it. To transfer to three commissioners the legislative authority of the people and the right to control and govern the people, would be simply to have three kings in a country where perhaps one is quite enough. It would do away with the whole idea of the authority and power of the people, and would lead, as it has done in the city of Washington—where the commission idea is carried out to the fullest extent—to a system which is not as good as the elective system, as existing in incorporated towns either in this country or on the other side of the line. I, therefore, favour election by the people. I do not think that we can do away with the necessity for elections; I do not think it is desirable to do so. The hon. Minister of Trade and Commerce put forward the view that the House of Commons, the elected representatives of the people, after two or three years lost touch with the people to a certain extent, and that the Senate might do the work of checking legislation until the time for another general election came round. I do not know whether the hon. gentleman seriously consider-

ed that proposition or not. It would seem to me that much the better way would be to dissolve the popular House and go directly to the people to ascertain what they want. It does not seem to me that the Senate would be in a position to hold the other House in check for two or three years, particularly when the Senate consisted of a body of men elected for a term of ten or twelve years, as the hon. gentleman suggested, or if it were a body appointed for life. If there was to be a system of popular election, the scheme I would prefer would be something like that which we find in Norway. I would make the life of a Senator equal to the life of these parliaments, dividing them into these divisions, and at each general election taking from the elected members by some plan to be worked out, or from Senators whose term has expired, a sufficient number to fill vacancies. All vacancies occurring between general elections to be filled by appointment by the Lieutenant Governor in Council of the province affected. I would fill the vacancies thus created in the commons by new elections. I would reduce the number of senators one-third at least. I would be perfectly willing, in view of all the conditions, to allow Prince Edward Island to have four senators, as at present, but I would cut off Nova Scotia and New Brunswick six each, and proportionately reduce the number coming from the other provinces. In that way the number to be re-elected on each occasion for the popular House would be so small that it would not be nearly as bad as the contested elections which upset so many gentlemen who have obtained majorities by the usual means; and you would then have a Senate that would be thoroughly representative of the people, and also a continuing senatorial body. They would sit for a sufficient length of time to intelligently discharge their duties and acquire experience which would entitle them to re-election if the people saw fit.

Hon. Mr. POWER—I do not apprehend exactly what the proposal of the hon. gentleman is. Is it that a certain number of gentlemen elected to the House of Commons shall be Senators ?

Hon. Mr. ELLIS—Yes, that is the idea.

Hon. Mr. POWER—How is the hon. gentleman going to distinguish between those who are elected ?

Hon. Mr. ELLIS—If I am in the government when that occurs I shall find a way. It will not be so difficult to arrange. The same system really exists in Norway. I should like to say that the idea of election by the people had made considerable progress in Canada up to the time of confederation. The old legislative council in Canada, the members or representatives of Upper Canada, or a considerable portion of them, were elected by the people ; I do not know how many, but quite a number, and when hon. gentlemen quote in parliament the observations of Sir John Macdonald and George Brown in regard to the observations which they held for an appointed House, must be read in the light of the facts which existed at that time. When confederation was agreed upon, it was absolutely necessary that it should carry—it was the ordinary view taken that it would be carried. Therefore the men who were propounding and preparing the scheme of confederation provided that the senators should be appointed from the legisative councils then in existence. If that had not been done they would never have carried it through the legislative councils and the public men of that day naturally looked around for arguments to justify the departure which they made in making the Senate of Canada an appointed body ; so then the argument quoted developed in their minds, and they condemned elective legislative councils. I think there is no mistake in that, and if hon. gentlemen will refer to the history of the time they will find that was the case.

Hon. Sir MACKENZIE BOWELL—Both Upper and Lower Canada were divided into large electoral districts before confederation, and all the legislative council were elected alternately for two, four and six years.

Hon. Mr. ELLIS—I was not exactly aware just what it was. I knew they were elected, and I knew that the popular mind was favourable to election. They were originally appointed by the Crown, and the idea of election was brought about because the people desired it. It could not have been done otherwise.

Hon. Sir MACKENZIE BOWELL—I might say also it was quite satisfactory.

Hon. Mr. ELLIS—As regards the Senate and the House of Commons, there might I think be an improvement in the parliamentary practice. All legislation, in view of the large amount of work we have to do, should be resumed in the next session of parliament where it is left this session. There is no doubt the Senate itself, as regards its strength before the country, is weakened by the fact that the moment a senator gets an important position in the cabinet he leaves the Senate and goes to the House of Commons. I would remedy that by allowing the senators to sit in the House of Commons, which is the French system—there is a good deal to be learned in France—and I would allow the commoners to sit in this Chamber. I think it is a common right in France. At any rate I would allow the members to sit in both Houses, so that when their policy was to be explained, they would have a right to speak in parliament, no matter what branch they belonged to.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman give them a vote also ?

Hon. Mr. ELLIS—No, I should not do that. My hon. friend sat in the Lower House, and he knows that whenever an important minister sat in the Senate there was a constant expression of dissatisfaction, and it was urged that the minister ought to be here to explain himself, and do this, that, and the other thing, and the Lower House was never satisfied with the explanation, no matter how good it was, if the minister was not there to make it himself. I am of the opinion—and I merely state this as my own opinion—that the second Chambers everywhere will, in the course of time, disappear ; that notwithstanding the value of the second Chamber as a critical body, criticising the acts of the House below, the popular feeling which is at work in the United States endeavouring to have the senators elected ; the popular feeling which exists in England to-day attacking the House of Lords—and the attacks upon the House of Lords in England are far greater and stronger than is supposed in this country, and that popular feeling is working in Canada to-day. Any man who reads the English reviews will find that there is a constant attack on the House of Lords because it is not doing its duty, as the duty of public men is understood to-day by the English people. I observed the other day, in some paper an article in which practices in the United States were being discussed where some of these rich men sat in the Senate of the United States, and the rejoinder was made, I think by an English paper : ' Well, what does the Duke of Westminster sit in parliament for except to look after his large estates ? ' So that, in time, as the people get to the democratic idea that there is only one united body of people to be cared for, all the labour and revision necessary for doing that will necessarily fall into the hands of one branch of parliament. I will trouble the House with a short extract from an observation of John Stuart Mill in his book on representative government. Mr. Mill favoured a second House, and suggested such a House as that to which the hon. Minister of Trade and Commerce referred. But he remarked :

> The really moderating power in a democratic constitution must act in and through the democratic House.
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> That there should be in every policy a centre of resistance to the predominant power in the constitution—and in a democratic constitution therefore a nucleus of resistance to the democracy—I have already maintained ; and I regard it as a fundamental maxim of government. If any people who possess a democratic representation are from their historical antecedents more willing to tolerate such a centre of resistance in the form of a second chamber or House of Lords than in any other shape, this constitutes a strong reason for having it in that shape. But it does not appear to me the best shape in itself, nor by any means the most efficacious for its object. If there are two houses, one considered to represent the people, the other to represent only a class, or not to be representative at all, I cannot think that where democracy is the ruling power in society, the second House would have any real ability to resist even the aberrations of the first. It might be suffered to exist, in an effective check on even here. If it exercised an independent will, it would be required to do so in the same general spirit as the other House ; to be equally democratic with it, and to content itself with correcting the accidental oversights of the more popular branch of the legislature or competing with it in popular measures.

It seems to me that the weakness of the Senate is in its creation. It has no mandate from the people. Mr. Dilke said more than fifteen years ago—but I am sorry he does not argue the question at all—in discussing second Chambers :

Canada alone of great federal countries has unfortunately adopted a nominative system which gives it a weak Senate and deprives it of the real upper House which if it had liked it might have had.

The hon. gentleman from Acadie (Hon. Mr. Poirier) referred to the fact that some years ago he introduced a resolution discussing the whole question. The other day he submitted to the House some views which he entertained providing for a system of representation by nationalities, and I think the hon. gentleman's system would not be be a good one. I regard it as undesirable. And while we must give him credit for his desire to do the best he can in his view of the matter, yet what we need is a greater unity of the nationalities within the confederation rather than by dividing them. Appointed as the Senate is by the government of the day no doubt many things will influence the appointments. I say this with regard to both parties. In the discussion in the Lower House the other day, the Premier admitted his own weakness in the matter. He could not go outside the party lines in making appointments, although willing apparently to do so if he could. The desire to get a man out of the way, to secure a man of a certain religion, to give representation to a particular place, may easily influence appointments, and men will naturally yield to influences of this kind. I can say as a member of the Senate—and I should like these observations to go to the country—I am not conscious of any direct influence on the part of the government to induce me to cast my vote one way or the other, but it is natural for a man to vote with his party. We are under a system of party government, and it is exceedingly hard work for an hon. gentleman to divest himself of the idea that the party to which he has attached himself is not the best party, and that the views of his party are quite correct; and if, in the exercise of his judgment, he is led away from that view, he still has the feeling that his own judgment may not be so good as the judgment of his party, and he is very apt, I think, to yield somewhat when he would not do so otherwise. I do not think, however, that that is a matter for which the government itself is to blame, but I do think that probably the system may have something to do with it. In this connection I desire to call the attention of the House to some observations somewhat along that line made by the hon. gentleman from Marshfield in the discussion of the question; and I should like to say that if the leader of the opposition had the right to appoint members of the Senate they would be influenced just in the same way. If there be a wrong influence; if a man's freedom or desire to follow certain lines is affected in any way by the mode in which he is appointed by the government, a man appointed by the hon. leader of the opposition would be in the same position. It does not follow that the government is wrong all the time, but the reasons which would induce a man who is appointed by the government to vote with the government would just as readily induce a man appointed by the hon. leader of the opposition to follow the same example, and vote with his party.

Hon. Mr. FERGUSON—That is the admirable feature of my suggestion; both sides would be represented.

Hon. Mr. ELLIS—I answer that suggestion, and say that it is not numbers so much that count. But the hon. gentleman in his review of what the Senate had done, said:

Up to this time, there has been very slight indication of independence among the supporters of the government in this House with regard to government measures. Of course you will tell me that this is only four or five years, but many of us think that there were instances in that period in which the supporters of the government might have found occasion to have asserted their independence.

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These facts go to show that British parliamentary institutions have been carried out with a great deal of success, and in a very harmonious manner in the working of our institutions in Canada. Indeed, if there is any fault at all to be found with the record of the Senate in all the different periods I have referred to, it is that the Senate has been too acquiescent. I have no hesitation in looking back over the events which have occurred between 1878 and 1896—although I was in the Senate a part of that time myself—in saying that the Senate would have done itself justice if more criticism and independence had been evinced during that time, that it would have been better for Canada and it would have given the Senate a better record.

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I think the verdict of history will be that the Senate has been on the whole rather too acquiescent in assenting to measures passed by the House of Commons, and I would utter a warning to hon. gentlemen sitting opposite me and to hon. gentlemen around me as well, and that is this: During the long period that

the Conservative party were in power the Liberal press and the Liberal public men stirred up a very strong feeling of opposition to the Senate, mainly on account of its acquiescence in the measures of the government of the day and of its very strong party complexion.

What I am endeavouring to do by reading the extracts is to show that the conditions complained of now existed before. But while the hon. gentleman from Smith's Falls was satisfied with existing conditions, it must be remembered the Reform party declared against the condition of the Senate in 1893. I think my hon. friend was at that conference. I think we were all of the opinion in those days that a change in the Senate was advisable. I had selected some other remarks made by the hon. gentleman from Marshfield, showing strongly that in his mind there is a consciousness that the Senate itself during its whole period discharged its duty as it should and, while with considerable ingenuity and ability he endeavoured to make it appear we are worse now than before, yet I think the fair reading of the hon. gentleman's remarks would be that the Senate has not responded to the idea with which it was created, and that the general system of nominating senators has failed. That, I think, can be fairly drawn from his remarks. I desire to make one further reference. My hon. friend from North Wellington, in the course of his observations as against electing members of the Senate, pointed out that in the United States, in some state in which he had been visiting there had been an election every day of the month, or quite a period of time with regard to the election of senators; that day by day under the law passed by the Senate in order to get state legislators to elect senators, there was a constant ballot with no result. That seems to be a very vicious system. But the same state of things prevail in this country, not in the system but in the fact that the Senate vacancies are not filled when they occur. It has been the case of this government, as of other governments, that the vacancies are not filled up as they should be the moment they occurred, and that is calculated to create an impression in the public mind that the Senate is not really needed, not as fully adapted to the public welfare as the senators themselves think it should be. I would strongly urge on the government that, while the present system remains, there should not be thrown at us the same thing that the hon. member from Wellington brought up, that the senatorial vacancies in the United States remained unfilled by reason of their vicious system, when the same system exists here to-day. I think further with regard to the senators who compose the House at present—and I do not like to say it just in that way—but the senators who sit a long time in parliament, and when the government has been some time in power and is quite strong, the senators themselves on the opposition as well as on the government side, not having any mandate from the people, not being responsible, not having to answer to any person for their sins in omission or commission, fall into a routine habit and there grows in the Senate a system by which the legislative business is done, not with a disregard to the public business, but there is not the effort on the part of the Senate to square itself with the public mind or make itself an intellectual force in the country. The Senate gives careful attention, as far as I have seen, to all the Bills that come before it in the committee. The work done there, I quite agree, is well and faithfully done, but, at the same time, there is no difference whatever between the senators so far as they are members of the Senate. I think they both get into the same habit and mode of carrying on political work, and whether they are in opposition or whether they are not, the facile and matter-of-fact conditions which exist are due to the fact that they are a nominative body and are here for life. There is an old remark which everybody knows that Providence fights on the side of the strongest battalions and so Providence fights on the side of ideas. There are just as able men in the Senate of Canada to-day as there were at any time in the history of the country. Great occasions make great men, and in the early days of the country there were many matters arising which brought out the strength of great men, but there is no reason whatever to believe, if an emergency of any kind arose in this country, that the Senate would not be able to provide as many able men as the country demanded. I have before me now the remark of Mr. Mill to which I referred before:

An assembly which does not rest on the basis of some great power in the country is ineffectual against one which does.

The House of Commons is strong in the country because it appoints the premier. The premier appoints the senators. It is only necessary to state the fact to exhibit the cause of the Senate's weakness. The second proposition of John Stuart Mill with regard to chosing a second chamber was that he would have it elected by the first, subject to the restriction that they should not nominate any of their own members. There is one other point I should like to make, and that is with regard to the appointment of young men. I am quite in favour of seeing young men in this Chamber. I recognize the fact that Canada needs young men. The ideas which young men have, and the vigour with which they can carry them out, the spirit of progress which they have, all would have a good influence, so I would not limit in any way the age at which a young man could enter the Senate. Of course if all the senators would be elected, there would be no limit whatever. I would not think of putting a limit to the electing of whoever the people pleased, but so long as the appointing power exists, the government might as well send some young men to the Senate, men of twenty-five or thirty years, as well as men of fifty or sixty. I do not know whether I made an observation when I was referring to the speech of the hon. Minister of Trade and Commerce with regard to the appointment of Privy Councillors, etc., to show how that would work out in connection with the province from which I come. I find in the province of New Brunswick we have three privy councillors and one ex-governor. Of course I do not want to make any personal observations with regard to that, but two of those gentlemen no longer live in the province, and one of them, while he represents a constituency, can hardly be said to live in New Brunswick, therefore the suggestion of selecting privy councillors does not seem to me to be one of great practical value. During the discussion which has taken place, there have been many references to the fact of two parties being represented, and a great deal of the discussion has been based on that, but I sometimes inquire of myself, whether there are really two parties in Canadian politics to-day. There are differences of opinion as to the mode of doing certain things, sometimes perhaps on one question of not very great importance so far as the whole country is concerned, and sometimes upon another. We did appear to have a division along party lines on the question of the Transcontinental Railway, and yet that was not a matter of politics so much as a practical work, and when I hear remarks made that the party interests suffers here or there I am led to question myself whether under the political system of to-day, in the disappearance of the issues on which men once fought, we are divided on any question of principle whatever. I favour so far as you may gather from these observations, the election of the Senate by a direct vote of the people. If that is not successful, then I would favour the election of senators by an indirect system such as the French system—by members of the House of Commons and senators; if you like, by members of the local legislature and representatives of the municipal councils of the country. I would carry that on regardless of the fear that so many elections might be a disadvantage. With regard to the two parties, I trust hon. gentlemen will excuse me if I make a few observations.

When the Liberals were in opposition they were full of ideas as to modes by which the interests of Canada could be advanced. They had commercial union, reciprocal trade, economical administration, Senate reform, tariff reform and other like ideas and ideals which arrested public attention and gave them a picturesque place in the political imagination of the people, so that when the Conservative party fell, the whole country turned to the opposition with cheerful hopefulness.

I will not say that the Liberals have accomplished all they promised. But they have done some good work; they have expanded the national life, they have enlarged the national resources and by a great railway project, they have created new hopes of the future, and they have made the country prosperous. Senate reform is yet to be undertaken.

What is the Conservative position? As a party it has indicated no active belief in new Canadian development; it has created

no new ideals; it contents iteslf with its past record, and with criticism upon the petty quarrels of the Immigration Department, with consideration of the details of Arctic outfits, the supplies of navigation of the Marine Department within the Polar circles, and like matters. Its best work, which is perhaps not to be despised, is in probing the mismanagement which seems to attach to details of public administration; which mismanagement unhappily is too common in all governments of all countries. It is no wonder that under such conditions the party leader here, the member for Belleville, lays down his baton and retires from the front rank, or that the member for Richmond finds it necessary to form a new party for himself.

Yet there is work for a great party in opposition.

There are changes imminent. I appreciate—we must all appreciate—the thoughtful words in which the member for Mille Isle, introducing the resolution upon which this debate is founded, if you will, referred to the progress of socialistic ideas, and it is easy to see that here is a force which is to be counted with in moulding, in re-modeling our institutions. The old order changeth. Sympathy, a conservative sympathy, if you will, with any great movement which has its foundation in the heart of man, and which seeks to better the condition of life of the toiler, is wiser and safer than to sternly damn such a movement and to seek arbitrarily to arrest its advance. It may or may not be based upon a false philosophy, but its humanitarianism, its suggestiveness of comfort and ease, is commending it to men in all nations and I may say in all creeds. At the moment it seems to threaten the destruction of the cement which binds together the whole fabric of civil society; but wise counsels and good management may turn its forces along practical and beneficial lines.

In addition to this general movement of the mass of mankind into which we may be swept, there is proceeding in this country to-day another movement natural and peculiar to our special conditions, a movement which is rapidly leading us towards absolute national independence. The declaration which is often made that Canada is a nation is as yet but a prediction, a prophecy; but it is one whose day of fulfilment seems to be near at hand. It will involve, when it comes, changed relations with our mother country, and with our near neighbours, also our kinsmen, on this American continent. The times seem, therefore, to demand of us institutions in thorough harmony with the spirit of the age, a spirit which has little regard for governments that are not representative for permanent legislatures, or for privileges which exist under the pretense that they are of divine right.

With something of this feeling in my own mind, hon. gentlemen, I candidly confess that I favour the reconstitution of this Senate—if it be continued at all—upon some plan which will give the people of this Dominion thorough control over it; which will adapt it to the performance of the fullest measure of its work as a governing body in the state, by making it directly and amply responsible to the people, by whom it ought to be chosen; and I have no hesitation in saying that when, to give effect to such a reform, the seat which I have the honour to hold is needed, I will as readily and as cheerfully give it to the people of Canada as I will go to my home upon the prorogation of the present session of parliament. I base my political creed upon the belief that the government of an intelligent people should be by the people, and that the moment an institution ceases to respond to their needs or to carry out their wishes as expressed through their representatives, the time has arrived when it should be recast or remodelled. But I can see also that no method of choice of any legislative body can avail unless it is upheld by the intelligence, the vigilance, the conscience, of the individual voter.

Hon. Mr. SULLIVAN—With the thermometer at the high degree at which it is at present I do not propose to occupy your time at much length. I have approached this subject in a truly non-political spirit. What the motives were which actuated the accomplished and learned gentleman in moving this resolution, I do not know. That they were of a nature to elicit from the Senate itself an opinion as to its relations and what it thought of itself was a very bright idea, but I think that as the great Scotch poet says we ought to 'see ourselves as ithers see us.' This debate was intended to show us as we see ourselves, and I confess I found a con-

siderable amount of vanity, not too much. I felt also a certain degree of pride in this body because one hon. gentleman (the hon. Minister of Trade and Commerce) gave utterance to one of the most brilliant speeches that has been delivered in this Senate, and the most eloquent and the best in parliamentary style which he has delivered. In fact I thought it was so well prepared that there was some degree of collusion between him and the hon. gentleman who brought forward the motion. I was glad, because he is a constituent of mine, and I was proud also because I thought the change of atmosphere, as it was represented to be in this Senate might have impaired in some way his oratorical powers and I was glad, as we all are, to see that 'Richard is himself again'. While I say that, and while I appreciate the eloquence of which he gave us a pleasing exhibition, and an interesting one also, I must differ decidedly from his views. Why on earth the hon. gentleman deviated into the region of gerrymander, or any other mander, I cannot imagine. What this Senate has to do with gerrymandering if it ever had anything to do with it must have been anterior to my entrance into this Chamber over twenty years ago. I can only speak of what has occurred within the past twenty years, and if there was anything else before that I call the hon. gentleman from Halifax (Mr. Power) who represents his district in this Senate with such ability, assiduity and learning, and who has contributed in no small degree to the legislative efficiency of the Senate by his industry and knowledge—I call upon him to testify when, on any occasion, has there been any political feeling or political asperity shown in this House. If there ever was, it must have been anterior to my time, and I call upon him to say when it was. There never was an occasion—I testify upon honour, which I hope will carry some weight—on which I have given a political vote; and I hope I never shall. Holding these views, I was very sorry that the right hon. gentleman (Sir Richard Cartwright) and the hon. gentleman from Wellington (Mr. McMullen) should have launched out into a bitter invective against the actors in the gerrymander scheme. Heaven knows who they were, I do not. However, I had nothing to do with it, nor do I know of any other senator who had. But these hon. gentlemen could not resist the idea of fighting their battles over again, and 'thrice slaying the slain.'

In approaching this subject in a philosophic way, apart altogether from political feeling, two postulates present themselves to our view. The first is that the highest evidence of the sagacity of mankind in civilization, and the highest point which has been attained in regulating the intercourse of man with his fellow-man, has been in the formation of party governments. The name may sound ill, but it nevertheless represents the highest effort of our modern civilization. Another postulate which follows from the first is that there ought to be two chambers. This, the bi-cameral method, was first introduced by England, the mother of parliaments, from whom all have taken their ideas of what a parliament ought to be. In England in fact, the House of Lords existed prior to the House of Commons. It would be well, I think, to take a rapid survey of the many forms which the upper Chamber takes. There is the hereditary type, the elective House, and the nominative body. In the first mentioned England stands at the head. England, Spain, Portugal, Baden, Bavaria, Prussia, Wurtemburg and Saxony, all have upper chambers with life members in limited or unlimited number. The elective method is followed in the German Bundesrath, in Belgium, Denmark, the Netherlands, Sweden and Norway, France, Roumania, Mexico and the southern republics, including of course the greatest of all these republics, the United States. It may be of interest to mention that Belgium does not admit any member under forty years of age. The Senate in that country possesses only half the number of the house of deputies. They are retired every eight years, and for indemnity they get nothing. They and the House of Lords in England are the only two bodies of the kind which I could discover, where no indemnity was paid. France has 300 senators, the indemnity is 9,000 francs. In Denmark twelve members are appointed by the king, and fifty-four by the people, making a total of sixty-six. The members retire every eight years, and receive the very small sum of six shillings and nine pence per day. The German Bundesrath contains fifty-eight members, elected by the twenty-five states, Prus-

sia electing seventeen, Bavaria six, Wurtemburg four. In the Netherlands the Senate contains fifty members elected by the eleven provinces. In Roumania there are 120 members, who retire every eight years. Sweden and Norway have 145 members who retire every eight years.

The youngest age at which members are admitted to any Senate is thirty-five years. Switzerland has forty-four members, elected by the twenty-two cantons, much the same as in the United States, but the House resembles the United States Senate in that connection only. I need not say anything about the United States Senate; you know all about that body, and also about the Mexican House. There is one, which I have left to the last, that is Italy, because it comes nearer to Canada in some respects than any of the others. Italy has an entirely nominative system, and the senators are nominated for life. No members are admitted under forty years of age, which would be a good plan to adopt here. Those who are nominated as members are men eminent in law, science or in the church, or who have contributed in some remarkable way to literature or science. This is one of the most influential upper Houses in Europe, and as I have said closely resembles that of Canada. The only point of difference is in regard to remuneration, and even in that there is some resemblance. The members receive free transportation everywhere. I mention this to show the excellence of that feature, appearing as it does in a house of such high reputation. I wish to read a short extract from a work entitled 'The House of Lords,' published in 1891 being one number of a quarterly review of current topics, entitled 'Subjects of the Day,' edited by James Samuelson. At page 33 we find the following:

> The Senate of Italy, composed as it is of the elite of the kingdom, men of mark and wealth, and of members of the Chamber of Deputies, of long experience, possesses great influence in checking the extreme views of a very progressive lower House. On all burning questions the Senate gauges with wonderful accuracy the real feelings of the country, and when it rejects or amends a Bill it is certain to act in accordance with public sentiment, a conflict of opinion between the Senate and the people being quite unknown.

That is exactly what occurs in Canada. Now, I am going to express certain views which may disappoint some hon. gentlemen here. There is no man in Canada today who has more respect for the English nobility than I have. I consider that they are at the head of the aristocracies of Europe, for patriotism, dignity, honour and honesty. In these characteristics they are supreme; at the same time, as an assembly we must remember that they represent a distinct class. I mention this particularly because we are told here that we should follow the pattern of the House of Lords. It was left as a gospel by the fathers of confederation, that when we were in doubt in our own practice we were to follow the practice of the House of Lords. I hold that the House of Lords instead of being held up for imitation, should be held up as a warning, and I will give you my reasons. That House is composed of 560 members who have a hereditary right to sit in parliament. They own one-third of the whole of the cultivated land of England; they have most of the benefices of the church at their command; they also have the army and navy at their disposal, as well as the diplomatic service, which renders them, as a class, a most desirable one to belong to; but—now I am not going to give you my individual opinion, because it might be thought I was actuated by feeling—I will give you the words of John Bright. In a speech he delivered in England in 1884 he said:

> Now many of the peers are the results—I had almost used a more unpleasant word—but they are the results of one of the darkest periods of our history; for I believe about one-half of them were created and placed in the House of Commons between the accession of George III. in 1760, and the year 1830, which we may call the era of the great Reform Bill. They were many of them, the result, the spawn of the plunder and the wars and the corruption of those dark ages of our country. Now let us see what they have done—that is what the majority of the House of Lords has done since the year 1830. They risked a revolution in the year 1832. For thirty years from the year 1815 to 1846 they raised their rents by law at a cost of periodic famine to hundreds of thousands of families in this kingdom, and they have rejected a crowd of Bills from the House of Commons of which I have not the exact number, and which it would be tedious to go into in any detail; and as Mr. Tangye has mentioned, they have been especially hostile to any wise and just legislation for Ireland. I believe that the recent calamities of Ireland, the sufferings of its people, their discontent, and disloyalty, are mainly to be attributed to the persistent resolution of the House of Lords during the last fifty years not to pass any measure until just recently, which was calculated to give any satisfaction to the Irish people.

That, I think, is sufficient to confirm the opinion I have expressed, that we should not follow the example of the House of Lords. Looking at the constitutions of the different legislatures of the world, I would rather take the American Senate as an example. Mr. Bright expresses the opinion that the Senate of the United States is *facile princeps* at the head of all the Senates of the world ; is in his opinion an ideal one. From Jefferson to John C. Spooner, the present senator from Wisconsin who leads that House at the present day, they have always had the best and ablest men of the country. I was astonished to find that the hon. gentleman from Marshfield had anything to say in disparagement of that chamber. When I look back and reflect on the names of Webster, Calhoun, Clay, Everett and others, I am at a loss to imagine how this great body can be entitled to anything else than the highest respect. The hon. gentleman claimed that they were inferior in diplomatic ability. Now, I think, if there is one country in the world which has evidence of the astuteness, not to say cunning, and ability of the United States, and of their diplomatic skill, it is Canada. From the time of the unfortunate Ashburton treaty to the time of the Geneva award, and down to the present, no one who looks at the map of Canada can fail to see ample evidence of the shrewdness and ability of the United States as a diplomatic power. Some hon. gentleman says, 'sharp practice.' It was reported generally that they were offered the whole of Canada in the Geneva award if they would give up other claims elsewhere. I only give that as a report, that is how it came to me. Now, this gentleman whom the hon. gentleman from Marshfield quoted, Mr. Bryce, whose work every senator ought to read, says :

> The smallness and the permanence of the Senate have, however, another inportant influence on its character. They contribute to one main cause of its success, the superior intellectual quality of its members. Every European who has described it has dwelt on the capacity of those who compose it, and most have followed De Tocqueville in attributing this capacity to the method of double election. The choice of senators by the state legislatures is supposed to have proved a better means than direct choice by the people of discovering and selecting the fittest men.

He is unqualified in his praise of the American Senate, and at all events that great system of committees which we have and which is so successful here, is derived from the United States. But I am not going to make an invidious distinction in that line; it does not come within the scope of the resolution. The resolution of the hon. gentleman from Mille Isles has called forth a great deal of attention. It has been made the subject of comment by the press of Canada, and for the first time in my life I find that the press can be given an unqualified meed of praise for the very handsome manner in which they have treated the Senate in connection with the resolution. What are the causes of any animadversion which may have been made with reference to the Senate ? I need not go very deeply into this subject, because I find one of the principal causes at hand. I attribute the disparagement of the Senate largely to the numerous adjournments which have taken place here. In 1898 these adjournments extended over a period of thirty-nine days, in 1899 over thirty days, in 1900 over fifty-nine days, in 1901 ten days, in 1902 nineteen days; then in 1903 the number reached sixty-one days; in 1904 it runs down to forty-four. In 1905 it is sixty-one days again. Such a length of time taken out of the session of this House is calculated to attract public attention. Furthermore, some hon. gentlemen who have attended regularly this year did not attend so regularly heretofore. If I had the number of members who were absent during previous session with the length of time in each case, it would make a very bad showing I am afraid, but I have only taken the number of days of actual adjournment, excluding Saturdays and Sundays. It may be said, we do all the work. I suppose we do, but we do it in a hurried manner, and it is that I complain of. I have seen eighteen or nineteen Bills run through in half an hour in the rapid manner—I do not say it in any disparaging way—in which our Speaker has attained such excellence. He is unexcelled by any other Speaker I ever saw in his ability to facilitate business in that way. Another thing, I have seen members nod at the Speaker for a second reading of a Bill. A formal motion should be made, and the senator should arise and explain the Bill in due form. This is a small matter perhaps, but it shows laxity and it is a fault. 'He that contemneth small things shall fall by little and little.' Another cause for criticism is the sudden invasion of politi-

cal methods. That has occurred by pure accident, it was not due to any design, but simply to the fact of how large a number of senators have passed over to the great majority in recent years, and I hope are now enjoying the reward of their labours. During 1889 there were five vacancies, during 1890 six ; 1891, seven; 1892, four; 1893, four; 1894, five; 1895, three; 1896, eight; 1897, four; 1898, three; 1899, seven; 1900, one; 1901, eight; 1902, seven. Then comes a dark letter year, a black year, 1903, when no less than thirteen senators were removed from this House; most of them, I think, died. In 1904 there were four vacancies; in 1905, three, and in 1906, one, a total of 93 since 1889. The effect of this has been to bring in a number of men fresh from the politics of the House of Commons. and then was introduced for the first time in this House, so far as I am aware, a party caucus or a party whip. I do not say it was done with any intention. These gentlemen simply had acquired the habits of the House of Commons and they came here imbued with the same feelings.

But the public are quick to take notice of that; the reporters are about and any of them who are disposed to condemn it, when they find political reason for doing so, act upon it. Now, there are other reasons, and one of them is the smallness of the quorum which we consider necessary. In taking up this measure I forgot to mention about the schemes of reform that have been introduced. The inventors of these schemes will pardon me for saying that I consider they are chimerical. I consider that we had better bear the evils we have than fly to those we know not of. I consider the systems proposed by the hon. Minister of Trade and Commerce and the hon. gentleman from Marshfield, of appointment to the Senate would not result beneficially, but would create partisan feeling, and if there is anything that will destroy the prestige and efficiency of this House it is partisan and political feeling. Therefore, it is your duty to the House and the country to avoid it as much as you can. The hon. gentleman from Marshfield had a very elaborate plan. I give him credit for the marvellous ingenuity, care and patience with which he worked it out, and it would do very well, but, mark you, it has the same failing as the other. It perpetuates political and party feeling and creates discontent so that party lines would be drawn here as closely as they are in the House of Commons. To simplify matters we might do it in this way; just give the leader of the government on one side twenty good men, painted red, and the leader of the opposition twenty men painted blue, and put them on the table, and when having a division simply count them. You would have just as good legislation by the other system. This House has hitherto been kept comparatively free from party feeling. I know there was a good deal more of this feeling four or five years ago than at the present time. I think it is gradually disappearing, because there is an atmosphere, and there are traditions in this House, and there is a feeling whereby a man is constrained to be respectable, honourable and clean—taught that he is not sent here to represent a party or a county. He is here on higher and nobler grounds. He represents the nation and it is as a representative of the nation that he acts in this Chamber. I am sorry to hear from the hon. gentleman who preceded me some remarks with reference to this matter, and I am sorry that he was giving an inferior status to senators. I think if a senator only appreciates the honour conferred upon him, and the high destiny to which he is called, this House would be the bulwark of the freedom and liberties of this country, and would be the guardian and protector of the rights of the lowest subject in Canada. You know it is the part of a good doctor to find out what is the matter with a patient. First he must get his patient and find out his disease. The skilled physician is known by the way in which he can get any intuitive or any natural idea of the illness of his patient. I have felt the pulse of the Senate, and I do not think it is as bad as some people imagine. I think it is only a little functional derangement. All it wants is a little more oil, a little tightening of the screws in a metaphorical way and a little better feeling, a little higher notion of our destiny, of our position than this debate might indicate. There are certain remedies which I would apply. It is easy to apply remedies when you know

the cause of the trouble. In the first place, I would have a larger quorum. A small quorum allows members to absent themselves, and they should be made to come here. My own opinion is that this House should require one-half of its membership to constitute a quorum. Then I would have the oath which the senator takes, one with regard to the nation—that he would recognize no party in his deliberations in this Senate—and I am sure that I am perfectly willing to take that oath myself. Then again I think the age limit should be a little different. The extraordinary number of senators dying has left the Premier without any difficulty whatever. He has been able to fill up the gaps, and he has filled them up very well. They are not a bad lot of men, and I do not think he could pick out better ones than he has, considering the nature of their politics. However, that is a pure accident. To show you how this House is able to take care of itself in that respect, just let me give you, not my own views, but the views of an able member of the House of Lords, the Earl of Pembroke, with reference to this. On page 50 of his work he says:—

> All attempts to equalize parties on the principle of nomination have been found to be useless because Liberal politicians become Conservatives almost as fast as they can be created on entering the independent atmosphere of the House of Lords. I believe that all such attempts must, if not futile, certainly be mischievous, because they encourage a wrong idea of what the spirit and functions of the House of Lords should be. The House of Lords should certainly not be the place for constant party struggles and attempts to win party victories in the division lobbies. The spirit of party cannot of course be altogether excluded from any assembly connected with English politics; but it is the peculiar duty of the House of Lords to take a national rather than a party view of political questions and for this purpose it is specially fitted by its constitution.
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> It is quite a mistake to suppose that the Conservative majority in the House of Lords habitually sees its power to reject or nullify the measures of Liberal governments. Such occasions are the exceptions, not the rule. As a matter of fact there is never a session when a radical government is in power that the Conservative party do not put their party prejudices and even their conscientious opinions into their pockets again and again in deference to what they believe to be their party duty.
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> If we make the House representative of any electorate we shall inadvertently deprive it of this peculiar spirit. Members would be returned as representatives of parties, pledged to support the Conservative or the Liberal caucus. With such an assembly as this for a second Chamber to have a Conservative party in one House when there is a Liberal one in the other would probably lead to an intolerable series of deadlocks.

That is enough for the elective system. The more you dilute a body the weaker it gets. If you take any spirit and dilute it, you will make it so that you will not notice the taste of it. So that I consider this nominative system by the Premier is essentially the best. If the Premier is an honest and honourable man, if he is as good as any in his party, what difference will there be between the party and him? The more you dilute the electorate the worse representative you get. The more you concentrate its essence and power, the better man you procure, and, therefore, if the government carries out its intention properly, you will find that you will get the very best men in the country. I have nothing to say against the members who have been appointed to the Senate. I think they are good representative men. So far as religious denominations are concerned and the different classes in the community, professional and secular, I think they are as good men as can be found. We have ecclesiastical representation in some of the states. Austria-Hungary has it, and so has England, but England has only one denomination. Several other countries have it—Prussia, Baden, Bavaria and Spain and Portugal to a slight extent, and so has Roumnia. We could not have ecclesiastics in the Senate in this country for the simple reason that we would not know where to stop. To-day we were considering a Bill and we mustered up four denominations, but if you are to have ecclesiastical representatives here you would have about 25 or 30. Judging from the figures I have read to you of the Bundesrath, and the United States Senate above all others, which has 90 members on its roster to-day, the highest number for years. These 90 members represent a population of nearly one million each. I should say Canadian senators should represent at least 100,000. That would give 60 representatives, which would be plenty. With regard to the age of senators, I want to give the Premier and the nominative system as much scope as possible, but I would allow no man to enter the Senate under 40 years. That is the limit in France, Belgium, Germany and

many other countries. They do not have an age for retiring ; 75 is the age I would give. Remember this, as soon as evolution ceases involution begins. That is the law of animated nature. There are exceptions here, but exceptional cases should not determine the matter. Some of our members remind me of the reply Jacob gave to Pharaoh, when he asked him how old he was : 'The days of my pilgrimage on this earth are 130 years.' I believe there are gentlemen in this House who will be able to say that when the time comes. A senator was appointed the other day in the United States, one of the ablest men in America, Albert Pinckney White, at the age of 83. Gorman and Pettus, the senators from Alabama, are aged respectively 82 and 83 years. Look at the number of gentlemen here who are too modest to tell their age, but they are phenomenal. If you allow senators to retire at 75, that would give a large percentage of men who would retire, and thus would not bring about any trouble or irritation in the country. These I think are all the remarks I have to make with reference to a remedy for the improvement of this Chamber. I trust I have been actuated by the sentiments which the able and accomplished gentleman who introduced this subject had in view. I think he put it forward with the idea of getting the opinion of every senator, and there is not a member of this House that ought not to stand up, if the time and weather permit, and give his opinion, and thus you would have a sheaf of opinions that would be worth a great deal and give the people an idea of what the Senate is and requires. In conclusion let me say to your own selves be true. Remember a stream cannot rise any higher or be any purer than its source, and if the individual senators are actuated here by sentiments of honour and honesty and by a desire for truth, which we are all aiming at, I do not think there is any doubt about this Senate having a long reign such as it has at present, going on from victory to victory until some future premier will canonize it.

At six o'clock the Speaker left the chair.

After Recess.

Hon. Mr. KERR (Cobourg) moved the adjournment of the debate until to-morrow. The motion was agreed to.

Hon. Mr. SULLIVAN.

FIRST AND SECOND READINGS.

Bill (161) An Act to incorporate the Trans-Niagara Bridge Company.—(Hon. Mr. Kerr, Toronto.)

Bill (129) An Act to incorporate the Sovereign Trust Company.—(Hon. Mr. Ferguson.)

Bill (130) An Act respecting the Grand Valley Railway Company.—(Hon. Mr. Coffey.)

Bill (131) An Act respecting the Royal Bank of Canada.—(Hon. Mr. McKay, Truro.)

Bill (140) An Act respecting the Southern Central Pacific Railway Company.—(Hon. Mr. Wilson.)

Bill (183) An Act to incorporate the Twelve Mile Power Company, Ltd.—(Hon. Mr. Kerr, Cobourg.)

BILL INTRODUCED.

Bill (206) An Act to amend the Manitoba Grain Act, 1900.—(Hon. Mr. Scott.)

REVILLON BROS. BILL.

AMENDMENTS CONCURRED IN.

The order of the day being called :

Consideration of the amendments made by the Standing Committee on Banking and Commerce to (Bill 76) An Act respecting Revillon Brothers, Limited.—(Hon. Mr Coffey.)

Hon. Mr. COFFEY—The promoters of this Bill are quite satisfied that in its present shape, as amended by the leader of the government, it would be of no use whatever to the company. It would restrict their business to unorganized territory. This they consider would be a very great disadvantage ; in fact they could not carry on their business at all. What they want is permission to initiate business in the unorganized territories and send it to the provinces and through the provinces, to the posts which they have organized. I do not think it is the intention of the company—in fact I am sure it not the intention that they shall go into the post office business. What they want is, if they transmit letters through the unorganized territory to receive permission to send those letters to their various posts in the provinces. The same way with express, telephone, and telegraph business. They want to have the same advantage as the other companies doing business in the province. That is, they want to be placed on the same footing as the ex-

isting telephone, telegraph and express companies so as to make their business profitable. I am very sorry that I am not intimately acquainted with the work which this company have for many years been doing in the Northwest. I think the hon. members from that part of the Dominion will bear me out, however, when I say that they have spent a great deal of money that they are men of capital, that this capital is foreign capital brought into the country for the purpose of carrying on their business in the west, and it would be a pity if we restrict their business to the unorganized territories because they claim that, in case we do this, their business would be entirely destroyed.

Hon. Mr. SCOTT—Perhaps before considering the amendments to which my hon. friend refers, we had better dispose of the amendment made in committee. And I may just say here that the statement that the Bill would be useless to them if the amendments to which I have given notice were made, is very extreme, when I only touched on two clauses of the Bill by introducing the word unorganized. However we will discuss that later on.

Hon. Mr. COFFEY moved concurrence in the amendments.

The motion was agreed to.

Hon. Mr. POWER—The hon. gentleman has not given any notice of the motion for third reading.

Hon. Mr. SCOTT—There is no objection taken to it.

The SPEAKER — The third reading can take place, because rule 70 only prohibits the third reading of the Bill on the same day that it is reported from committee. This Bill was not reported from the committee to-day.

Hon. Sir MACKENZIE BOWELL—The concurrence in the amendment did not take place owing to the notice given by the hon. Secretary of State. He asked for delay, and then he gave notice of certain amendments which he would make, as I understood, on the motion for the third reading of the Bill.

Hon. Mr. POWER—I withdraw the objection.

Hon. Mr. SCOTT—I have no desire in the slightest degree to weaken the force of the Bill, but the Bill ought to express what the parties themselves expect to realize by it. The first clause in which I introduced the word 'unorganized' reads in this way:

> 1. Revillon Brothers, Limited, hereinafter called 'the Company,' may make contracts with any government, corporation or person, for the carriage of the mails in any portion of the territory in which its fur and trading posts are now or hereafter may be established.

There is only one government with which they can make a contract for the carriage of mails. The mails are carried in the settled parts of Canada largely by our railway companies, and I ask the House to introduce before the word territory the word 'unorganized.' I cannot see why any objection should be taken to that. If the attention of the House of Commons had been called to the point, the Bill would not have passed in its present form. The territory, as there expressed, covers any part of Canada, because the Act applies all over Canada. The company have their head office in the city of Montreal. The unorganized territories are the portions of the country where there are no municipal institutions.

Hon. Mr. ROSS (Regina)—What about the new provinces?

Hon. Mr. TALBOT—Most of the trading posts of the company are in the northern parts of Alberta and Saskatchewan. They are organized provinces.

Hon. Mr. SCOTT—Yes, but the municipalities are not organized. My amendment simply makes it clear where they are to operate.

Under clause three, we find that the company may construct and operate telegraph and telephone lines. Did parliament ever give to any other company a similar power unless they defined where they were going to build their line? It was quite unprecedented. All I ask is that it should be limited to the unorganized portions of the country. It is practically a blanket charter that is granted to them under the Bill as it stands. The company first got a charter under the Joint Stock Companies Act. It gave them very large and liberal powers, but I could not give them power to build a railway or to construct telegraph and telephone lines. The Companies Act did not permit of that. They come to parliament for that power, but if any other company

came to parliament in the same way they would not obtain authority unless they set forth distinctly where they were going to operate. Parliament never granted a charter on such broad lines before. You are giving this company absolute powers which you would give to no other company. They do not contemplate operating in the organized portions of the Dominion; why then should they hesitate to say so? It would be an extraordinary precedent for this House to set, to allow a charter to go through without defining were the company were to operate.

Then in regard to clause 9, which gives the company the right to carry on the business of a money forwarder by post or telegraph, let me ask would you give any other company that right in the settled parts of Canada? Certainly not, without saying between what points. It is only in these three cases I have asked to make any special change; and why the hon. gentleman should be forced to say that the company could not accept the Bill with these amendments, is beyond my comprehension. If you put that Bill on record without amending it, I do not see how you can refuse to grant to any other company the same privileges. It would be quoted against parliament. We are giving this company freedom to operate within the whole of Canada, because the word 'territory' cannot be interpreted as territories. If it were territories it would relate to those portions of Canada where there are no organized provinces; but it is wider than that, it is 'in the territory of Canada' The territory of Canada extends from the Atlantic to the Pacific, and it extends southward to the American boundary line. You are going to give a right which you do not intend to give, which the company did not ask for, and which they do not propose to use. Why should not the language be made to conform to the intention of the company. It certainly cannot embarrass them. I do not desire in the smallest degree to take from them any power which they propose to exercise. All I desire to do is to prevent a very improper precedent being created. Under the Bill, as I proposed to amend it, they could operate all through the northern parts of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec and in portions of the maritime provinces—those portions that are not under municipal government. Is not that a pretty wide field? The company is essentially a fur company; that is the main object of their enterprise. They have, of course, many other powers. They can build and operate ships for the carriage of passengers and merchandise, construct telegraph and telephone lines; they have the right to speculate in timber limits, to erect saw-mills and to speculate in water powers and their accessories. We had here a day or two ago a water power Bill in reference to which inquiry was made with the greatest particularity as to where the water was going to be obtained, where it was going to be used, and what route was going to be taken, yet we are asked to give this company carte blanche. I do not desire to tie them up in any way; I only wish to limit the field of their operations as regards telegraph lines, carriage of mails, and transmission of money. You are going to supercede the postal money order office? We have express companies which have a special charter in order to issue money orders; but the company is to be allowed to issue money orders all over the country anywhere they like. They admit they want to send moneys from Toronto to Montreal, and other points. That is an innovation on the proper system of legislation, and if it is done you will have cause to regret it, because if you give such powers to this company you will be bound to give them to any other company. Then, under clause 11, the company may carry on business in Canada and elsewhere. They can go down to Mexico, to South America, all over the world. I do not think that is prudent legislation. I do not think it is going to serve or benefit the promoters of the Bill in any way, and it is going to create an extremely awkward precedent. I therefore move the first amendment of which I have given notice, in regard to clause 1.

Hon. Mr. TALBOT—I do not think the company can object at all to the amendment proposed by the hon. Secretary of State, provided it is understood that he is giving the correct definition of the term 'unorganized territories.' The expression would appear to cover only Keewatin and Mackenzie districts, which are not organized. The company's trading posts are mostly in the northern part of Alberta and

Saskatchewan. If these are to be considered unorganized territories because they have no municipalities, then I think it should be entirely satisfactory to the company.

Hon. Mr. MACDONALD (B.C.)—I call the attention of the mover of the Bill to the amendment which was made in committee which strikes out clause 12. That clause deals with the capital of the company. Why is that clause struck out?

Hon. Mr. COFFEY—I do not know.

Hon. Mr. KERR (Toronto)—It was struck out because this company is already incorporated, and the amount of capital is stated in its charter. It was, therefore, unnecessary to state it in the Bill. On the other hand, it relieved us of the necessity of enacting a declaratory clause. The company were quite willing that it should go because their charter already fixed the amount of the capital.

Hon. Mr. MACDONALD (B.C.)—I would also call attention to the first clause, which deals with carrying letters. It is possible to carry letters all over the country by messengers if they wish to do so, and I do not see any necessity for this first clause. If they are operating in unorganized territory they can send their mail by private messengers and carriers without a contract with anybody. I fully agree with the striking out of clause 9, but I do not know whether clause 10 should be struck out also.

Hon. Mr. SCOTT—I did not propose to stike out clause 9 ; I merely limit it to unorganized territory.

Hon. Sir MACKENZIE BOWELL—I suppose there are very few gentlemen in the Senate who are directly interested in this Bill. Speaking for myself, I am not, but it seems to me that the hon. Secretary of State has not considered what is covered by the term 'unorganized territories.' If you put in those words they destroy to a very great extent the operations of this company. The hon. gentleman shakes his head. Are there not portions of the unorganized territories in which the government has no means of sending money or goods and that do not come within the purview of this Bill ? Are there not portions of the country in the Northwest that are organized but which are not settled, and in which this company has its posts, and has had them for a great number of years? The hon. gentleman said a few minutes ago that had the statement which he made been brought before the House of Commons he is quite sure that the Bill would never have passed. I am assured that this Bill was submitted to the Minister of Railways and Canals, to the Minister of Justice and to the Finance Minister, all of whom concurred in its provisions. Have the government no policy in a matter of this kind ? I am making this statement on the authority of a gentleman who is promoting the Bill.

Hon. Mr. POWER—These statements are decidedly ex-parte.

Hon. Sir MACKENZIE BOWELL—I do not understand how the hon. gentleman makes them ex-parte. I am replying to the statement made by the representative of the government in this House, that had the facts been submitted to the House of Commons the Bill would not have passed. My reply to that is that I am informed that this Bill was submitted to three members of the cabinet, who would be and are particularly interested in its provisions, the Minister of Justice, the Minister of Railways and Canals and the Minister of Finance. They have been misrepresented or the statement made by the hon. Secretary of State can have no force. Take the first clause to which my hon. friend objects. This company exists at the present time, and has its posts in the organized and in the unorganized territory and, as I learn, has been carrying on business of all kinds since some time in the seventeenth century. They have been in the habit of accommodating the people in many of those parts of the country in the manner indicated in the Bill. All they ask is that they shall have power to enter into an arrangement with the government to carry the mail. Is there any particular harm in that ? The hon. gentleman says they can only enter into an agreement to carry the mail with one party, and that is the government. The government need never give them the authority to carry the mails unless they like. As I understand it, they now carry parcels from one post to another, and as people have begun to settle in that part of the country, for agricultural or other purposes, they accommodate

them, and all they ask is that as a company they shall have authority to carry on this business, a business they have been carrying on without any responsibility, and if they carry the mails, as no doubt they are not allowed to do under the law, what possible harm could there be? What objection could there be to giving them the power to enter into an arrangement with the Postmaster General from post to post and from settlement to settlement, where the government has no mail accommodation now? That is all they ask. If there are any contracts for carrying the mail in that portion of the country, all the government has to do is to say 'No, you cannot have it.' They are carried now by a responsible party.

Hon. Mr. SCOTT—But they can make a contract without that clause. The clause goes further and says 'with any corporation or any individual.'

Hon. Sir MACKENZIE BOWELL—No it does not go further. I am speaking of the one point. That is to take power as a company to enter into this contract. That is all it does, and it is precisely the same with the other amendments, and the same argument applies to all the amendments which the hon. Secretary of State proposes. It proposes to restrict the operations of this company in matters of making contracts with the government for certain purposes, and in erecting telephone and telegraph communication between different posts and elsewhere if they please. The hon. gentleman says 'Why they can go anywhere, even to Mexico'. Supposing they do. Have we not already in two or three charters granted powers to Canadian corporations to go into Mexico and into other countries and islands on the Pacific. That is a power we have given them, and even supposing this company has that power what harm is it going to do?

Hon. Mr. SCOTT—That is not the point. My contention is that under this charter they can build a telephone line between Edmonton and Calgary.

Hon. Sir MACKENZIE BOWELL—Then let them build it if they please. Is the hon. gentleman standing here as the advocate of all the monopolists in the country?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—We have had too much of that kind of thing, and if we could have an opposition telephone, or telegraph communication by any company, particularly this new company, let us have it. Let me tell the hon. gentleman another thing; if he has studied at all the character of the corporations that are in the unorganized territories and that have been carrying on business there for a long time, he will find that they would close out any other company that goes in, unless they have the authority to carry on their business by law. It was urged very strongly that the clause giving them the right of expropriation should not be inserted in this Bill. Well, it was pointed out particularly by the hon. gentleman from the Northwest Territories who has studied this question, and every one knows that the companies in the Northwest Territories—that is in the unorganized portions, on the borders of Alaska, down through that country—are so powerful that unless this company had power to construct their lines over portions of the territory which the other companies own, no one could go in there, and the time is fast approaching when they will be obliged to give others the power to enter that country and erect telephone and telegraph lines and do other work which they cannot do on account of the monopoly which exists at present in the country. I must confess that when I first read the Bill I thought it was an extraordinary one, but when I came to consider where its operations are to be carried on—and there are no powers given in this Bill which are not given in the other—I gave my weak support, whatever it might be, to the passage of the clause and I am quite satisfied that the gentlemen who come from the Northwest Territories and those particularly who have studied the question as effecting the unorganized territories will tell the hon. Secretary of State that if these amendments are adopted this Bill is not worth the snap of your finger.

Hon. Mr. SCOTT—I do not propose to restrict them in the slightest degree by the language I propose introducing there. But I say this Bill gives them power which parliament never contemplated, and which they never intended to use themselves. Under that Bill they can build a telegraph or tele-

phone line between any two places in Canada. You do not give any other company the right to do that. They can erect a telegraph line between Calgary and Edmonton. They do not propose to do it. Why not say so. I have done my duty in calling the attention of the House to the matter.

Hon. Mr. FERGUSON—I was going to ask the hon. Secretary of State to give us a definition of unorganized territory. What does it mean? I think that the northern part of Quebec, the northern part of Ontario, Saskatchewan and Alberta would be unorganized.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—But how does the hon. gentleman draw the line? By what principle?

Hon. Mr. SCOTT—They are organized in the older provinces where they introduce municipal institutions and elect a council. In the northern part of Quebec it goes north to Roberval and here in this district it goes north to the Temiskaming territory, and so on in the west.

Hon. Mr. FERGUSON—There will be no difficulty about ascertaining that.

Hon. Mr. SCOTT—No difficulty at all.

Hon. Mr. ROSS—I should like to know from the hon. leader of the House as to why they should not have a right to make a contract with the government, the only people who can make a contract to carry the mails.

Hon. Mr. SCOTT—I have no objection to that, but it looks rather absurd. I have not the slightest objection to that part of it, because there is only one person.

Hon. Sir MACKENZIE BOWELL—Order.

Hon. Mr. ROSS—I do not think these people want to build telegraph lines in the organized portions of the territory, but hon. gentlemen must understand that the larger portion of Alberta and Saskatchewan are unorganized. These people want to do business between their posts in the unorganized portions of the territory, but I am afraid if this proposed clause goes in it will deter them from working in that portion of the province of Alberta which is organized, and therefore these people will be barred entirely from carrying out their enterprise. They can have these telephone lines in Mackenzie. That is from Fort Simpson to the mouth of the Mackenzie river. As a matter of fact it was all termed unorganized until last fall. Last year Arthabaska was cut in two, and part of it went to Saskatchewan and part to Alberta. That portion of the country we always called unorganized and that portion is not cut out in this Bill.

Hon. Mr. KERR (Toronto)—I do not suppose I can speak of what occurred in committee, but I was one of those who criticised and opposed some of the provisions of this Bill until the matter was thoroughly discussed. There was a great deal of information given there which the House is not in possesion of, but I am at liberty to say that this business is carried on not merely in the city of Quebec where they have a warehouse and storehouse, not merely in the city of Montreal where they have one, but in the northern part of the province of Quebec, in parts which are most difficult of access, and where there is almost as much difficulty and trouble in communicating between one point and another as there would be on the northern part of the Mackenzie river, and this territory on the other hand cannot be said to be unorganized. The province of Ontario, in consequence of a railway pushing north towards Hudson bay, is now organizing as fast as they can township after township, and therefore it would be a difficult thing, many of these posts would be cut out if you were to say unorganized parts of the province even.

What has occurred to me therefore is, after considering all that was stated in the discussions in committee here, to give them an opportunity to carry on their business. I believe that this is a very meritorious scheme in many ways and that these people are doing a great work for the public that could not be done otherwise in those outlying places, and they need all the encouragement possible. I would suggest, and it would overcome the whole difficulty, if instead of undertaking to define the limitations as proposed here by saying 'in the unorganized territory,' if it was left in a discretionary way so it could be determined by order in council. They could show, here is a place where we would not interfere with other business of a legitimate kind, and an

order in council could be passed enabling them to operate in that portion of the country. It would meet with the approval of the House, it would meet the case of those people and give the public the convenience which the company propose to furnish and every other interest would be protected. If they made application to do this business, you will see the clause of the Bill will protect them :

4. Nothing in this section contained shall authorize the company to construct or operate any telegraph or telephone lines upon, along or across any highway or public place without first obtaining the consent, expressed by the by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

By this, municipalities and the public are protected. But if instead of using the strict words here an amendment were made in the different clauses, where the Secretary of State proposes to amend them by inserting, 'in such portions of territories and provinces of Canada as may be authorized by order in council' everybody would be protected and the company would be enabled to do that which would be a meritorious thing so far as the public are concerned.

Hon. Mr. SCOTT—I have no objection.

Hon. Mr. FERGUSON—There should be a definition of the word territory, describing it as parts of the country included in an order in council.

Hon. Mr. SCOTT—I will not press the first amendment. That may be struck out.

Hon. Mr. KERR (Toronto)—The amendment might be applied in the other two places.

Hon. Mr. ROY—Coming from that part of the country, I feel it my duty to make some remarks on the amendment. If I understood the hon. Secretary of State, he objected to that company connecting their telephone and telegraph lines with Edmonton.

Hon. Mr. SCOTT—No, I do not object to their connecting with existing lines.

Hon. Mr. ROY—If they can only operate in unorganized territory there is a municipality in Edmonton, and another at Athabaska Landing, 90 miles north of Edmonton, and they will not be able to operate within either of these municipalities. That means killing the Bill altogether. I do not see why this company should be obstructed in doing business in that part of the country. They have spent already millions of dollars and expect to spend millions more and are bringing people into that part of the country. If we prevent them carrying on operations in the way they ask permission to do, we are stopping competition. I should like to know from the hon. Secretary of State if under his amendment they could get into Edmonton ?

Hon. Mr. SCOTT—I have no desire to press my amendments against the opinions of the House. I have warned the House and given my views of the Bill and have done my duty. I did not consider that the amendments I proposed could in any way restrict the legitimate operations of the company. They are a fur company, intending to operate in the more remote portions of the country. Under this Bill they could construct telegraph or telephone lines anywhere they liked. Now, that surely was not contemplated by parliament.

Hon. Mr. WILSON—As one who has charge of this Bill, and as it is stated that these amendments would render the Bill useless to the company, thereby creating the impression that we are virtually killing the Bill, I would suggest that the third reading be postponed until to-morrow. The suggestion of the hon. senator from Toronto (Hon. Mr. Kerr) is a good one, and I think, in the best interests of all concerned, it would be better to postpone the third reading until to-morrow.

Hon. Mr. ROSS (Moosejaw)—This Bill has been pretty fairly discussed. We had the promoter before the committee, and about the only point on which the committee did not agree with him was on giving the company the right to expropriate land for telegraph and telephone lines. Now, there was some reason for these people asking the right to expropriate lands. To build a telegraph or telephone line from post to post, you will have to follow the rivers. They could not possibly put a line up across the country and cut down timber for miles and miles to build that line. They cannot build it through timber ; the windfalls would break down the lines from time to time. It would be impossible to keep it up. They must

therefore follow the river, and following the river they will find companies with four and five thousand acres of land given them by an Imperial Act. To construct the line they must cross lands owned by rival companies, who will not allow even a rival boat to touch on their land. Their idea is to keep out competition and destroy the trade of rivals if they can. I think this company will do it too. To build a telegraph line they require power to cross those lands. In so far as building through the settled part of the country is concerned, I do not think they should have that right, but they must connect with the settled portions. For instance, in coming from Slave Lake or from Athabaska Landing to Edmonton they must pass through settled portions of the country, and they should have a right to do so. These people in the north—I have been amongst them there four or five months and I know exactly what those conditions are—will derive great advantage through the passage of this Bill. For instance, the government take every summer a great many thousands of dollars into that country for the purpose of paying the Indians their treaty money. Payment is made in dollar bills. This company and other small companies in that part of the country take in a certain amount of money and the smaller companies would like to be able to deposit that money with this larger company, and they, I suppose, would charge something to transmit the money down east. It is a convenience to these people to have these facilities. Then again, there are men up in that country who make money by trading or hunting, &c, and they want to make connections some way with the settled portions of the country. All they are asking for, as far as I am aware, is simply for the convenience of the people of that country.

Hon. Mr. SCOTT—How would it do to introduce this amendment to section three, after the word 'settlements,' in the twentieth line of the Bill, the words 'where there is no competing line.'

Hon. Mr. KERR (Toronto)—Then they could not come from the northwesterly portions of the country down to Edmonton.

Hon. Mr. ROSS—There is no business going on away up in the north where the companies posts are situated. They simply want to get into communication with the outside world. They do not want to go into the business of a telegraph company.

Hon. Mr. GIBSON—I do not think there is anything unreasonable in this Bill, except that to my mind there is something misleading in clause 11. I am sure it is clear to any one that the House is quite willing to facilitate the business of the company in every way. As has been pointed out, they must of course, make connections with the companies which are already in existence. I believe every one will agree to that proposition; but under clause 11, it would seem that they might be able to carry a telegraph line all over Canada. Some amendment should be made to section 11, probably that the company may carry on business in Canada and elsewhere as defined in clause three. I can see there is a desire on the part of every one that this Bill should be made of use to the company. They are carrying on a very important business; the best evidence we have of that is the high character given to the members of the company by senators who live in that part of the country. Everything that can be done should be done to aid them; at the same time we must not let them go all over Canada. I think it would be well to pin them down to the business of their own company, not forbidding them to make connections with other telephone or telegraph lines.

Hon. Mr. KERR (Toronto)—I propose to insert the following words in section three after 'settlements':

'As may be authorized by order in council.

That would enable the company to go to council and make an application showing the convenience which would result to the public, and get the necessary authority. If they are interfering with any existing right, the Governor in Council will be in a position to protect that right. In the same way in section nine I would insert the words:

'In any portions of the territory in which its fur and trading posts are now, or are hereafter established, as may be authorized by order in council.

Then I would amend clause eleven by adding the words:

Subject to the provisions herein contained.

Hon. Sir MACKENZIE BOWELL—I think the hon. Secretary of State might accept these amendments ; it would then leave it within the power of the Governor in Council to object to the construction of any line which would interfere with existing rights.

Hon. Mr. CHOQUETTE—With these amendments I think the Bill would be acceptable ; but without them, I think with all due respect and sympathy for this great company, which is doing a great deal of good—we must admit it is a most extraordinary Bill, one of the most extraordinary ever introduced during the time I have been in parliament. We are incorporating a telegraph and telephone company ; we are giving them power to do a lumber business—in fact every power possible ; but with these amendments perhaps it will be possible to safeguard existing interests as the matter will be in the hands of the Governor in Council. I submit, however, that the first clause ought also to be amended in a similar way. According to that clause the company can make contracts to carry mails in any portion of the territory in which its fur and trading posts are now or may hereafter be established. Suppose they have a post in Montreal and they establish one in Montmagny, they would have a right to make a contract to carry the mails with any corporation or person, with the government or with any one else.

Hon. Sir MACKENZIE BOWELL—The Post Office Act prevents any one carrying even one letter without subjecting himself to a fine, unless he has the consent of the government.

Hon. Mr. CHOQUETTE—Exactly, but with this clause there will be a fight between them and the government if we give them the right to carry the mail. It is just as well to safeguard it now.

Hon. Mr. GIBSON—I would like to tell my hon. friend that if any person who is not a member of parliament wishes to do so, he could go to-morrow and make a contract with the government of Canada to carry the mail from the railway station to the town. It is done everywhere without an Act of parliament.

Hon. Mr. KERR (Toronto).

Hon. Mr. ROSS (Regina)—These people will carry the mails themselves. They wish to do so and it is for the satisfaction of the people who live in these remote districts. The very thing the government wants is to get this company to do that work.

Hon. Sir MACKENZIE BOWELL—There is scarcely a month that the Postmaster General does not ask for contracts for carraying mails between different points in the Dominion. The Postmaster General has the power to enter into a contract with the hon. gentleman himself if he were not a member of parliament, for carrying the mails. All this company asks is that they may have the corporate power to enter into a contract with the government, if the government want them to carry the mail in the unorganized territories.

Hon. Mr. CHOQUETTE—I do not think that is the meaning of the clause.

The SPEAKER—Do I understand the hon. Secretary of State to withdraw his amendment ?

Hon. Mr. SCOTT—Yes, I withdraw the amendment to the first section.

The SPEAKER—The question is on the amendment proposed to clause 3.

Hon. Mr. POWER—I do not propose to divide the House on this clause, but I wish to emphasize what has been said by the hon. gentleman who has just sat down (Hon. Mr. Choquette). I do not think the attention of the Senate has been sufficiently directed to the character of this Bill. We have never passed a Bill which is more emphatically an omnibus Bill than this one.

Under clause 2,

The company may build, construct, lease, own and operate ships and vessels for the carriage of passengers and of merchandise, and carry on the business of wharfingers and warehousemen.

Under clause 3,

Subject to the provisions of the Railway Act, 1903, and amendments thereto, the company may construct and operate telegraph and telephone lines between any of its posts or settlements.

That really means that they are authorized under this Act to build telegraph and telephone lines all over Canada because their posts are scattered over the whole

country. Hon. gentlemen will remember that only to-day this House received a report which refused to allow a company which applied for a charter for the purpose of doing nothing but building and operating telegraph and telephone lines throughout Canada—refused to allow them to do that, and decided that they should be limited to the province of British Columbia. Yet here we are now undertaking to authorize a company to do this very thing—to build and operate telegraph and telephone lines over the whole face of Canada ; and that is only one of about a dozen different kinds of business which the company is authorized to conduct. We have heard something said about consistency ; now I appeal to the House to know whether the action which was taken this afternoon in dealing with that Northern Telegraph Companies Bill and the action which we are taking now, are consistent with each other.

Hon. Mr. KERR (Toronto)—It is only between their own posts.

Hon. Mr. POWER—Excuse me, they have posts all over the country, as for example, one in Montreal, another in Toronto, as I understand, and one in Edmonton ; and the Bill allows them to construct these lines without any restrictions, not even subject to the limitations which we have placed on other companies when they come here for special incorporation. Here are the gentlemen who would not allow the company I have mentioned to do business anywhere except in the province of British Columbia, prepared to support this measure.

This Bill goes on to provide :

4. The company may buy, lease, develop and sell timber limits and rights, and in connection therewith build, erect, establish, own and operate saw-mills and their accessories, and also, in connection therewith or otherwise, purchase, lease, develop and sell water-powers and their accessories.

5. The company may buy lease, own, sell and operate mines and the products thereof, and deal in mining claims of every description.

6. The company may buy, lease, own, sell and develop land for the purposes of colonization and of settlement.

7. The company may buy, sell, lease and dispose of fishing and hunting rights and privileges.

8. The company may preserve and can fish, meat, vegetables, and articles of a similar nature, and may carry on the business of general merchants, manufacturers and millers, both wholesale and retail.

9. The company may carry on the business of a money forwarder by post, telegraph or other means, in any portion of the territory in which its fur and trading posts are now or are hereafter established.

10. The company may receive money on deposit from its employees and servants, upon such terms as to interest, security or otherwise as are agreed upon.

11. The company may carry on business in Canada and elsewhere.

If there is anything else under the canopy of Heaven that any company can do, which this company cannot do, under this charter, I should like to know what it is. I think it is the most extraordinary, and I would almost say outrageous piece of legislation which has ever come before this House.

Hon. Mr. ROSS (Moosejaw)—The company is asking for about the same powers as the Hudson Bay Company have to-day.

Hon. Mr. POWER—We did not incorporate the Hudson Bay Company.

Hon. Mr. ROSS (Moosejaw)—The company ask for the right to construct and operate vessels for fur trading. They must have boats on the inland waters; they cannot do business without that. In the next place they want the right to build telephone and telegraph lines from post to post. It is a terrible thing to give that power—they ought not to be allowed to have that at all. It helps not only themselves, but their rival companies even, and the settlements up there will be benefited. Those settlements may not be large, but if there are only 100 people at a post they want to be in communication with the outside world if possible. That is a terrible thing to grant. In the next place, they wish to buy and develop timber limits. As a matter of fact what the people who are living in that country want above all things is that mills should be built. This company has the money and are able to take in boilers engines and machinery for the purpose of manufacturing lumber. For goodness sake let them do it. Why stop them ? Have they to come here from time to time for permission to do all these things? They must do so; therefore give them power to do it. They want to buy, lease, sell and operate mines. Well, there might be something in that outside their business, but I do not know that anybody will object to them doing it. If they can develop any mines in that country it will be a good thing for Canada. They will

likely be able to do it, because they will have more opportunity and more knowledge in regard to that northern country than anybody else. They have their explorers all over the country. They know every creek and every lake. They should have the power and I have no doubt in the world you will find on account of their operations that it will open up that northern territory as a mining country.

Hon. Mr. MACDONALD (B.C.)—Have the Hudson Bay Company any rights of this kind?

Hon. Mr. ROSS—I never knew of any rights they did not have.

Hon. Mr. MACDONALD (B.C.)—What has this company done up to this time? They have carried on their operations for many years without legislation.

Hon. Mr. ROSS—They have a Company's Act. They do not require an Act for any of these things except mining. I hope they will put up some money and open up the country. I have been in the country and know something about it: I have an idea that this company and the Hudson Bay Company, when they have facilities close to them, when the Peace river is open to them, and the navigation is open to Slave lake, will open up the country with their boats, and if they will develop the mines there I hope they will be successful. There is nothing that I know of in this Bill that they are asking for that will not be beneficial to that northern country, and I trust will be a benefit to Canada.

Hon. Mr. JAFFRAY—I think we should understand that the Secretary of State does not wish to interfere with these people, but he wishes that their rights should be defined.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. JAFFRAY—And his objection is to their having powers extending all over Canada. I quite agree with the remarks of the hon. gentleman from Moosejaw, that it is desirable to give them every power to develop that country, but let it be understood that these powers are not to be exercised over the whole of Canada, as the 11th clause provides. I think it is a wide and dangerous power that this Senate has no right to give.

Hon. Mr. ROSS (Moosejaw).

Hon. Mr. DAVIS—I was going to refer to subsection 4, of clause 3, which reads as follows:

4. Nothing in this section contained shall authorize the company to construct or operate any telegraph or telephone lines upon, along or across any highway or public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

I was going to say that there was no municipality out there, and that they should be put under some proper authority. We should add the words: 'The Lieutenant Governor of the province,' or 'The Commissioner of the Territories, as the case may be'.

Hon. Mr. GIBSON—If the hon. gentleman will look at subclause 3 of clause 3, he will see that the Electric Telegraph Company Act shall apply to the telegraph business of the company, which covers the point he calls attention to.

Hon. Mr. DAVIS—I was not aware of that; it may be so.

The clause was adopted.

The amendment to clause 9 was adopted.

The amendment to clause 11 was adopted.

On clause 1,

Hon. Sir MACKENZIE BOWELL—I would suggest that the same word be added to clause 1. It provides that the company may enter into contracts with any government or person for the carriage of mails. I think it might be subject to difficulties hereafter and misunderstanding. Would the passage of this clause supercede the provisions of the Post Office Act?

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—Or are they to be read in the light of the provision in the Post Office Act? If they are not, then the company could enter into a contract with a corporation or with a person to carry their mails and other matters from one post to another, in any portion of the country which would be in competition with the carrying of the mails by the contractor of the government. I do not think there is any such contention, but we ought to guard the Bill, so as to prevent it. And if the hon. gentleman moving the amendment would

make the first clause subject to the approval of the Governor in Council, that would meet the point.

Hon. Mr. SCOTT—I regard it as permissive, and the Postmaster General would exercise the proper discretion. I do not think there need be any fear or apprehension under the first clause, because it rests with the Postmaster General. Those contracts are not assignable, and nobody can carry the mails without the assent of the Postmaster General.

Sir MACKENZIE BOWELL—We understand that. But the point I am trying to make is this; would the passage of the Bill supercede——

Hon. Mr. SCOTT—Oh, no.

Sir MACKENZIE BOWELL—Well let it go. I have no objection.

Hon. Mr. COFFEY moved the third reading of the Bill.

The motion was agreed to on a division, and the Bill was then read a third time and passed.

SECOND READING.

Bill (207) An Act to amend the Grain Inspection Act.—(Hon. Mr. Scott.)

The Senate adjourned until three p.m. tomorrow.

THE SENATE

OTTAWA, Thursday, June 28, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (LL) An Act for the relief of Nettie M. Bulmer.—(Hon. Mr. Frost.)

Bill (Y) An Act to incorporate the Prince Albert and North Saskatchewan Railway Company.—(Hon. Mr. Davis.)

NORTHERN COMMERCIAL TELEGRAPH COMPANY BILL.

AMENDMENTS CONCURRED IN.

The order of the day being called:

Consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill 139) An Act respecting the Northern Commercial Telegraph Company, Limited.—(Hon. Mr. Lougheed.)

Hon. Mr. LOUGHEED—The promoters of this company very strongly object to one of the amendments made to the Bill, namely, limiting the territory through which they propose to operate. I understand that my hon. friend from Victoria proposes to move that the report be not concurred in, and has an amendment to move.

Hon. Mr. POWER—Would it not be more regular to wait until some hon. gentlemen moved concurrence in the report, and then move that the first amendment be not concurred in?

Hon. Mr. LOUGHEED—For the purpose of facilitating the discussion on the subject, I beg to move concurrence in the amendment.

Hon. Mr. MACDONALD (B.C.)—The solicitor for this company has placed what you might call a brief in my hand. The incorporators of this company were first of all, in England, the Right Hon. Lord Thurlow and Theodore Van Puten, of the city of London, England, Edward Friedburg, of the county of Surrey, England, William Braid and William Naismith, both of the city of Vancouver, B.C., Allen Haley, of the town of Windsor, N.S., and Isaac Burpee, of the city of St. John, N.B.

This company did a great deal of work and subscribed their capital, paid up 25 per cent, went to work, and gave instructions for poles in British Columbia, so as to construct the telegraph line up to Dawson. In the meantime the government took in hand to build a telegraph line from Vancouver to Dawson, and that killed the enterprise of this company. Notwithstanding what was done at that time they want to go on again, and to get power to build telegraph and telephone lines over different parts of the Dominion of Canada. An amendment was made in the committee striking out the power to operate throughout Canada, confining their operations entirely to British Columbia. As the honourable House will see, this destroys the scheme of the company; they would not go into operation at all if confined to that one province. They might just as well have

been confined to Nova Scotia, New Brunswick or any other of the provinces. So many companies have been incorporated with power to operate over the whole Dominion that I do not think it is quite right to select this company and confine them entirely to one province. I have here a list of Bills for the same purpose relating to companies incorporated by the parliament of Canada. Seven or eight of them are granted powers to operate all over Canada. I shall not trouble the House by reading the names of these various companies, but will simply say that this company should not be singled out and confined in its operations according to this amendment, and I hope the House will reject it. I would ask the hon. gentleman who moved this amendment if he will withdraw it. If the company fail in their undertaking it will hurt no one, and if they succeed they will accomplish a great deal of good by constructing telegraph and telephone lines in different parts of the country. I move that the first amendment be not concurred in.

Hon. Mr. WATSON—It was I who made the motion in the committee that the words 'British Columbia' be substituted for 'Canada.' This company was incorporated some years ago, with the object, as stated by the hon. gentleman, of building a telegraph line from Victoria to Dawson City, with the right to lay cables where necessary for the purpose of making connections. Their counsel appeared before the committee and claimed that the company was deprived of the opportunity of building that line because the government undertook to build a telegraph line to Dawson City. He represented that they had some wire on hand and that they wanted the privilege of using that wire in constructing a line. But in this Bill it is not simply a telegraph line they ask power to build, but a telegraph and telephone line, with the right to lay cables in any waters in all parts of Canada. We are therefore virtually incorporating a telephone company; and my object in limiting these people to British Columbia was, I might say, because in the first charter they defined the location of their proposed line as being on the west coast of British Columbia. We are really extending the territory of the company beyond that if we give them the right to operate in any part of British Columbia. It is well known that there is at the present time a great agitation in favour of municipal ownership for the control of telephone lines, &c., and I think it is a mistake to give any company permission to go into the telephone business in any part of Canada. I know in the province of Manitoba the legislature unanimously adopted a resolution approving of the provincial government taking over the telephone system. It would be a mistake to pass legislation of this kind giving these people freedom to construct telegraph and telephone lines in any part of Canada, and for that reason I moved in committee to substitute the province of British Columbia for Canada.

Hon. Mr. BOLDUC—During the last ten or fifteen years parliament has granted several charters to companies giving them these powers. If the House sustains the amendment made in the Committee on Railways, Telegraphs and Harbours, I do not think this parliament has a right to grant the charter, because it then becomes a local affair, coming exclusively under the jurisdiction of the government of British Columbia. I do not see why this company should be singled out and prevented from exercising the same powers which has been granted to other companies. When this company's first charter was granted, they were authorized to build a line to the Yukon. There was very little necessity for it then and the company delayed building. The great cry has been against monopolies in railways, telegraphs and telephones, and in a new country like western Canada the more competition we have in these matters the better. Companies should be encouraged to construct them, so I shall support the motion of the hon. senator from Victoria, and I hope this House will adopt the Bill as it was first presented.

Hon. Mr. McMULLEN—I entirely endorse the view taken by the hon. gentleman from Portage la Prairie. In committee we gave this Bill full consideration. In the first place the company based their claim simply on the ground that they had bought wire to build a line to the Yukon, and the govern-

ment had stepped in and prevented them from doing so, and they still had the wire and wanted to use it. I have no doubt they could place the wire on the market to-morrow and sell it for 50 per cent more than it cost them, so there is nothing in that argument. Then as to the right of this House to pass the Bill restricting the company to British Columbia, this House is within its right, because the company asked the privilege of laying cables, which no province could give them power to do. It was also said at the meeting of the committee that parliament would in all probability meet again within six months, and in the meantime this company could show its good faith and begin work in British Columbia. They have been in existence for eight years and have done nothing, but if they show a readiness to go to work, they may be able to convince parliament of their good faith and it will then be time enough to consider the proposition to give them more extensive powers. The notice they gave of this application for a charter was very limited. For an application to carry on undertakings from the Atlantic to the Pacific, a very extended notice should be given so that all parties interested would have an opportunity to be heard before the committee. I concur in the opinion of the hon. senator from Portage la Prairie that the company's operations, for the present at all events, should be limited to British Columbia.

Hon. Mr. POWER—It is to be regretted that the report of the committee should be discussed in the House, but since the discussion has come up I think it is one's duty to express his opinion on the subject. This company was incorporated in 1898 for the purpose of building a telegraph and cable line between Vancouver and Dawson along the coast of British Columbia. The company were put out of business by the government which undertook to build the line themselves, and declined the offer of the company. The company offered to put up the line and, I think, to pay the government whatever expense they had beeen put to in making surveys, but the latter declined the offer of the company, and so the company could do nothing under their original charter.

I submit that this company should be placed in no worse position to-day than if they were making a first application to parliament for a charter to go into the telegraph and telephone business throughout Canada; and I do not think any hon. gentleman can point a single instance where this parliament has refused to charter a company which asked for those powers. I need not refer to the Montreal Telegraph Company and the Great Northwest Telegraph Company and the powers given to the Canadian Pacific Railway and the Canadian Rapid Telegraph Company and the North Atlantic Telegraph Company, but I shall just refer to two or three charters which have been granted lately. In 1903 the Canadian Telephone and Telegraph Company was by chapter 100 authorized to construct, maintain, acquire by purchase, lease, &c., and operate by means of cables, poles and conduits, overhead or underground, telegraph and telephone lines, to or from any place in Canada. The powers granted to that company in 1903 were on all fours with the powers proposed to be granted to this company. Then in 1902 the Canadian Northern Telegraph Company was authorized to do the same thing as to telegraph lines, and again by an Act which we passed during the present session, the Grand Trunk Pacific Railway Company was authorized to establish, construct or acquire and operate any overhead, underground or cable line or lines of telephone or telegraph or any system of wireless telegraphy or of signalling or any magnetic communication to or from any places in Canada or elsewhere. There never was any question raised in this House with respect to the granting of any of these charters, and I fail to see why there should be opposition in this case, looking at it as though it was an original charter; and I contend the fact that the government put the original company out of business is no reason why the present company should not come and ask for power to do what any other body of men have been given power to do. With respect to the procedure, I think that in this case it has not been quite fair to the promoters of this company. This question as to limiting the powers of the company to the province of British Columbia was brought up when the Bill was dis-

cussed the first time in the Railway Committee. The Railway Committee reported to this House, giving the company the power to do business all over Canada. The hon. gentleman from Kamloops pointed out that certain clauses which had been inserted in the charter of the Grand Trunk Pacific Telegraph Company had not been inserted in this charter, and he thought that these clauses should be inserted, and the House agreed with him, and the hon. gentleman from Kamloops moved that the Bill be referred back to the committee for further consideration. The understanding of the House was that the reference back was for the purpose of having the changes which were indicated by the hon. gentleman from Kamloops made in the Bill, and when the amendments which the hon. gentleman presented had been adopted by the Committee on Railways, Telegraphs and Harbours, and the Bill was about being reported, the hon. gentleman from Portage la Prairie moved this amendment, which took the small number of members who were then present completely by surprise.

Hon. Mr. WATSON—I think not. I objected at the meeting of the committee, as I had a right to do; and I objected when the matter came up in the House.

Hon. Mr. POWER—This matter had been discussed at the previous meeting of the committee. The hon. gentleman had not succeeded in inducing a majority of the committee to take his view, and what I contend is, that while the hon. gentleman was strictly within his rights it was something which took the committee by surprise, something not expected, and inasmuch as the committee had already expressed its opinion on that point it was rather irregular to make the motion as the hon. gentleman did.

Hon. Mr. YOUNG—It is irregular to refer to what occurred in committee.

Hon. Mr. POWER—Why did the hon. gentleman not raise that point when the hon. gentleman from Portage la Prairie spoke of what took place in committee? The hon. gentleman is perfectly right; I was out of order, but I was only one of three who have been out or order in connection with this matter already to-day. I have no interest in this question one way or the other; but I do not see any reason why the gentlemen who apply for this incorporation should be treated differently from any other gentlemen who have in the past applied for incorporation under similar circumstances. Hon. gentlemen will remember that yesterday this House granted to a company a power to do just what this company seeks, to establish telegraph and telephone lines all over Canada, and it was not the only power that the company got; they also obtained power to do every kind of business you can mention in addition to telegraph and telephone; and I do not see why the incorporators in this Bill should be treated differently from any other people. I shall, therefore, support the amendment of the hon. gentleman.

Hon. Mr. GIBSON—I am astonished at my hon. friend who has just resumed his seat for the course he has taken because it was only the other day he was upbraiding the members of the House for not adopting the report of a committee. With regard to the Bill that was before the House last night, it must be admitted that in that Bill they ask for everything that they got, but they already had it in their charter. The difference between that company and this is simply that these people had authority to build a line from Vancouver to the Yukon, along the west coast of British Columbia. When the government built the Yukon line it did not put them out of business. It simply stopped them from going any further, because they believed there would not be room in that part of the country for business for two such lines, particularly with one belonging to the government.

These people have laid on their oars for eight years and now they ask this House to grant them the power to lay a cable line along the west coast of British Columbia or anywhere else in Canada. By this request—a concealed request if you like—it will be seen that they ask for the liberty of doing the same thing on the Atlantic coast and then to have connection from one coast to the other, in other words to build a telegraph

line from the shores of the Pacific to the shores of the Atlantic. Why did not the company come like a reputable company, and ask for the right to build a telegraph and telephone system from the Atlantic to the Pacific? We would then have had the other companies who are doing telegraph and telephone business throughout Canada here to preserve their rights. It was found out during the course of the discussion that the conditions of the Bill are altogether at variance with what they are asking for, according to the representations made by the company. They simply say they want power to build along the west coast of British Columbia. The committee felt that if the company had the telegraph wire on hand they might at least give them the power to build telegraph and telephone lines in the province of British Columbia, and that that would be sufficient without giving them power to build from the Atlantic to the Pacific. I think the committee did what was right and proper and I venture to say that no company would have come here asking for such wide powers without giving notice to the other companies interested. We talk about vested rights—they are vested rights. The Bell Telephone Company and other companies have spent millions of money in the construction of telegraph and telephone lines; and this company are simply asking by way of a blind what appears to be a very small matter—power to lay a cable line along the west coast of British Columbia, 'or elsewhere.' Elsewhere may mean —and that is what it does mean—along the east coast of Canada. Then they will be able to build connecting lies from one coast to the other. That is the real purport of the Bill, and I for one, as a member of the committee, will stand by the committee's report.

The Senate divided on the amendment which was adopted. Contents, 22; non-contents, 17.

The other amendments were then concurred in.

Hon. Mr. LOUGHEED moved the third reading of the Bill.

Hon. Mr. WATSON moved that the Bill be not now read a third time, but that it be amended by striking out the word 'telephone' where it occurs in the 4th line of clause 2. He said: My particular objection to limiting the Bill to the province of British Columbia was on account of the telephone clause. So far as telegraphing is concerned it can be done by any company. It is simply a matter of convenience between the sender and receiver, but it must be admitted by every one that the telephone, to be of service, must of necessity be a monopoly, and so long as the government have control of rates the fewer people that engage in telephone business the better. I do not think any one who has had experience of two or three telephone systems in a city wants to have the experience continued, and, for that reason, I am strongly opposed to chartering any more companies with power to do a telephone business, because they may induce municipalities to adopt more than one system with the hope of getting a cheaper service. To have a good service you must have a large connection, and of necessity the telephone business must be a monopoly. What we want to do is to work on the line of regulating the charges and then allow the companies that are in the business to give the service. The province of Manitoba decided unanimously in the legislature to go into the telephone business. They believe it can be done by the province. The Bell Telephone Company is there now, and power has been taken to expropriate its lines if the province see fit. I favour the suggestions which have been made to amend the Railway Act, giving the Railway Commission power to control the rates and provide for connections. The Bill provides that connections must be made with long distance lines, and if a municipality wishes to go into the telephone business, the Bell Telephone Company is bound to give them connections over the long distance lines and at the terminals as well.

Hon. Mr. DAVIS—If it is a good thing to have competition in telegraph, I think it is also a good thing to have competition in telephones. We are told that a telephone monopoly is a good thing.

Hon. Mr. WATSON—I do not say it is a good thing, but I say of necessity it is a monopoly.

Hon. Mr. DAVIS—I do not think so. My hon. friend says he does not want to have two or three telephones in a house, but no person is obliged to take more than one telephone if he does not want it. In the province of Saskatchewan at the present time we have a telephone system in the larger towns, but no long distance system, and the people up there would be only too happy to see any company coming in that would establish telephones all over the country. We are not stuck on the Bell Telephone Company, and I do not see why they should have any special rights.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Portage la Prairie has used the strongest argument he could against his own amendment. He says telephones are a monopoly now.

Hon. Mr. WATSON—I said telephones of necessity are a monopoly.

Hon. Mr. MACDONALD (B.C.)—No telephone company can compete with a municipality, because the municipality can block the company at every point. I hope the House will reject the amendment and let the Bill go through as it is.

The Senate divided on the amendment which was rejected.

Contents 20, non-contents 24.

The Bill was then read the third time and passed.

MANITOBA GRAIN ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (205). He said: This is a Bill of one clause which deals with the distribution of cars. It provides that:

> (b) When an applicant has loaded or cancelled a car allotted to him he may, if he requires another car, become eligible therefor by placing his name, together with the section, township and range in which he resides, at the bottom of the list; and when the second car has been allotted to him and he has loaded or cancelled it, he may again write his name, together with the section, township and range in which he resides, at the bottom of the list; and so on, until his requirements have been filled.
>
> (c) No applicant shall have more than one unfilled order on the order book at any time.

The only difference I see between the law as it is proposed is that in the existing Act it did not apply to a party who had cancelled a car. In this Bill it seems to be wider and gives a larger privilege.

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

FOREST RESERVES BILL.

IN COMMITTEE.

Pursuant to the order of the day the House went into Committee of the Whole on Bill (47) An Act respecting Forest Reserves.

Hon. Mr. SCOTT—I have obtained from the Interior Department a map showing where the forest reserves are laid off. The plan shows in green several reserves, the Porcupine Riding mountain, Duck mountain, &c.

Hon. Mr. MACDONALD (B.C.)—Are these reserves to be kept entirely in the government's hands?

Hon. Mr. SCOTT—Yes. The reserves in the railway belt in British Columbia are shown on a separate map. They chiefly consist of high mountain land.

Hon. Sir MACKENZIE BOWELL—How much of these reserves are under license to cut timber?

Hon. Mr. SCOTT—Some of the lands are under license; of course the licensees are interested equally with the government in preserving the timber. Some gentlemen have asked for the areas of the reserves. In Manitoba the sizes are as follows:—

Riding mountain consists of 1,535 square miles.
Duck mountain, 2 square miles.
Porcupine No 1, 324 square miles.
Lake Manitoba west, 248 square miles.
Sprucewoods, 110 square miles.
Turtle mountain, 100 square miles.
Total in Manitoba, 3,537 square miles.

In Saskatchewan the areas of the reserves are:

Moose mountain, 69 square miles.
Beaver hill, 172 square miles.
The Pines, 145 square miles.
Porcupine No. 2, 252 square miles.
Total in Saskatchewan, 632 square miles

Hon. Mr. MACDONALD (B.C.)—Is it the intention of the government to commence planting trees in these reserves?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACDONALD (B.C.)—I hope the hon. Secretary of State will not forget that there are trees imported from different parts of Europe at a great cost, and between Lake Superior and Winnipeg there are millions of trees the right seizes for transplanting. The hon. gentleman from Killarney will bear me out in that. There are poplar, pine and spruce, six to ten feet high, and the government could save a great deal of money and a good deal of trouble if they had the trees dug up at the proper time, in the winter, when there is a ball of frozen earth around the roots. There are between Lake Superior and Winnipeg millions of trees, enough to plant the whole Northwest.

Hon. Mr. LOUGHEED—When this Bill came up for second reading, it was suggested that the principle of the Bill might be discussed in committee owing to the limitation of our time. I only desire to say that this is legislation in the right direction. It is somewhat belated, and while it is in the right direction, yet it is not as extended as I should like to see it. The only regrettable feature about this legislation is that it makes no provision for reforestation for the reproduction of trees. Not only this government but the previous government have been very lax in giving proper attention to the reforestation, particularly of our western land, and tree culture which might have been carried out successfully had attention been given to that important subject. It is never too late to carry out a great problem of this kind, particularly in a new country like Canada, and I see no good reason why this Bill should not have gone to the extent of promulgating a policy by which a state of forestry might be promoted in those vast prairie lands which would be extremely advantageous, I understand that in some parts of the states tree claims have been administrated by the government; I am not sure whether by the state government or the federal authorities. But under their homestead laws, my recollection is that provision was made in their statute-book that a certain quantity of trees should be cultivated upon each homestead before the homesteader became entitled to his patent. There is no good reason why this should not have been carried out years ago in the Northwest. Had it been made a condition of the homestead requirements it is not an exaggeration to say that thousands and thousands of acres would have been covered to-day with a very desirable growth of timber. I see no good reason why the Department of the Interior should not introduce into the Dominion Lands Act a condition that a homesteader should plant a certain number of trees around his farm before he receives his homestead patent. There is no scarcity of young trees. My hon. friend gave the figures of the trees distributed from the experimental farms in the Northwest by the Department of Agriculture. Does my hon. friend recollect the number distributed annually?

Hon. Mr. SCOTT—Yes, it has increased very largely, and it was thought the distribution this present year would be two million trees.

Hon. Mr. LOUGHEED—Those experimental farms are convenient of access to most of the centres of settlement in that western country, and it certainly would not be a very difficult matter to successfully introduce a policy compelling homesteaders to plant a certain number of trees upon their homesteads annually. Had this been carried out years ago, nearly all the farms in the Northwest might have been supplied with a very desirable growth of trees. We have very little conception of the importance of forestry to the Dominion of Canada. Our exports of timber alone will approximate $5,000,000 annually and the raw and manufactured products will approximate $35,000,000. We have more square miles of forest in Canada than in the United States. It is estimated that we have within the Dominion a total area of 1,250,000 square miles of forest, equivalent to 38 per cent of the whole surface of the country. It is assumed that we have 165 acres of forest for every inhabitant, one-third of the Dominion being made up of timbered lands. Whether these statistics are to be relied upon, I cannot say for the moment, but they have been taken from what is regarded as a reliable authority. This being the case, surely it would not be unreasonable

to expect that the government might successfully introduce a policy of reforestation. But up to the present nothing has been done by the government to compel the reforestation of those tracts of land which are denuded of their timber. This work is carried on in many parts of Europe, in Germany, France, Austria, Denmark and Belgium, and also in the British Indies, the Cape of Good Hope, and Japan. And has been carried on so successfully that it is said to pay a very handsome interest upon the investment, in many cases having been productive of more satisfactory results then the cultivation of the land. This being the case, and as the government has entered upon this question of giving some attention to the preservation of our forests, it is not too much to hope that this policy may be very considerably extended; that the question of reforestation may receive that attention to which it is entitled, and also that the government may go further and make it a condition precedent to any homesteader obtaining a homestead that he shall cultivate a certain number of trees upon his claim annually.

.Hon. Mr. SCOTT—I entirely concur in the observations made by the hon. leader of the opposition. The subject to me is not a new one, but it is one upon which it is extremely difficult to educate the people of the country. It is now over 40 years since circumstances led to my taking a special interest in the preservation of our pine forests. But at that time it was absolutely impossible to make any impression whatever on public opinion. It was thought that one hundred years would find Canada possessed of vast forests. It was not thought that fire or the axe could denude this country of timber; that it would last for ages. That was the case not only in Upper and Lower Canada, but also in New Brunswick where, at the time of which I speak, the policy was the most insane and destructive that could be conceived. Year after year the timber licenses were put up for sale by auction. The man who bought it had no security that he would hold it the following year, and so he took the finest timber he could get. I am speaking now of a period before the introduction of the machinery for sawing lumber, when the lumbering interests of this country was confined to the export of square timber. At the period of which I speak, the United States was pretty well supplied with timber, particularly in Wisconsin and Michigan, where to-day there is none, and, in consequence, the water in the streams rush off in the months of April and May leaving none for the succeeding months of the year, the freshet descending and carrying destruction before it. At the time of which I speak, when this subject was first introduced it was absolutely impossible to induce the press to take it up. The theory was that the settlers should be allowed to go into any timber limit and cut down the timber and do what he liked with it, burn it up, and a year or two afterwards settle in another timber area and destroy the magnificent pine. It took years and years to educate even the governments of the provinces to the importance of preserving the timber. In 1872 and 1873, being commissioner of Crown lands, and having had a good deal to do with the subject before that, I introduced regulations with a view of preserving the timber of the country, appointing forest rangers or fire wardens who would pass through the timber limits between the months of May and October in order to check the fires that were from time to time created by settlers, fishermen, and others; but the absolute indifference of the people of the country to the value and importance of the forest resources, and the slight appreciation they had of the necessity of preserving the timber, led to a policy which has been most destructive. I do not hesitate to say that if 50 years ago anything like fair and reasonable measures had been taken to preserve the timber of Canada. $200,000,000 worth might have been saved from destruction. In the latter part of the fifties and the beginning of the sixties it was conceded that more timber was burned than went to the market from year to year. Hon. gentlemen who have passed over the Canadian Pacific Railway through the Ottawa valley have observed miles and miles of territory where fires have destroyed magnificent pine forests within the last 40 years. The wealth of California could not be compared to the wealth of our timber areas, had anything like reasonable efforts been

made to preserve them from destruction. It is conceded that the white and red pine grown on the northern part of this continent is unequalled by any other timber in the world. It has been valued highly in Europe, and large quantities were sent yearly to European markets. I am extremely glad to hear the observations of my hon. friend. They are in the right direction and I shall be only too glad to impress my colleagues with the views he has expressed. Of course it is quite in line with the policy the government has adopted. The convention that met here in January last was for the purpose of bringing before the public the importance of adopting measures not only to preserve the existing forests, but also to induce the people to take up the system that now exists in Europe, of reforestation. An effort is now being made in the Northwest to do so. I had an illustration of it the other day, when we brought forward the measure here for exchanging certain Crown lands for school lands, with a view of continuing in the possession of the forestry station a depot that has formed to grow the young plants. It happened to be a suitable location, and on that occasion I referred to the fact that year by year the number of tree plants that have been sent out from the particular station has been increasing enormously, and that the distribution for the present year is calculated to be at least 2,000,000. But that is a mere bagatelle compared with the whole area. If there was a forestry station every 5 miles in the Northwest it would be a most valuable enterprise, because all that region, which is called the arid plain in southern Saskatchewan and Alberta, as the hon. gentleman stated, might, under certain conditions, be made to grow trees, increasing the value of the territory enormously.

Hon. Mr. BERNIER—I recognize the importance of reforestation, especially in our western prairies, but at the same time the government should go carefully in this matter, especially with regard to the settlers or homesteaders. They are mostly poor people, and the government should not put too heavy burdens on their shoulders. There may be some districts where the government might themselves establish something in that way and that would be better than imposing too heavy burdens on the settlers.

Hon. Mr. WATSON—I am very much pleased that the government have seen fit to introduce this Bill, and to introduce it in its present shape. For some years the government have had timber reserves in Manitoba and the Northwest Territories, but the limits of those reserves have always been encroached on by settlers, and in the past it must have been very hard for the Minister of the Interior to resist the encroachment of settlement on those reserves. Settlers would claim that there was very little timber on land suitable for growing wheat, and that they wanted homesteads, and thus encroachments were made from time to time on the reserves, but now the government have, by Act of parliament, set out what the boundaries of those reserves are. In addition to the commercial value of the timber in Canada, there is no doubt that in the west they will be very valuable for the precipitation of moisture. We all know that where there is a forest it draws and retains moisture and in fact in the prairie country the sources of our streams are in those forests. Take the Riding mountains, one of the largest forest reserves in the west; it is all good soil, and no doubt if settlers were allowed to go in there the timber would be cleared and the land cultivated though at such an altitude it might not be profitable to grow wheat. There is an immense amount of timber there, and that is the source of water supply to the Assiniboine river. If that timber were allowed to be destroyed, there would be very little water in the Assiniboine river. The attention of the people of Canada has been called to the fact that the levels of the waters of Lake Huron and Lake Superior are going down. There is no doubt in my mind that that is due to the destruction of the forests. There is not now the same percipitation of moisture as there was in former years. The work that has been done in the west in growing timber is probably due not so much to reforestation as to preventing fires. If the fires are prevented the prairie, in a very short time will become forest where it is not disturbed by the plough. Seeds take root and will grow almost anywhere in the west if the fires are kept down. In this Bill provision is made for fire guardians, and I know that for the last two years

the government have given a great deal of attention to keeping fires out of the bush, and I think, so far as the west is concerned, every member from the prairie country commends the government for the action taken at the present time. There is no doubt about the change in the climate which follows. During last summer I had occasion to go down through the state of Nebraska. In that state, for a number of years, tree planting homesteads have been taken up and any one travelling through that part of the country now would suppose that it had always been a thickly forested country instead of open prairie as it was some years ago. At one time our Dominion land regulations provided for tree planting claims. I think ten acres was the area a person was supposed to plant with trees and a certain number of trees were to be kept growing on each acre. By doing that, the homesteader became entitled to a patent for 160 acres. I think that provision is eliminated from the Dominion lands regulations now, but it was in force in the west formerly. Very few people took advantage of it, but at the present time there is hardly a thrifty farmer in Manitoba who is not planting trees on his farm. They have learned what can be done in the way of beautifying their farms and obtaining protection against the cold winter winds and also holding the moisture in the soil, by planting trees. They have also had the advantage of visits to the experimental farms, and have learned there what can be done in this direction. This work is having a very beneficial effect, and I certainly endorse the action of the government in introducing this Bill.

Hon. Mr. BOSTOCK—I am very pleased indeed to see this Bill brought into the House and that so much interest is being taken in the question of forest reserves. It is a most important matter to British Columbia on account of the large amount of timber we have had destroyed there in late years. This Bill can, of course, only affect what is known as the railway belt, and the reserves which have been laid out in that belt are largely set apart for the purpose of preserving the water at the sources of the creeks to enable the people to keep up the irrigation of lands in the dry part of the railway belt. At the present time a large amount of work is being done by the forestry association which is in connection with the Interior Department, and I am glad to see that as the result of the work of that association the people of the country are taking a great deal more interest in the matter of planting trees and of preserving the trees which are already growing. The association will hold a meeting in British Columbia in September next, and there is great hope on the part of those who are interested in this question that it will have the effect of awakening the provincial government, and the people in British Columbia generally, to a greater sense of their duty in this matter. I regret to say that the provincial government have not seen their way to co-operate with the Dominion government in their endeavour to prevent the destruction of forests by fire, so that we are at the present time in this unfortunate position, that although we are protecting the railway belt by means of fire rangers during the dangerous part of the year and have been successful in preventing fires within the belt, a large number of fires are started outside the belt and on account of the provincial government not taking the necessary action in the matter these fires make great headway before they enter the belt and are therefore very much more difficult to deal with. I most sincerely hope that all hon. gentlemen in this House who are interested in this question will try and attend the meeting of the forestry association in British Columbia this fall, and that we shall be able by that means to help educate the people to the necessity of paying more attention to this matter.

Hon. Mr. BAIRD—I am also pleased to be able to support this Bill. It was a great oversight that a Bill of this character had not been introduced in parliament years ago. Timber lands have been destroyed in a great many parts of Canada, from the fact that the government have not taken that interest in the forests that they should have done. I hope the government will take every means to reserve these lands on the head waters of the rivers, in order that the water supply may be protected. I notice in my own country, on the River St. John, some

35 years ago when the last steamer ran up the head waters, we had an average of three months' steamboating in the year. Now the boat could not run one month. And the reason is, the forests have been cut down and burned away and the land drained ; so that the water supply is falling off. The western people should be very anxious that the government will now set apart forest reserves ; not only that but encourage tree planting in the way indicated by the hon. leader of the opposition. I do not think it would be so much hardship as mentioned by the hon. gentleman from Manitoba ; that there would not be so much expense attending it, and I would advise people to get the trees as near home as possible. It is not necessary to go to other countries to obtain them ; nearer home they are obtained the better they will do. The results that will be obtained will be astonishing. I have noticed the trees planted round houses in my country. A spruce in 25 years will grow large enough to be cut down for lumbering purposes, and it will measure fourteen inches in diameter. To my mind the greatest damage done to forests has been in allowing farmers to squat down in the middle of a good lumbering district. They squat down in the middle of a district where lumbering has been carried on, and in clearing up a few acres they burn up large areas of timber. I think it is important to see that the farmers are not allowed to settle in lumbering districts. There should be blocks set apart for farming, and blocks for lumbering purposes and have the forests well guarded. To show you, a fact not generally known to many, how the people of this country are becoming interested in tree planting, in 1901 there were 58,000 plants sent out, and in 1905 over 2,000,000. I think the people should do all in their power to encourage tree planting because in the west there is a great deal of prairie land, and they cannot afford to lose any of the forest. While down in the maritime provinces we are not obliged to resort to tree planting as yet, our great trouble will be to take care of what we have got. Down in that country there has been great destruction in the forest. I am happy to say that the government is beginning to look upon the preservation of the forest as a necessity, and they are making the laws more rigid and putting on fire wardens and beginning to take care of the timber. In the old times we had to haul wide sleds through the forest to take the logs down, but now they hitch the logs together and take them down without sleds. I hope the government will select the forest reserves at the heads of the streams, because that is of the greatest importance. They are the reservoirs that supply the waters in our rivers and you should see to it that this is done. The selection made in other places would not be so beneficial to the rivers and that is of great importance when we come to consider our water system in Canada.

Hon. Mr. McMULLEN—I do not think it is well to allow a discussion of this kind to pass without a word from Ontario. I think this is one of the most important Bills brought before us this session. The setting aside of forest reserves for the purpose of preserving our streams and so on, is a very desirable thing to do. The province of Ontario has set aside some forest reserves, but I think they might be very largely added to. There is an enormous district in northwest Ontario that never can be turned into an agricultural district, and the government could not do better than spend some money in reforesting that district, whatever parts of it would be suitable for tree planting I think it would be a good move for them to make. With regard to the western provinces, I entirely agree with the views expressed by the hon. leader of the opposition and concurred in by the hon. leader of the government. I think the propositions made by both these gentlemen are in the right line, and, if carried out, would unquestionably have a beneficial effect. If a man before being granted a patent for his homestead, which he virtually gets for nothing, would be required to plant and have in a growing condition a certain number of trees, it certainly would be a step in the right direction, and not only tend to benefit agriculture, but would be a climatic advantage I have no doubt. I had an opportunity of visiting the southwestern states two years ago. I was down in Texas and I noticed that they are reforesting a good deal of country that is not suitable in some cases for cultivation. There was a piece of

timber pointed out to me that a man had reforested some thirty years ago. He had lived on the balance of his land and had taken care of the timber. It was reforested with either mahogany or walnut or perhaps a little of both. I was told by the party who was driving me to see that section of country, that this farmer had recently sold his right to remove the timber at $300 an acre, or $9,000 for some thirty acres. So that reforesting is not only desirable for the purpose of having shade trees, but can also be made lucrative if men will only adopt proper methods in replanting trees. I do think that the Ontario government should resort to that method. Any person travelling through the northwest section of the province of Ontario, towards Manitoba will observe that there is a barren, rocky country along there for many miles, which evidently has been burned off, and the fire has destroyed millions of dollars worth of timber. I think it would be a good thing if that country was replanted with trees, and that they should be preserved. I am entirely in accord with the proposition of this Bill. I look upon it as one of the most important that has been brought down.

Hon. Sir MACKENZIE BOWELL—I do not think there is any difference of opinion as to the propriety of the course pursued by the government in adopting the policy they have in reference to the forest reserve and the reforestation of portions of the country. All I am surprised at is that with the very strong views the hon. Secretary of State holds, he has not insisted on the Department of the Interior going a little further than they have done in this Bill, by providing for the planting of trees as suggested by the hon. leader of the opposition. I can verify from personal experience every word that the hon. Secretary of State has uttered in reference to the destruction of timber in the province of Ontario. I have travelled through my own constituency for miles and miles and there was as handsome a forest, and as handsome a red pine growth as could be found in any part of the world, acres and acres of trees thirty and forty feet high perhaps, from two or two and a half feet in diameter. I have passed through the same section a year or two afterwards, and the fire had destroyed every tree there was in the locality. The great difficulties any government will find in the future will be in the preservation of the forest from fire. The railways have destroyed hundreds of thousands of dollars worth by fire. The settlers who go into these parts of the country which are principally forest will see that there are portions of the country, perhaps about one-third—I am speaking of that section of the country to which my hon. friend from Wellington drew the attention of the House a few moments ago one-third of it cultivable and good land, because it lies in the valley. It is well watered. The waters are pure, particularly when they come from the Laurentian ranges and where those lands can be settled, and a system of dairying introduced, the product of the dairy is of the most superior kind. Speaking of my own locality, there are cheese factories and butter factories in the rural districts over a hundred miles from the front, where the character of the soil is as I have indicated, and the waters flowing from the hills are pure. The result is what I have pointed out in reference to the products of the dairy. As a rule they carry off the prizes at our fair. But the danger arises there from the want of care on the part of the settlers when kindling fires. When they clear their land they burn their chopping in a dry season, and if a wind comes up it is apt to destroy thousands and tens of thousands of dollars worth of timber. Then the lumbermen are to a large extent to blame. I know in our country they have been to a certain extent at fault, for the reason that in too many cases they refused to allow the settler to take the logs and have them manufactured into boards and lumber for building purposes. I know they have gone so far in the county of Hastings, that when travelling through it you would find segments of timber eight or ten feet in length by two feet in diameter, not of sufficiently good quality in those early days to go to the expense of taking it out to the river in order to float it down to the mills; but even in cases of that kind I have understood the large lumbering establishments prevent the settler from utilizing these culled logs for the manufacturing of lumber for their farm building. The result of that in too many cases has been out of revenge,

they would burn them up when clearing their land.

I passed through that country a great deal in my electioneering tours forty years ago, and have had to jump my horse over the logs. For the reason I have given, the selfishness of those who really owned the timber limits in preventing the settler from taking up the land, resulted in a very great deal of damage. That trees can be planted in this country, and during the life time of a man arrive at a marketable value, is beyond doubt. You may be surprised when I say that about forty-two years ago I planted some maple trees in front of the dwelling in which I now live, trees which were not larger than my wrist, and to-day they are over three feet in diameter, and I have had to cut down every second tree to prevent too much shade in front of the house. It is evidence to those who will study the subject that if the farmers will take their rough lands, of which they have plenty in Ontario, after clearing them and burning out the stumps and taking off one or two crops, replant them with trees, during their own life time they would have a very valuable return for their investment. I remember as long ago as in 1866. when I was playing soldier at the head of Lake Erie, walking along the fences by the roadside and noticing that nearly half the rails were of black walnut. When my father carried on a cabinet business, and furniture manufacturing in 1839 or 1840, black walnut could be purchased for $40 or $45 per 1,000 feet. You could not get 100 feet of it for that to-day. If our people, particularly in the western peninsula of Ontario, were to plant the walnut, I do not think they could make a better investment. If a man, when a son was born to him, would take say five acres and plant it in walnut, by the time that child came of age he would have a good inheritance. The system has been carried on in England for centuries. On the birth of a male child, those who own large areas of territory set apart a certain plantation of young trees, and that plantation is given to the son when he comes of age. I should very much like to see that system carried out here. We are too apt, as young men, to think that it is useless to plant a tree, because we may not ourselves live to derive any benefit from it; but my experience, as I have indicated shows that a man can plant trees, and in forty years if he lives that long, he will have not only an ample return pecuniarily but he will also have had a yearly return in the pleasure he derives in seeing the trees grow.

Hon. Mr. YOUNG—He could get that result in much less time than forty years.

Hon. Sir MACKENZIE BOWELL—Yes, I admit that, because the trees I have referred to, which I planted myself forty-two years ago, might have been utilized twenty years ago.

Hon. Mr. YOUNG—They were a benefit to you long before that?

Hon. Sir MACKENZIE BOWELL—Yes, that is quite correct. Another idea suggests itself to me. What course does the government intend to take to prevent, when issuing timber licenses, the destruction of timber on these reserves? It has transpired lately that one man has about 500 square miles of timbered lands under license in the Northwest Territories. When these lands are cleared the result will be precisely as my hon. friend from New Brunswick has pointed out. That will result in every section of the country where there is a forest and the land is fit for settlement being desolated by forest fires and the streams will dry up. We can all speak more confidently of sections of the country with which we are personally acquainted. In the city in which I now live—my hon. friend the Minister of Trade and Commerce knows that part of the country very well—when I was a boy we never knew, in what was then the village, now the city of Belleville, what a flood was. The reason was that forests existed all along the river banks and in the swamps. When they were cut down and the farmers began to till the soil, in the spring the snow melted very rapidly and the water was emptied from the swamps, and low lying lands all at once into the river; the result was, as soon as the ice broke up there was a flood. In the old times we never had such a thing. The very conditions that created floods in the older portions of this province are the causes which will prevent floods in Manitoba and the Northwest Territories. When the snow

melted and the rain fell in the spring, it fell upon a matted grass on the prairie, a grass which had been matting for centuries, and the result was the earth did not absorb it, and it either had to evaporate or run into the rivers. It ran off so rapidly that they had frequent floods in the city of Winnipeg, but just as soon as the prairie was broken by the plough, the earth absorbed the melting snow and rains in the spring and now such a thing as a flood is unknown. What the government should do is to take the most rigid precautions to preserve the forest from destruction by fire, and refuse to license them to lumbermen. If they license the timber limits the country will soon be denuded of forests.

Hon. Mr. OWENS—The subject before us is one of the most important we could discuss. We have heard a good deal to-day with reference to reforestation and tree planting. No doubt the time is coming when tree planting can be carried on to advantage even for commercial purposes, but if we would only preserve the trees that a kind Providence has given us, in a very few years our timber resources would increase to a great extent. A few years ago I had some experience of this in a block of timber lands which we owned, land as well as timber. In the cutting of timber I restricted the trees the men should cut to a certain size. The foreman and others considered at the time that I was a crank, and that after cutting the timber once they would never go over the limit again, as it was a mountainous country. However, I carried out that policy and allowed them to cut only timber of a certain size. Thirteen years afterwards, fire ran through that forest and we were obliged to cut the balance of the timber, and those very men who had objected before were surprised to find within three or four feet of the stumps they cut thirteen years before, larger timber than they had cut at that time. It is quite evident that if these trees had been of a commercial size they would have been cut thirteen years before. This goes to show how rapid the growth of timber is. That timber was principally spruce and pine, and that is timber that really increases to a greater extent probably than almost any other. We frequently hear reflections upon the manner in which lumbermen have operated, and the ruthless way they have wasted the timber, but the great waste in this country has been by fire. The loss by fire has been a hundred times more than by the axe and if there is anything weak in the Bill before us it is, perhaps, because there is not sufficient precaution taken to guard against fire. The losses of timber in the prairie country are occasioned by prairie fires. If timber reserves are to be maintained there, ample precaution must be taken to provide for fire guards around those forests, and the employment of forest rangers. Unless there are fire guards you may have an army of forest rangers and they will be unable to protect the timber from destruction by fire. The hon. gentleman from Belleville was rather taking a drive at the lumber men for refusing to give the refuse timber in the woods to neighbouring farmers for fire wood. But if he had had some practical experience that way—and I am sure the hon. senator from Perth will corroborate what I state—he would know that when such a privilege is granted to farmers or others, they are not satisfied with taking the refuse timber, but they take also the choice trees.

Hon. Sir MACKENZIE BOWELL—They would take them any way.

Hon. Mr. OWENS—They could not steal them unless you permitted them to make roads in through the woods. It is in the winter the timber is removed, and unless you grant permission to parties to go in, if they do go, their trespass would be immediately taken cognizance of and they would be prohibited. I merely mention this to show the difficult position the lumberman is in when he attempts to be generous. The refuse timber is a source of danger to the forest, because in case of fire it supplies dry fuel for the spread of the flames, and we would be willing to let farmers and others remove it if they would take nothing more valuable. My object in rising to speak on this subject is to impress on the government the importance of taking ample precautions to provide against fire. I have not had experience of the western country, but I have learned that the great trouble there is from prairie fires, and it will be useless to create forest re-

serves there unless you protect them against destruction by fire. I trust the government will take every precaution.

On clause 2—Lands in schedule withdrawn from sale and occupancy.

Hon. Mr. LOUGHEED—Does my hon. friend know what portion of this land is now occupied ?

Hon. Mr. SCOTT—Parts that are under timber licenses.

Hon. Mr. LOUGHEED—Can my hon. friend say what proportion ?

Hon. Mr. SCOTT—From time to time, in the last twenty years, licenses have been granted for more or less areas.

Hon. Sir MACKENZIE BOWELL—Are those licenses for timber in the west issued on the same terms and conditions as those in Ontario ; that is only for one year, subject to renewal ?

Hon. Mr. SCOTT—They are on the same conditions practically as in Ontario. Provided all the terms are complied with, the licensee will have the privilege of renewing. Under this Bill it is proposed that where the area is under license the timber shall be cut under regulations made by the department. Only a particular class of trees may be cut, and with all precautions necessary taken to prevent fire.

Hon. Mr. LOUGHEED—What is the area of lands reserved in Manitoba, Saskatchewan, Alberta and British Columbia?

Hon. Mr. ROSS (Moosejaw)—The schedule gives the number of miles in the forest reserve.

Hon. Mr. SCOTT—The largest portion is in Manitoba.

Hon. Mr. LOUGHEED—Does my hon. friend know what proportion of the entire area of the reserves is under license?

Hon. Mr. SCOTT—I have not the proportion.

Hon. Mr. LOUGHEED—Before the third reading, would my hon. friend be good enough to furnish that information to the House?

Hon. Mr. BOSTOCK—In conversation with one of the officials of the Interior Department yesterday about this Bill, he stated that in the schedule, clause 18, which covers the Saskatchewan reserve, it was desired to take out township 38, in the third line, the reason given being that it was the only township covering any timber berth in the reserve, and the minister made the statement in another place that none of these reserves covered timber berths.

Hon. Mr. LOUGHEED—I feel satisfied that a large proportion of this area is either under license or under lease. I noticed various comments made on that fact by the press at the time the Bill was in the House of Commons and my impression is that a tabulated statement was submitted to the House of Commons giving that information.

Hon. Mr. SCOTT—I was about to read it. It will be found on pages 3427 to 3430 of the Commons 'Hansard.'

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell us on what terms these are held? Will the lease-holders be treated as having vested rights?

Hon. Mr. SCOTT—I am sorry to say I think they will.

Hon. Mr. LOUGHEED—Do they contribute in any way towards the additional expenditure of maintaining those reserves, especially against fire?

Hon. Mr. SCOTT—You will see they were sold to the parties on a bonus, in addition to paying a certain sum for stumpage, and the licenses are renewable so long as the conditions are performed, so it would be extremely difficult to terminate the leases. They have no right to cut anything but merchantable timber. I think the minimum diameter is eight inches:

Hon. Sir MACKENZIE BOWELL—Those are not the conditions of the leases either.

Hon. Mr. SCOTT—They are the conditions in Ontario and Quebec.

Hon. Sir MACKENZIE BOWELL—Not in Ontario. The licenses are renewable every year in Ontario, and being considered vested rights they have been, as a matter of course, renewed.

Hon. Mr. SCOTT—As I had something to do with making it a vested right, I ought to know something about it. In 1873, I intimated to the licensees that the licenses

would be renewed provided they complied with the conditions.

Hon. Sir MACKENZIE BOWELL—Not only should the conditions be fulfilled and observed, but the Ontario license conditions are of such a character that whatever changes may be made by the government in the way of more strict regulations or raising of the stumpage dues, they have to submit to it. I have always been under the impression that the action of the Ontario government some years ago was scarcely equitable in dealing with those licenses, because they adopted the system of charging so much more for stumpage and so much more per thousand for the lumber that was not manufactured in Canada. The policy was correct, but the large bonuses which had been given by those who purchased the right to cut the timber at the time the licenses were first obtained, should be taken into consideration, and at that time there was no restriction as to the exportation of timber.

Hon. Mr. SCOTT—There was this restriction, that the Crown could increase the stumpage, because at first when I had to deal with these questions the stumpage was only 75 cents a thousand feet B.M. and then it went up to $1.25 and rose higher according to the value of the timber.

Hon. Mr. LOUGHEED—What about the odd numbered section within the limits of these reserves ?

Hon. Mr. SCOTT—The Crown will endeavour to get the parties to exchange for lands elsewhere. There is a clause authorizing the minister to make arrangements, where any lands have passed out of the hands of the Crown, to induce the holders to exchange.

Hon. Mr. LOUGHEED—That is a very unlikely thing. It is manifestly to the advantage of the owners to retain title. Very great inducements will have to be given and it seems to me nothing like a reasonable exchange will be made. In looking over the debate which took place in the Commons, I notice a copy of the regulations brought down by the Minister of the Interior, in which one of the conditions is that the lessee shall pay ground rent, dues, and one half the cost of fire guarding. Can my hon. friend say what that fire guarding is ?

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—The provision with regard to fire guarding is copied largely from Ontario. A certain number of rangers are appointer as fire guardians. One half the cost is paid by the licensee and the other half by the Crown. In section 6, clause 7, authority is given to the Governor in Council to make an exchange of land and to pay compensation.

Hon. Sir MACKENZIE BOWELL—Has there been any calculation made as to the probable cost of buying out the present holders ?

Hon. Mr. SCOTT—I think not.

Clause 2 was adopted.

On clause 3,

3. The said reserves are hereby set apart and established and shall hereafter be and be known as Dominion Forest Reserves, for the maintenance and protection of the timber growing or which may hereafter grow therein, and for the protection, so far as the parliament of Canada has jurisdiction, of the animals and birds therein, and the fish in the waters therein ; but subject to such regulations as may be made under the provisions of section 4 of this Act.

Hon. Sir MACKENZIE BOWELL—We are setting apart timber reserves and apparently allowing the licensees to cut the timber.

Hon. Mr. SCOTT—It would cost too much to expropriate. It was thought better for the present to allow the timber to be cut under regulations made by the department.

Hon. Mr. LOUGHEED—If the department had not recklessly departed from regulations which obtained for many years, by which these licenses were renewable every year, the government could have had a reserve which would practically have excluded all lessees or licensees. Can my hon. friend say when these regulations were changed ? It must have been during the last few years.

Hon. Mr. SCOTT—I think they were always in that uncertain way.

Hon. Mr. LOUGHEED—Oh, no. The leases up to ten years ago all provided that they should be renewable year by year, and the government had a clearly defined right to take possession at any time. I quite concede the fact that there was a moral claim to renew the lease, but not a legal one.

The clause was adopted.

On clause 8,

8. Where a road allowance within the boundaries of any such reserve has been vested in the Crown in the right of the province in which it is situated, or has passed under the control of the executive authorities of the province, such road allowance may, with the consent of the Lieutenant Governor of the province in Council, be included in and form part of such reserve and may be closed by any fence which may be erected for the enclosure of such reserve, or any part thereof.

Hon. Mr. LOUGHEED—Is it proposed under this section that the trails or roads shall be practically excluded from use by the settlers ?

Hon. Mr. SCOTT—It is subject to the Lieutenant Governor in Council. If it is going to inconvenience any settler, his rights could not be taken away from him without compensation.

Hon. Mr. LOUGHEED—He might not have any strict legal rights. Suppose the government should fence the roads surrounding these reserves, if the title is transferred from the province, it might involve very serious inconvenience to settlers in getting from one point to another. Does my hon. friend know what the intention of the government is with regard to that ?

Hon. Mr. SCOTT—It is to give a wide margin, so that any unused or unoccupied road allowance can be taken over. The Lieutenant Governor of the province in Council, the executive council, would certainly not allow a road allowance to be closed up. It is vested in them now by law. They would not allow it to be closed up if it inconvenienced any settler.

Hon. Mr. LOUGHEED—Who would not?

Hon. Mr. SCOTT—The Lieutenant Governor in Council. They would have the right to say——

Hon. Mr. LOUGHEED—I take it, it is this government will close up the road allowance. I take it the Lieutenant Governor may hand over to the Governor in Council the road allowance. The clause says :

Such road allowance may, with the consent of the Lieutenant Governor of the province in Council, be included in and form part of such reserve and may be closed by any fence which may be erected for the inclosure of such reserve, or any part thereof.

I do not think the consent of the Lieutenant Governor to the closing up of the road would be necessary.

Hon. Mr. YOUNG—Clause 9 provides for it.

The clause was adopted.

On clause 9,

9. Notwithstanding anything in this Act, the Governor in Council may cause to be established through and over any such reserve such roads as are necessary for the convenience of the public, and nothing in this Act or in any regulation made thereunder shall prevent the proper use of such roads by bona fide travellers or by others requiring to cross such reserve in the pursuit of their ordinary business or calling, but nothing in this section shall operate to withdraw such roads from the reserve.

Hon. Mr. SCOTT—That is with a view of preventing fires on the railway that is now being built from Quebec to the other provinces.

Hon. Mr. YOUNG—Any road.

Hon. Mr. SCOTT—Yes, but that was particularly in view. We have had a correspondence with some of the provincial governments, and in New Brunswick they are willing to undertake it by our giving them a fixed sum, which would probably be better. Where the provinces have fire rangers, if they choose to assume the control and accept a certain sum to pay for the cost of the fire rangers, it might be as well to hand it over to them. It is not provided for here, but it may be done as a matter of arrangement. An agreement has been made with New Brunswick.

Hon. Sir MACKENZIE BOWELL—It is difficult to see what this has to do with forest reserves. It is introducing another question altogether.

Hon. Mr. SCOTT—Yes. But it was thought a suitable place to put it in, because we are building a road from the Atlantic to the Pacific and it is germane to the subject of the Bill. It does no harm there.

Hon. Sir MACKENZIE BOWELL—You make the regulation apply to all the land through which the railway runs, as well as to the forest reserves. Is this the object of the clause ?

The clause was adopted.

On clause 10.

10. During the construction of any railway passing through Dominion lands, the Minister of the Interior may appoint such forest rangers as he deems necessary for the protection from fire of the forest along or adjacent to such railway, and it shall be the duty of every such ranger to enforce the provisions of this Act and any regulations made thereunder, and of any other Act either of the parliament of Canada or of the province in which such lands are situated, when and in so far as such Acts or any regulations made thereunder relate to the prevention of fires and are in force in the district for which such ranger is appointed; and for such purposes and within a tract of five miles on either side of such railway every such ranger shall have all the powers of a justice of the peace, and one-half of the expenses incident to and connected with such fire ranging shall be a debt due to the Crown from the person constructing such railway and shall be payable upon demand of the Minister of the Interior, and may be recovered at the suit of the Crown in any court of competent jurisdiction.

2. The Governor in Council may make such regulations as he deems necessary or expedient to give full effect to the object and intention of this section.

Hon. Mr. LOUGHEED—This clause has no connection with the Bill. Should it not be in the Public Works Act?

Hon. Mr. SCOTT—It is more convenient here.

Hon. Sir MACKENZIE BOWELL—Take the province of Quebec and the province of Ontario—this clause could not effect those lands.

Hon. Mr. SCOTT. No.

Hon. Sir MACKENZIE BOWELL—The law refers to Dominion lands, not provincial lands. During the construction of any railway passing through Dominion lands the Minister of the Interior may do so and so. The Dominion holds no lands either in Quebec or Ontario, unless you have some arrangements with the provincial governments.

Hon. Mr. SCOTT—In the older provinces attention has been drawn to the fact that this railway will endanger the provincial lands, and the government have said: 'We will either appoint persons to protect the trees from fire or we will pay you a bulk sum and you take the responsibility of it.' It is just an incident to this.

Hon. Sir MACKENZIE BOWELL—It is not covered by this clause. That is a regulation between the two governments.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT. I mentioned that.

The clause was adopted,

On clause 13,

13. Neither the Governor in Council nor the minister is authorized or empowered for the purposes of this Act to expropriate, purchase or acquire for compensation any right or interest held under license to cut timber.

2. In the event of the Governor in Council or the minister being hereafter authorized or empowered for the purposes of this Act to expropriate, purchase or acquire any such right or interest, the compensation payable therefor shall not be assessed or determined, either judicially or by agreement, at any larger or increased amount by reason of the land covered by such right or interest being situate in any forest reserve created under the authority of this Act.

Hon. Mr. YOUNG—It strikes me that section 1 of this clause is complete. Why do you want subclause 2? When they give power to revoke this clause, and give power to make this purchase, would it not then be time to impose these terms and conditions?

Hon. Mr. LOUGHEED—I would say the provision is a very desirable one. It permits the government to engage for the purchase of these leases or licenses entirely irrespective of the land being created into a reserve. The licensee or owner will know that in the future he cannot depend upon his property being enhanced by reason of the provisions embodied in this Act in the event of it being created a reserve. If that were absent it would be almost impossible for the government to approach these people for the purpose of buying these roads. They would say: 'Our land is embraced within this reserve and our rights are so much enhanced by reason of the provisions of this Act that we shall hold on to our rights until we receive our figure.' They have left that element of value out.

Hon. Mr. POWER—I agree with the hon. gentleman from Killarney. I believe the second subsection is contradictory of the first. The first subsection reads:

13. Neither the Governor in Council nor the minister is authorized or empowered for the purposes of this Act to expropriate, purchase or acquire for compensation any right or interest held under license to cut timber.

That covers the whole ground and it is clear cut and decisive. Subclause 2 says:

2. In the event of the Governor in Council or the minister being hereafter authorized or

empowered for the purpose of this Act to expropriate, purchase or acquire any such right or interest, the compensation payable therefor shall not be assessed or determined, either judicially or by agreement, at any larger or increased amount by reason of the land covered by such right or interest being situate in any forest reserve created under the authority of this Act.

That is authorizing him to do something contrary to the law.

Hon. Mr. SCOTT—The criticism on the Act is that the government propose to expropriate certain timber lands and pay enormous sums for them. So far as this Act is concerned, until it is changed by parliament, power is taken to the minister and notice is given.

Hon. Mr. YOUNG—What good is that notice ?

Hon. Mr. LOUGHEED—It is useful to this extent ; that the licensee or lessee at this point knows his property is not going to be enhanced by this reserve so far as selling out to the government is concerned. There is nothing to prevent the government from negotiating now for the sale of those rights and the government getting power from parliament hereafter for instance to close a contract on those lines.

Hon. Mr. SCOTT—Then it cannot do any harm ?

Hon. Mr. POWER—Instead of saying first they cannot do a thing, and then saying in the event of their being authorized to do it you had better say, being authorized by statute.

Hon. Mr. SCOTT—They cannot do it except by statute.

Hon. Mr. LOUGHEED—They might do it by order in council.

The clause was adopted.

On the schedules.

Hon. Mr. SCOTT—Some errors have crept into the schedules and probably the clerk can correct them. The words 'All west of the 6th meridian' have to be inserted in several places. They have been omitted by mistake.

The schedule as amended was adopted.

Hon. Mr. ELLIS—I desire to reiterate what I said the other day when the hon. Secretary of State moved the second reading of the Bill. The whole policy of the Bill should apply to all the provinces where there is a large quantity of timber, and I can see no reason why that cannot be done.

Hon. Mr. SCOTT—It would cost too much. We hope that the provinces will follow our example.

Hon. Mr. POWER—The province of Nova Scotia has within the last few years adopted very stringent and very successful measures to prevent the destruction of forests by fire. Before the chairman reports the Bill, I wish to say that I do not think we ought to report clause 13 in its present form. I think we ought to strike out the second subsection, because it is quite at variance with the first.

Hon. Mr. LOUGHEED—I am under the impression that my hon. friend does not yet see the object of that clause. Parliament is laying down a policy of valuation ; it says that notwithstanding the fact that the minister or the Governor in council may not have power to expropriate lands within these reserves, yet in the future when power is given to them to do so it should be given on this basis of valuation.

Hon. Mr. ELLIS—That could be put in the Act at the time.

Hon. Mr. LOUGHEED—My hon. friend assumes that that future parliament will view the question of valuation in the same way as this parliament. This parliament has certain views on the subject which they have embodied in that subsection, and hereafter when parliament legislates in regard to this matter they are to do so upon the lines we have now laid down.

Hon. Mr. YOUNG—Can we bind the future parliament ?

Hon. Mr. LOUGHEED—No, but a future parliament will have regard to the opinion held by this parliament as embodied in this Act. Furthermore, it has this advantage, that lessees hereafter will have notice of the basis upon which they are to sell to the government—that they cannot expect an enhanced price by reason of these lands being included in the reserve. Consequently

they will now probably prepare themselves to sell their rights to the Crown on this basis of valuation. Then the Crown will take to itself power to acquire the lands.

Hon. Mr. POWER—We have already amended the Bill, so that there can be no objection to making an amendment here. Would it not be better to say in the event of the Governor in Council or the minister 'being hereafter empowered by statute'—so as to show that this subsection is not intended to contradict the previous one.

Hon. Mr. LOUGHEED—I take no exceptions to that so long as this principle is embodied in the clause.

Hon. Mr. POWER—It would show that we know what we are doing. I move that the words 'by statute' be inserted.

Hon. Mr. SCOTT—As the power is taken away from the Governor in Council to act in that direction unless the government comes to parliament again, I cannot see any object in introducing these words.

Hon. Mr. LOUGHEED—The power can only be obtained by statute, because the prohibition is now in force by statute.

The amendment was adopted.

Hon. Mr. CLORAN, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read a third time and passed.

BELL TELEPHONE COMPANIES BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (81) an Act respecting the Bell Telephone Company of Canada.

The Bill was read the first and second times under the suspension of the rules.

Hon. Mr. LOUGHEED moved the suspension of the rules in order that the Bill might go to the Committee on Railways, Telegraphs and Harbours to-morrow.

Hon. Mr. KERR (Toronto)—We should have some chance of seeing the Bill before it goes to committee.

Hon. Mr. LOUGHEED—While I quite appreciate what my hon. friend says, this Bill contains but one clause. Its object is to increase the capital stock of the company, and I fancy to-morrow we will have a larger meeting of the Railway Committee than we are likely to have next week.

Hon. Mr. KERR (Toronto)—There has been a good deal of discussion over this Bill in the House of Commons and it has been delayed to enable parties to see what the other legislation bearing on it will be. The other Bill has not reached us yet, and I think this Bill should not be taken up in the committee to-morrow.

Hon. Mr. SCOTT—The matter has been before the public for a copule of months.

Hon. Sir MACKENZIE BOWELL—The suspension of the rule would be to enable people who wished to oppose the Bill to come before the committee. It should not take us long to make up our minds whether the capital of the company should be increased.

Hon. Mr. KERR (Toronto)—There is opposition to the Bill.

Hon. Sir MACKENZIE BOWELL—Yes, because they desire to compel the Bell Telephone Company to make certain concessions.

Hon. Mr. WILSON—Will not those who oppose the Bill know that it is coming before the committee to-morrow? If so, they can appear before the committee as well to-morrow as any time and explain the grounds for their opposition.

Hon. Mr. KERR (Toronto)—There should be an opportunity of giving the people who are opposed to the Bill sufficient notice. This Bill has attracted so much attention, particularly in Toronto, that an opportunity should be given to have those who are opposed to it to state their case fully.

Hon. Mr. SCOTT—No other Bill that has been before parliament this session has been more discussed, and the government decided that it should not be held back until the Railway Bill was passed. That is the whole case. It has been given priority there and has come to us. I do not see why it should not go to the committee to-morrow.

Hon. Mr. KERR (Toronto)—The observation of the hon. gentleman does not seem

to change the situation. If we are here simply to pass a Bill without giving it consideration or letting parties concerned say whether they will appear or not, we had better know it.

Hon. Sir MACKENZIE BOWELL—We are doing that all the time.

Hon. Mr. KERR (Toronto)—I am sure the hon. gentleman is not doing that and I am not. Under these circumstances I do not think the motion should be pressed. We may as well have the Bill before the committee next week.

Hon. Sir MACKENZIE BOWELL—There is no use in us arguing this question; if the hon. gentleman objects, that is an end of it.

Hon. Mr. POWER—The hon. gentleman has given the best reason why we should go on promptly. Here is a Bill which has been opposed in a very vigorous and persistent way. The gentlemen who are opposing the Bill have not left the city yet, because the fight has only just closed in the House of Commons and they are here on hand, and I assume can appear to-morrow when the committee meets, without any difficulty whatever, and it will be more convenient for them to attend now than to have to return to the city again. In the interests of the opponents of the Bill, the motion of the hon. senator from Calgary should be sustained.

Hon. Mr. LOUGHEED—The hon. gentleman probably knows that the opponents of the Bill will appear before the committee to-morrow. I have been informed that they will. I hope my hon. friend will let it go to the committee, then, to-morrow, if it becomes apparent that it is desirable to postpone it further in order that the opponents of the Bill may reach Ottawa, the committee can postpone the further consideration until next week.

Hon. Mr. WATSON—I have just been informed that the counsel, Mr. Dewart, who represents the municipalities is here and would like the Bill to go on to-morrow.

Hon. Mr. KERR (Toronto)—I do not know that Mr. Dewart is the only one opposed to it.

Hon. Mr. WATSON—The organized municipalities have been opposing this Bill, and if their counsel is here and prepared to appear before the committee to-morrow, I do not see what objection there can be to having the Bill considered to-morrow.

Hon. Mr. LOUGHEED—Will the hon. gentleman be content to let the Bill go to the committee for consideration to-morrow if Mr. Dewart is here?

Hon. Mr. KERR (Toronto)—He may be here and yet not ready to go on. I do not want to have any misunderstanding about that.

Hon. Mr. LOUGHEED—I assure my hon. friend that if Mr. Dewart is not here it will be postponed.

Hon. Mr. KERR (Toronto)—If Mr. Dewart is not here, or being here wants it to stand over, will the hon. gentleman consent to have it postponed?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. KERR (Toronto)—On that understanding I am quite willing to withdraw my objection.

The motion agreed to.

The Senate adjourned until to-morrow at three o'clock.

THE SENATE

OTTAWA, Friday, June 29, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (81) An Act respecting the Bell Telephone Company of Canada.—(Hon. Mr. Lougheed.)

Bill (130) An Act respecting the Grand Valley Railway Company.—(Hon. Mr. Coffey.)

Bill (161) An Act to incorporate the Trans-Niagara Bridge Company.—(Hon. Mr. Kerr, Toronto.)

Bill (140) An Act respecting the Southern Central Pacific Railway Company.—(Hon. Mr. Power.)

AN ADJOURNMENT.

Hon. Mr. SCOTT moved :

That when the Senate adjourns to-day, it do stand adjourned until Tuesday, the 3rd July next, at three o'clock in the afternoon.

Hon. Mr. LOUGHEED—I was about to ask my hon. friend when we might expect to have the Lord's Day Bill and also the Usury Bill before this House ? I would point out that it is extremely unfortunate that with controversial mesaures of this nature to come before us, this House, at the 11th hour of the session, should have to adjourn until Tuesday next. It seems to me the government owes to the Senate a greater consideration than to postpone to the end of the session, as they invariably do, the most important measures of the year. The Lord's Day Bill is one which could, with very great advantage, have been introduced in this House at an early stage of the session and discussed here at length. I observe also that the Uusury Bill has recently come from the Banking Committee of the Commons and is now before parliament. At a former session, this Chamber discussed the Usury Bill at very considerable length. I think it occupied a week of the session. The Lord's Day Bill will have occupied at least a week of the time of the Commons, not taking into consideration the work done by the special committee which has been considering it since parliament met.

We have been discussing at very great length the reform of the Senate, or what might contribute to the improvement of the Senate. As I have said, the government have been treating the Senate very unfairly with reference to the most important measures that come down from session to session, and I know of no more favourable way of impressing upon the government and also upon the public the utility of this Chamber and the functions which it discharges in the consideration of parliamentary measures of this character, than for the Senate to refuse in the session's dying hours to entertain important measures such as will be thrown upon next week, without giving us proper time for consideration. My hon. friend doubtless will say in answer to that : 'The Senate can stay here for the next fortnight and give proper consideration to these Bills,' and other gentlemen will doubtless say that it will be the duty of the Senate to sit until the most adequate consideration is given to these measures. My answer is that that is very well in theory but not in practice. Almost concurrently with the arrival of these Bills in the Senate, we will find the Governor General in the corridor waiting to prorogue parliament. That is almost invariably the case, and it is idle to say, with those circumstances facing us, that we can give proper consideration to those Bills. I would suggest to my hon. friend that the position of this Senate would warrant his impressing upon the government what the government owes to this branch of parliament in bringing down important measures such as we will be called upon to consider next week.

Hon. Mr. SCOTT—Is the hon. gentleman really serious ?

Hon. Mr. LOUGHEED—Does my hon. friend not think I am justified in making the remarks which I have made ?

Hon. Mr. SCOTT—No I do not. I am speaking frankly. This is my 32nd year in the Senate, and I venture to say that in all that time there has not been an occasion when the Bills are as far forward as they are to-day, and I challenge my hon. friend to take up any one year in the 18 years during which his friends on the other side of the House were in power in which so much business has been placed before the Senate at this stage. I can point to years where the Bills came down by the basketful when the guns were firing. There were occasions when ten and twelve Bills came down on the last day.

Hon. Mr. LOUGHEED—I admit that, but the tu quoque argument should be no reply to what I have said.

Hon. Mr. SCOTT—Take the Lord's Day Bill; hon. gentlemen know that it has been before the House of Commons for three months. It might have been passed long ago if the hon. gentleman's friends had stood aside.

Hon. Mr. LOUGHEED—They have been standing aside, and will take no responsibility.

Hon. Mr. SCOTT—It was a Bill that necessarily created a good deal of excitement

over the country. There were diverse opinions upon it, and when we have passed it it will not meet with universal approval. It had to be made up of compromises, practically, and the difficulty has been to so gauge the provisions of it, changing a word here and a word there in order to reduce opposition to it which came from all quarters of the province, and, therefore, the hon. gentleman is somewhat unfortunate in citing that Bill. I quite admit that the Usury Bill might with propriety have been introduced here, and had the government originally intended to have brought that measure before parliament this session I might have urged its introduction here. But it was only within the last ten days, I think, that the decision was come to that the Bill had better be introduced and I hope it will be passed. We know very well that this House has already expressed an opinion on that measure. It is a matter of running the readings through in a few hours in this Chamber, because it has been freely discussed and the views of the hon. gentleman are so well known on the Usury Bill. It is not a Bill which should create any controversy in this Chamber. I hope that the number of Bills that have to come is not very large.

Hon. Mr. LOUGHEED—They are very long though.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has cited the practice of former governments in reference to this Chamber. He should cite also the conduct of the opposition. Would he have any objections if this side of the House pursued this session the course pursued by himself and his associates a few years ago when the troops were turned out, the guns were firing and the Governor was actually in the corridor, and these few hon. gentlemen prevented the possible prorogation of the House——

Hon. Mr. SCOTT—Very properly.

Hon. Sir MACKENZIE BOWELL—By keeping up a discussion on a Bill brought down by the government?

Hon. Mr. SCOTT—It was not a government Bill.

Hon. Sir MACKENZIE BOWELL—If the hon. Secretary of State justifies his present conduct by the course pursued by past governments, he certainly should have no objection if we follow in his illustrious footsteps, and he must not be surprised if these Bills, which are so important, are brought down on the day of prorogation, if we follow the example he set us and adopt the same tactics. I am quite sure, in that event, he would not quote his former conduct to condemn our obstruction. The basket of Bills to which he refers is new to me. It must have been before I had the honour of occupying a seat in this House. It certainly was not while I was leader of the Senate. I am not prepared to dispute his statement if he says it occurred previous to my entering the Senate, but no such thing ever occurred while I was leading this House.

The motion was agreed to.

THE EX-CHIEF JUSTICE OF QUEBEC.

INQUIRY.

Hon. Mr. CHOQUETTE—Before the orders of the day are called, I would ask the government if it is true that ex-Chief Justice Routhier, of Quebec, who has just resigned and has taken his pension, is still continuing to act as judge of the Court of Admiralty at Quebec?

Hon. Mr. SCOTT—I have no information on the subject. It has not been brought to the notice of the government in my presence.

Hon. Mr. CHOQUETTE—Will my hon. friend ask the government if the report is true, and if so whether it is permissible for a judge so situated to act?

Hon. Mr. SCOTT—If the hon. gentleman will drop me a note I will see the Minister of Justice about it.

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State will remember that the hon. gentleman from Stadacona moved some little time ago for two returns, one in reference to the correspondence with the imperial government regarding the uniforms

which are worn and which are to be worn by civil servants, privy councillors and others. The other was a return as to the per diem allowance to the commissioners who are investigating the various life insurance companies, together with a statement of the other expenses attending that investigation. Is there any probability of our getting those returns ?

Hon. Mr. SCOTT—I will make inquiry. In reference to uniforms, that, I understand, was entirely a matter resting with the Governor General. It was not a state paper, I presume, which could be brought down here. I only heard of it incidentally. I do not know that I have ever seen the despatch. I understood there was a despatch—I think I mentioned it before—which had the effect of raising, so to speak, the ministers who were in the third class, a step higher.

Hon. Sir MACKENZIE BOWELL—I have reason to believe that there was correspondence, and the government must take the responsibility in that connection. If, however, the hon. Secretary of State says that this action was taken by the Governor General independently of the government, I would not press to have the papers brought down. I have no desire to interfere with the prerogatives of the Crown. I am quite sure there was some correspondence on the subject. Has my hon. friend asked that question in this own department ?

Hon. Mr. SCOTT—I did make inquiry the other day, but I will renew it.

IMMIGRATION BILL.

REPORTED FROM COMMITTEE.

Pursuant to the order of the day, the House resolved itself into Committee of the Whole on Bill (170) An Act respecting Immigration and Immigrants.

(In the Committee.)

Hon. Mr. SCOTT—A Bill was passed, in the year 32-33 Victoria, relating to this subject which continued to be the law up to 1886, when an Act respecting Immigration and Immigrants was passed, which is to be found in the Revised Statutes of Canada. Since that time the only amendments have been a very slight one made in 1887, and another in 1902. The conditions, however, have materially changed since this statute became law. At that time the immigrants almost universally arrived via the St. Lawrence in ships. Now a very considerable number come by rail ; they reach this continent at Boston or New York and come across the boundary by way of one of the railways. In many instances, immigrants now come in their own conveyances. Then again the number is so very much larger than was ever contemplated at that time, that it requires very much more extensive arrangements to prepare for their reception. I noticed recently by an official report that during the present year 150,000 immigrants have come to Canada, a considerable proportion of whom come from the United States. The law as it stood did not give the government that power to make a close examination, which is now found necessary when so many are coming from the continent of Europe, who may possibly be affected with various disorders. As regards immigrants belonging to what is called the undesirable class, it is necessary to have provision for very summary action. They have to be examined and if necessary returned to Europe.

Hon. Mr. LOUGHEED—May I ask, in view of this Bill, what will be the policy of the government hereafter with regard to assisted immigration ? The Bill would look very much as a departure from the policy which has been pursued for some time past by the government on that question, and I fancy the public is very anxious to know what will be the policy of the government hereafter with reference to the undesirable class of immigrants that has been arriving upon our shores for years past.

Hon. Mr. WATSON—Who are the undesirable class ?

Hon. Mr. SULLIVAN—You will find them described in the Bill.

Hon. Mr. LOUGHEED—The class which this Bill is calculated to keep out.

Hon. Mr. SCOTT—There has been no announcement of any change in the policy except the cancellation of the contract made with the company which has recently ob-

tained so much notoriety from bringing immigrants from central Europe. That contract expires, under the notice given, on the 1st December next.

Hon. Mr. LOUGHEED—Then what is the object of the repressive features of the Bill if there is to be no change in policy?

Hon. Mr. SCOTT—Many immigrants from the south of Europe are affected by disease of the eye, and others by tuberculosis and other diseases. It is not desirable to allow persons affected by diseases that are at all contagious to take up their residence in Canada, and, therefore, very full and arbitrary powers must be given to officials to prevent such persons landing, or, if having landed, to send them back by the vessels that brought them here. So far as the general policy is concerned, I am not aware that there has been any material change.

Hon. Mr. SULLIVAN—You keep a number of them under your care for two years, which is decidedly paternal, and then you discharge them.

Hon. Mr. SCOTT—There is a clause in the Bill which allows them to be deported at the end of the second year.

On clause 2,

2. In this Act, unless the context otherwise requires,—

(a) The expression 'immigrant' means and includes any steerage passenger or any 'work-a-way' on any vessel whether or not entered as a member of the crew after the vessel has sailed from its first or last port of departure, and any saloon or second-class passenger or person who having been a member of the crew has ceased to be such who upon inspection is found to come within any class liable to exclusion from Canada: provided that no person who is a Canadian by birth or has been naturalized as a British subject in Canada shall be held to be an immigrant within the meaning of this Act;

(b) The expression 'immigration agent' includes the superintendent of immigration, commissioners of immigration and any subagents within or outside of Canada;

(c) The expression 'land' or 'landing,' as applied to passengers or immigrants, means their admission (after having complied with the requirements of the Immigration Act), into Canada, otherwise than for inspection or treatment, or other temporary purpose provided for by this Act, or by any order in council, or proclamation, or regulation made thereunder;

(d) The expression 'master' means any person in command of a vessel;

(e) The expression 'medical officer' includes 'medical superintendent,' 'medical inspector' and 'inspecting physician';

(f) The expression 'minister' means the Minister of the Interior;

(g) The expression 'owner,' as applied to a ship or vessel, includes the charterer of such ship or vessel and the agent of the owner thereof;

(h) The expression 'passenger' includes any person carried upon a railway train or other vehicle or in a vessel, other than the master and crew, as well as all immigrants coming into Canada, but not troops or military pensioners and their families, who are carried in transports or at the expense of the government of the United Kingdom, or of any colony thereof; provided that any person who is unlawfully on board the vessel shall not be held to be a passenger;

(i) The expression 'port of entry' means any port, railway station, or place at which immigrants enter Canada, or at which there is an immigration agent, or where the medical inspection of immigrants is carried on;

(j) The expression 'ship' or 'vessel' includes all ships, vessels, boats, or craft of any kind carrying passengers.

Hon. Mr. SCOTT—In this clause I propose to strike out of subsection (a) all the words after 'Canada' in the 8th line, and substitute the following:

And any person arriving in Canada by railway train or other mode of travel, but it does not include any person who has previously resided in Canada or who is a tourist merely passing through Canada to another country.

Hon. Mr. LOUGHEED—There may be some explanation of the expression 'immigrant'. It practically covers every class of immigrants excepting those who come out first class. Supposing immigrants should arrive by first class who have all the objectionable features enumerated in the Bill, is there any provision to prevent them taking up their residence in Canada?

Hon. Mr. SCOTT—I do not think there is any prohibition against first-class passengers.

Hon. Mr. LOUGHEED—Take the criminal classes; I can conceive of the very worst class of criminals arriving first class.

Hon. Mr. SCOTT—If any criminal arrives by first-class passage, I am quite sure that on his character being discovered, his case will be dealt with.

Hon. Mr. LOUGHEED—It is just a question if you have the machinery in the Bill to do it.

Hon. Mr. WILSON—Would it not be well to insert the words 'Or any other class?'

The clause, as amended, was adopted.

On clause 4,

4. The Governor in Council may establish and maintain immigration offices at such places within and outside of Canada as from time to time seems proper.

Hon. Mr. MACDONALD (B.C.)—This is a very wise provision that the matter is left to the Governor in Council, and not to one special minister. There has been a great deal of injury by the immigration operations being left to one minister to be carried out on his own responsibility; to that is to be attributed what has taken place with this North Atlantic Trading Company. If that arrangement had gone before the Governor in Council this contract would never have been made; consequently it is a very wise provision that the whole thing is left to the Governor in Council. I want to ask the Secretary of State if it is the intention of the government to keep the same department in Liverpool that we had formerly?

Hon. Mr. SCOTT—I could not answer that question, because it is a departmental matter. There has been no discussion on the subject.

Hon. Mr. MACDONALD (B.C.)—I do not think an agency in London in addition to the office of High Commissioner is at all necessary.

Hon. Mr. POWER—Oh, yes, it is.

Hon. Mr. MACDONALD (B.C.)—All information could be obtained from the office of the High Commissioner, and the office of Mr. Preston could be easily abolished. The minister is not prepared, I suppose, to give an answer to any of these questions?

Hon. Mr. SCOTT—No.

Hon. Mr. MACDONALD (B.C.)—It is a matter for consideration. There is no use in multiplying offices if they can be dispensed with.

Hon. Mr. SCOTT—There is no doubt of that.

The clause was adopted.

On clause 5,

5. The Governor in Council may appoint a superintendent of immigration, commissioners of immigration, immigration agents, a chief medical officer, medical officers, and such other officers as the Governor in Council determines.

Hon. Mr. WILSON.

Hon. Mr. SCOTT—The words 'chief medical officer' are to be struck out. There are a number of medical officers now, and it is felt that it is not necessary to have one chief over all the others.

Hon. Mr. SULLIVAN—I understand that Dr. Montizambert is called the chief medical officer of the Dominion?

Hon. Mr. SCOTT—This has no connection with Dr. Montizambert's office.

Hon. Mr. WILSON—The Governor in Council ought to have the power of appointing officers, but it seems to me that there must be some object in removing the words 'chief medical officer', that they are going to get rid of their present medical officer who has been acting for some length of time. We know that Dr. Bryce, a very just and efficient officer, has occupied that position for a number of years. He was transferred from Toronto, where he had been health officer under the Ontario government and performed very useful services, and brought to Ottawa by the Hon. Clifford Sifton. He was appointed to the position here, and I have yet to learn any just cause or reason why there should be a provision in this Bill that no medical officer shall be appointed in the future.

Hon. Mr. SCOTT—It does not say that.

Hon. Mr. WILSON—If you are to have an efficient service and proper inspection of immigrants coming into the country, you require a capable medical officer, who is the proper judge as to whether these immigrants should be admitted into the country or not. You have a medical officer——

Hon. Mr. SCOTT—We have authority to appoint medical officers.

Hon. Mr. WILSON—But you are striking out the medical officer in the Bill.

Hon. Mr. SCOTT—We are not striking out any. My hon. friend is misinformed. Dr. Bryce was appointed a medical officer, not chief medical officer. He stands on the same footing as the others under the order in council.

Hon. Mr. WILSON—Who is chief medical officer?

Hon. Mr. SCOTT—There is none.

Hon. Mr. WILSON—But you are cancelling the present appointment.

Hon. Mr. SCOTT—The hon. gentleman is misinformed. Dr. Bryce was not appointed chief medical officer. The order in council reads appointed 'as a medical officer,' not as 'chief medical officer'.

Hon. Mr. WILSON—I would ask my hon. friend, if he was not appointed superintendent of the Immigration Department by Mr. Sifton, some years ago, what has he been doing? What have been his duties? There are other officers to be appointed in the service, but the chief medical officer is to be stricken out.

Hon. Mr. SCOTT—No, no, nothing of the kind.

Hon. Mr. WILSON—But the hon. gentleman says that that clause relating to the chief medical officer is to be stricken out. Does he mean that or something else?

Hon. Mr. SCOTT—I stated over and over again that there is no chief medical officer in the department. The order in council appointing Dr. Bryce does not name him as a chief medical officer, simply as a medical officer of the department.

Hon. Mr. SULLIVAN—If there is no chief medical officer, there should be one, because the duties which are assigned to medical officers by the Bill are the most important and the most imperative which could be imposed upon a physician. If there is a medical man, as I understood there was, at the head of the Immigration Department, I do not see why he should not be at the head of the staff. To have a medical department without a chief is nonsense. Doctors differ, and if they are all on the same level who is to give instructions? The diseases which are mentioned in the Bill, idiocy, insanity, epilepsy, trachoma—a new disease which like leprosy no one understands here—are all of a class which render it most imperatively necessary that there should be a chief medical officer. I thought the medical staff was to be under the same head as previously; that Dr. Montizambert would be the chief. He is a very competent man and well qualified for the position. If there is not to be a chief medical officer where there are so many different ports of entry, the result will be chaos and confusion.

Hon. Mr. POWER—It is an unusual thing to find this House insisting that the government shall appoint officers who are not found necessary. The hon. gentleman who has just sat down seems to think it is necessary there should be a chief medical officer. I understand Dr. Bryce is now the medical officer at Ottawa. Ottawa is an important point, and there will continue to be a medical officer here; I suppose Dr. Bryce will continue to fill the position. But my hon. friend will see that the Governor in Council is empowered to appoint a superintendent of immigration. It is the duty of the officer to supervise all the other officers of the department. There is nothing in the Bill which would call for the appointment of a chief medical officer. The medical men at the various ports discharge their duties at the points for which they are appointed. I take it that the medical officer at Quebec is a much more important officer than the one at Ottawa. There are thousands of immigrants who first enter the country at Quebec, to hundreds who come to Ottawa; in fact the immigrant does not come to Ottawa until he has passed though the hands of a medical officer somewhere else, and I think it will be time enough to make provision for a chief medical officer when the government asks for power to appoint one.

Hon. Mr. LOUGHEED—As my hon. friend is answering for the government, can he say who will assume the responsibility for the medical policy of the department, particularly in view of the fact that there will be a great number of medical men called upon to discharge the duties outlined in the Bill. Surely each one will not be a law unto himself. Surely one medical man will not be able to say, 'I will pursue such and such a course,' with reference to the different classes of disease, while another at a different port will take a diametrically opposite course. We know the medical men disagree as widely as lawyers disagree, and it seems to me it will be necessary to have one man in charge possessing superior knowledge and experience.

Hon. Mr. POWER—The minister is the man who is responsible.

Hon. Mr. LOUGHEED—Would my hon. friend venture an opinion as to what knowledge the present Minister of the Interior would have upon the medical policy to be pursued in such an important matter? Supposing the various medical men disagree among themselves, who is to be the arbiter ?

Hon. Mr. JONES—It appears to me that the clause omitting the words 'chief medical officer,' is just as wide as if it included them. The clause says the Governor in Council may appoint a superintendent of immigration, commissioners of immigration, &c., and such other officers as the Governor in Council may determine. No instructions are laid down as to the duties to be assigned, and in making the appointments it will be quite possible to constitute one man a chief medical officer if the government so desire. Striking out these words does not in any sense narrow the power of the government either to appoint a chief medical officer, or to give such instructions to each medical man as they may see fit.

It would appear to me that the same thing might be done in the case of the superintendent of immigration. The government would have just as wide powers then as they would have under the clause as it reads now.

Hon. Mr. WILSON—It may be owing to my extreme obtuseness that I cannot understand the object of the hon. Secretary of State in removing these words. If the government was appointing medical officers, what has Dr. Bryce been doing? What position has he been occupying? Has he been there as a mere drone doing no work? I understood that he was employed in 1904 by Hon. C. Sifton, when he inaugurated his great policy of immigration, and that he has been occupying that position up to the present time. We must have some chief medical officer at the head of the department, as the present Minister of the Interior would hardly understand the qualifications necessary in deciding what immigrants should be excluded from the country on account of disease. He would not be able to examine into that and ascertain all the facts in connection with the immigrants, therefore it is necessary to have an officer whose duty it will be to do that, and who will be held responsible to the Governor in Council for the proper importation of immigrants into Canada. I contend that we should have some good reason for dismissing the chief medical officer, who has been performing good service during these years. Some reasons should be given why that officer is removed. I do not know Dr. Bryce, but it does appear to me that it would be unfair treatment. Is there any object in getting rid of him ? If there is, let it be boldly stated why he is dismissed instead of striking out this clause at the last minute. No fault has been found heretofore with him. He has been performing his duties efficiently and there has been no cause of complaint. As was put by my hon. friend the leader of the opposition, is there some other man who desires the position ? Is there something behind the scenes, that this officer is to be set aside and somebody else put in his place ? If they say they are not going to have any one responsible to the department or to the government as the case may be ; if they are going to weaken the immigration policy, let them say so, and remove this man and do whatever they like, but in the meantime has the immigration policy not been an efficient one ? The government to-day glories in their policy of importing a large number of immigrants from foreign countries into the Northwest where they are locating by the thousands. They are bringing them from all countries, and is that not a reason why we should have a chief medical officer to inspect the class of people who are going there ? For this reason I raise my voice against the dismissal of this officer, and I ask the leader of the government what position has Dr. Bryce been occupying ? Has he or has he not been chief medical officer ?

Hon. Mr. SCOTT—No he has not.

Hon. Mr. WILSON—Who has been chief medical officer ?

Hon. Mr. SCOTT—There has not been one.

Hon. Mr. WILSON—Has he or has he not been the adviser of the Minister of the Interior, as to the proper course to pursue

in reference to immigration from the old country ? Has he not been looked up to and consulted, and has he not advised the government as to the proper course to pursue in the matter of immigration ? Why was he brought here from Toronto ? Was there any reason why he should be removed from his position in Toronto to occupy the position he has occupied since 1904 ? Are we now in such a position that we do not want as careful inspection as we had before ? We are doing away with the system of offering bonuses to people to come here. We are trying to keep out the undesirable immigrants, and are we going to remove this officer who has been employed to prevent that class of immigrants being imported ? I say not. And I say if Dr. Bryce has been of any service for the last number of years,—and he has been of service or he ought not to have been retained up to the present time—let us keep him where he is. If he is no longer any use let the government tell us so. If he is of no use, but merely occupying a position without doing service to the country, remove him, but let us know why. Let us be bold enough to give a reason for the course we are pursuing, because this is evidently intended for the removal of that medical officer. I am therefore, opposed to striking out those words.

Hon. Mr. WATSON—I am surprised at the attitude of the hon. gentleman. He speaks as though Dr. Bryce had been appointed chief medical officer. Up to the present time there has been no such officer. Dr. Bryce was appointed some years ago a medical officer in connection with the department

Hon. Mr. WILSON—Has he, or has he not been chief medical officer of the department during the last 4 years ?

Hon. Mr. SCOTT—No.

Hon. Mr. WATSON—If the fears that the hon. gentleman suggests are founded on fact, he has no evidence that if the Act were passed Dr. Bryce would be appointed chief medical officer. Dr. Bryce is not going to be supplanted by any one else occupying that position to-day. I am satisfied from information I have that these medical officers look after all immigrants arriving here. The argument advanced by the leader of the opposition is the very best possible argument in favour of striking out those words. The hon. gentleman says there may be differences of opinion among medical men, as to how immigrants should be treated. If his idea should prevail, that some one man should have the power to decide, who would be responsible ? Every other medical gentlemen giving an opinion is as competent as a chief medical officer would be to render a decision on any case coming before him. We hold the Minister of the Interior responsible for the class of immigrants coming to the country and the inspection of immigrants.

Hon. Mr. WILSON—Who would be the proper one to decide whether an immigrant should be admitted or not ? Would it not be the medical officer ?

Hon. Mr. WATSON—The proper person to be held responsible is the Minister of the Interior. He has officers working under him inspecting immigrants.

Hon. Mr. WILSON—Will the hon. gentleman tell me what qualification the Minister of the Interior has to decide who are proper immigrants ?

Hon. Mr. WATSON—I am not speaking of the qualification of the minister as an inspector of immigrants. I say he is responsible for the class of immigrants admitted into the country. He is the man who will appoint qualified medical men to advise him. If he has a competent staff, which I believe he has, composed of ten or twelve men, at different points in the Dominion, who are employed to inspect immigrants, it is his business to find out from the best authority what should be done in certain cases, and it should not be left entirely to one man.

Hon. Mr. SULLIVAN—Is the minister to take the advice of the different doctors and decide which is best ?

Hon. Mr. WATSON—Yes. If it was a serious matter I would suppose the minister would consult his medical officers, call in experts if necessary and not leave it entirely in the hands of one man. The hon. gentleman must remember this, that up to the present time there has been no appointment

of a chief medical officer by the Governor in Council; consequently no person is to be deprived of his position by striking out those words.

Hon. Mr. WILSON—I am perfectly well aware of that. But I stated distinctly that it was the Minister of the Interior who appointed the medical officer as chief of the department, and he has been so acting.

Hon. Mr. WATSON—So far as we know, there has been no chief medical officer.

Hon. Mr. WILSON—Well, he has been acting.

Hon. Mr. WATSON—He has probably been acting under the direction of the minister, and probably he will continue to act under the minister. Clause 10 provides:

10. The Governor in Council may, on the recommendation of the minister, make such orders and regulations, not inconsistent with this Act, as are considered necessary or expedient for the carrying out of this Act according to its true intent and meaning and for the better attainment of its object.

There is the power given to the Minister of the Interior by order in council to make any regulations he sees fit. Surely it is much better to leave that matter in the hands of the minister who is responsible to the people of Canada for the expenditure in his department, than to say that a chief medical officer shall be appointed.

Hon. Mr. WILSON—Would he or would he not be in a position to appoint a chief medical officer?

Hon. Mr. WATSON—Certainly a chief medical officer may be appointed on the recommendation of the minister.

Hon. Mr. WILSON—Then why is this clause to be struck out?

Hon. Mr. WATSON—Because the minister has the power.

Hon. Mr. WILSON—The government have the power; then why do you want this clause struck out?

Hon. Mr. SULLIVAN—I have nothing whatever to say about the appointment of Dr. Bryce. I know him to be a very efficient and very thorough member of the Liberal party during the time he was in command of the medical staff in the city of Toronto.

Hon. Mr. WATSON.

Hon. Mr. POWER—No one is saying anything against Dr. Bryce.

Hon. Mr. SULLIVAN—I say nothing with regard to that; it would only injure him probably if I were to recommend him. I know he is a good man for the position. I say this, however, here is a branch of a department established for the first time.

Hon. Mr. WATSON—No.

Hon. Mr. SULLIVAN—It is a department which requires men of particular training and qualified to formulate the proper plan for examining these immigrants, detecting diseases to which they may be subject and which it is necessary for the health of the people of Canada to exclude, and it requires a man at the head who is well qualified. I know the difficulties that are met in cases of that kind, and that every physician who may get an appointment by political favour, may not be the best man for the position. If political influence would always secure the appointment of the best qualified men, I would not have so much to say; but the minister may have to get some expert to lay down a definite plan and frame rules and a system for these medical men, much better than anything we have ever had before in Canada. Therefore, when a new branch like this, peculiarly a scientific branch, is started for the first time, in the department, there should be a fully qualified man at the head.

Hon. Sir MACKENZIE BOWELL—It seems to me there is a great deal of cry over very little wool. I cannot understand why the minister desires to strike this out. It only empowers the government to do that which they need not do unless they think it necessary. Did I understand the hon. Secretary of State to say that this sentence was added to the Bill just at the close of its passing in the other House, or that it was struck out.

Hon. Mr. SCOTT—It was struck out in the other House. We have not made any amendment here. It is just to correct the Bill as sent up. It was struck out in the other House.

Hon. Mr. LOUGHEED—Then why is it in this Bill?

Hon. Mr. SCOTT—I find I am wrong, it was not struck out.

Hon. Sir MACKENZIE BOWELL—I was going to ask, if it was struck out in the other House, who took the responsibility of placing it here?

Hon. Mr. SCOTT—There was no authority before the passing of this Bill to appoint any chief medical officer.

Hon. Sir MACKENZIE BOWELL—I take it for granted that the whole discussion has been on the suggestion of the hon. Secretary of State to strike out the power given to the Governor in Council to appoint a chief medical officer. It does not say that they shall do it; it says they may do it. Is there any difficulty among the medical officers that are now appointed, and is that difficulty of such a character that the government is not prepared to decide which of them shall be chief medical officer? Is that the reason why he wants to strike it out, to relieve them of the responsibility of making a selection?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State has not yet given the reason why he wants to strike this out, unless he wants to deprive the government of the power of appointing a chief over that branch of the public service in order to relieve themselves of some responsibility they do not wish to assume. As a layman, it is a matter of perfect indifference to me, but it seems to me that under the clauses of this Bill, even with those words struck out, the minister would have the power to place one of the staff at the head.

Hon. Mr. WATSON—I have before me a copy of the Bill as it was introduced in the House of Commons and these words 'chief medical officer' do not appear in it, but were introduced in the House of Commons.

Hon. Sir MACKENZIE BOWELL—By whom?

Hon. Mr. WATSON—I do not know, but it was introduced against the wish of the minister, and the minister has made a request to have the words struck out. He does not believe it would be in the interest of immigration or of the medical staff to have that appointment made by the Governor in Council. He believes that he, as minister, has a right to name any one as medical officer, and the power is given under clause 10. The words 'chief medical officer' were not in the original Bill.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has given the Senate the best possible reason why these words should be allowed to remain in the Bill.

Hon. Mr. WATSON—Why?

Hon. Sir MACKENZIE BOWELL—The minister wants the clause so amended that he himself shall have the power of appointing a chief medical officer.

Hon. Mr. WATSON—By order in council.

Hon. Sir MACKENZIE BOWELL—It does not say so.

Hon. Mr. WATSON—Yes, in clause 10.

Hon. Mr. LOUGHEED—That section would not apply at all.

Hon. Sir MACKENZIE BOWELL—That does not apply. It is quite clear to my mind why the suggestion is made to strike it out. In the Bill we were considering yesterday we had a motion that the section providing that the Governor in Council should take the responsibility of these appointments should be stricken out, and the power and the authority vested in the hands of the minister. This clause compels the Governor in Council directly to take the responsibility of these appointments, and, if these words are struck out, then the minister would have the power, as my hon. friend says himself, of making the appointment, irrespective of the Governor in Council.

Hon. Mr. POWER—The position, I think, is this : at the present time there is not by law any power given to the Governor in Council to appoint medical officers at all. The clause now before the committee is the first authorization of the appointment of medical officers by the Governor in Council, and I do not see any reason why this committee should insist that there shall be a chief medical officer. As I tried to point out before, looking at the character of the immigration into this country and the places where the immigrants enter the country, there is no special reason why any one medical officer should be placed above his fellows, and the hon. gentleman from Belle-

ville, looking at clause 10 thinks he sees some sinister object in the striking out of the words 'chief medical officer'. What does clause 10 say? The clause reads:

The Governor in Council may, on the recommendation of the minister, make such orders and regulations, not inconsistent with this Act, as are considered necessary.

The Governor in Council, under clause 10, might make regulations providing that the officer at Ottawa, or some one of these other officers, should be the chief medical officer, but he is not bound to do so, and I do not see why this committee should undertake to insist that an officer whom the government do not now consider necessary should be appointed.

Hon. Sir MACKENZIE BOWELL—I did not insinuate there was any sinister motive in connection with the wording of it, but I did make insinuations as to clause 5 which we are now considering. The second deputy minister from Portage la Prairie told us the object of the minister was to retain the power in himself. I would suggest to the first lieutenant and the second lieutenant of the hon. Secretary of State that they come to some agreement so that they can argue from the same standpoint.

Hon. Mr. MACDONALD (B.C.)—I am not going to discuss the matter of medical men in Canada, but there is an important point which I wish to bring before the notice of the government. The hon. Secretary of State will remember that last year we discussed the case of some twenty men affected with trachoma who were returned to the old country, and it was then shown what cruelty was involved in allowing these men to embark and to come all the way to Canada, only to be turned back to Europe. This Bill provides for the inspection of immigrants in Canada, but there is no provision for inspection at the port of embarkation.

Hon. Mr. SCOTT—Yes, there is.

Hon. Mr. MACDONALD (B.C.)—The inspection is made by a doctor of the Board of Trade at Liverpool or London and by the medical officer of the ship. If that inspection is worth anything, why do they allow men having disease to come on board the ship? The shipping companies take their passage money and then the poor wretches are turned back, penniless and diseased, to their own country. I hope the government will take note of the necessity for a rigid inspection at the port of embarkation. That is where it should be made and then those who are idiots, insane or epileptic would be kept back. I think this is the right place to mention the matter, and I hope the hon. Secretary of State will not forget it.

Hon. Mr. LOUGHEED—If it is considered sufficiently important in connection with the appointment of a medical officer to provide that it shall be made by the Governor in Council, surely it is extremely illogical to say that the Governor in Council shall not appoint the chief medical officer.

Hon. Mr. SCOTT—It is not contemplated to appoint a chief medical officer. Any medical men who are appointed are simply styled medical officers. What would be the use of a chief medical officer at one point; he could not supervise other officers five hundred or a thousand miles away.

The clause as amended was adopted.

On clause (b) of clause 11,

(b) a greater number of persons, including the master and crew of the cabin passengers, if any, than one for every two tons of the tonnage of such vessel, calculated in the manner used for ascertaining the tonnage of British ships.

Hon. Mr. POWER—The tonnage of a British ship is stated in two ways, the gross tonnage and what is called the registered tonnage. Perhaps the minister can tell what is meant here? It is a matter of some importance, because sometimes the gross tonnage is one-third larger than the registered tonnage, and I think it would be better to have it defined.

Hon. Mr. SCOTT—I fancy it is the registered tonnage.

The clause was adopted.

On clause 15,

15. In addition to the particulars hereinbefore required in the report to be delivered on each voyage by the master of any vessel arriving at any port of entry in Canada to the immigration agent at such port, the master shall report in writing to such agent the name and age of all passengers embarked on board of such vessed on such voyage who are lunatic, idiotic, epileptic, deaf and dumb, or dumb, blind or infirm, or suffering from any disease or injury known to exist by the medical officer of

the ship, specifying the nature of the disease and stating also whether they are accompanied by relatives able to support them or not.

Hon. Mr. MACDONALD (B.C.)—This would presuppose that the persons who are described are to be allowed to come on board the vessel.

Hon. Mr. SCOTT—There is an examination made before the immigrants are taken on ; this is to prevent any possible mistake arising afterwards. Every effort is made to have a close examination at the port of embarkation, but you cannot always avoid the possibility of undesirable persons being passed over.

Hon. Mr. MACDONALD (B.C.)—Clause 26 is perfectly right, but clause 15, as I read it, presupposes that these people are allowed to come on board.

Hon. Mr. ELLIS—Take the case of a family in which there is one child who is deaf and dumb ; there is no humane person who would desire to see that child abandoned, left behind, as long as the country is satisfied that it will not become a charge upon the public. Surely the hon. gentleman would not insist upon the exclusion of such a person.

Hon. Mr. WILSON—It might be very difficult indeed for any medical officer making an inspection before the ship sails to say definitely whether or not a particular immigrant is affected with epileptic attacks. I can understand that long continued epilepsy might possibly affect the intellect, but, as a general rule, persons suffering from that disease may not during a considerable length of time display any sign of it. Am I to understand that if an epileptic is permitted to come on board the boat, the officers not noticing that he was subject to attacks of this nature, that that party is to be refused admission to Canada? We know that many epileptics are as clever men as we have in this country. The disease is not one which always renders the subject incapable of earning a livelihood or of being a useful member of society. Of course we sometimes find epileptics who are weak minded, and it is possible that they might not be able to make provision for their own maintenance ; but to say that because a person has had an epileptic fit he should not be allowed to enter Canada, does not seem proper. I suppose there is hardly one of us who has not been, in some portion of our lives, troubled with an epileptic fit. Children are frequently affected, and I think we ought not to exclude from Canada persons who might make useful citizens.

Hon. Mr. SCOTT—That clause only refers to the report which must be made by the captain of the ship.

Hon. Mr. POWER—The clause before us does not undertake to say that an epileptic shall not land. It simply says that it shall be the duty of the master of the ship to report such cases, and surely that is a reasonable proposition. If an epileptic is landed in Canada the authorities here should be made aware of the fact.

Hon. Mr. WILSON—It appears the epileptic is included in the Bill and with whom ? What class ? My hon. friend from Halifax knows full well what it means—that he is one of those subjects unfit to come to Canada as an immigrant.

Hon. Mr. POWER—No, one that has to be reported—that is all.

Hon. Mr. WILSON—And deported too.

Hon. Mr. POWER—No.

Hon. Mr. WILSON—My learned friend will report a lunatic or a deaf and dumb person, or even a blind or infirm person, or a person suffering from a disease. The epileptic is with that class. Are you going to report others and not the epileptic ? It means all of them. They are to be reported, and those that are reported will be deported from the country.

The clause was adopted.

On clause 16,

16. The report shall further contain the name, age and last place of residence of any person who has died during the voyage, and shall specify whether such person was accompanied by relatives or other persons who were entitled to take charge of the moneys and effects left by such person and the disposition made thereof.

2. If there were no such relatives or other persons so entitled, the report shall fully designate the quantity and description of the property, whether money or otherwise, left by such person ; and the master of the vessel

shall pay over and fully account, to the immigration agent at the port at which the vessel is entered, for all moneys and effects belonging to any person who has died on the voyage.

3. The immigration agent shall thereupon grant to the master a receipt for all moneys or effects so placed in his hands by the master, which receipt shall contain a full description of the nature or amount thereof.

Hon. Mr. SULLIVAN—I think there should be a slight amendment to this clause giving the cause of death, because I think it is important that it should be known whether the immigrant died of disease or injury or any other way.

Hon. Mr. SCOTT—There is no objection to that.

Hon. Mr. POWER—Following out the line suggested by the hon. gentleman from Kingston, I move that we insert in line 38, after the word specify, the words 'the cause of death and.'

The clause was amended and adopted.

On clause 19,

19. The immigration agent, whenever he deems proper, may request the medical officer before any passengers leave the vessel to go on board and inspect such vessel, and examine and take extracts from the list of passengers or manifest, and from the bill of health.

Hon. Mr. SULLIVAN—I think the medical officer should make an examination of the health of each of the passengers.

Hon. Mr. SCOTT—He does examine.

Hon. Mr. LOUGHEED—The clause says the medical officer shall examine and take extracts from the lists. He is limited to the lists. How will he take the extracts from the passengers?

Hon. Mr. POWER—I think that that is an important question, and it is just as well to make it clear. I move that after the word 'examine' in the 19th line, we insert the words 'the passengers.'

Hon. Mr. WATSON—I understand the passengers are all thoroughly inspected in the immigration sheds.

Hon. Mr. LOUGHEED—Where is the provision for that?

Hon. Mr. SCOTT—The passengers are inspected in the sheds in Quebec. It takes them sometimes three days to examine them all. They are fed there for that time.

Hon. Mr. WILSON.

Hon. Mr. LOUGHEED—They should not be detained there if there were any disease.

Hon. Mr. SCOTT—You cannot have a personal examination on board.

Hon. Mr. LOUGHEED—The inspection should have a much larger scope than simply examining the list of passengers.

Hon. Sir RICHARD CARTWRIGHT—I think they would have to pass quarantine before they arrive at Quebec.

Hon. Mr. EDWARDS—Yes that is so, and if there is a contagious disease on board, the vessel is delayed there.

Hon. Mr. LOUGHEED—Then it means that there is another examination by another department.

Hon. Mr. EDWARDS—That is under Dr. Montizambert, the general health officer.

Hon. Mr. SULLIVAN—No, the hon. gentleman is mistaken. The hon. Secretary of State said he had nothing to do with this.

Hon. Mr. EDWARDS—Oh, yes.

Hon. Mr. SULLIVAN—Then that is not so understood. This is a new departure.

Hon. Mr. EDWARDS—This is dealing with a specific matter, but the other applies generally. No vessel is allowed under the present regulation to come to the port of Quebec or any other port in Canada without passing quarantine; if there is any contagious disease on board the vessel is detained.

The clause was adopted.

On clause 24,

24. The immigration agent shall be responsible for the safekeeping of any person so detained, except while in an hospital or other place of detention under the charge of a medical officer.

Hon. Mr. SULLIVAN—Where is this inspection?

Hon. Mr. SCOTT—When they come ashore they are individually examined, and it takes from two to three days sometimes. They complain very much about being kept over.

The clause was adopted.

On clause 25,

25. The medical officer may, from time to time, with the consent and approval of the minister, make such arrangements as he considers necessary for the care and supervision of immigrants who are detained on board a vessel where hospital facilities on shore do not exist, or, having been permitted to leave the vessel, are detained either for medical treatment or are awaiting deportation.

Hon. Mr. WILSON—Who is the medical officer referred to here?

Hon. Mr. SCOTT—There is an officer at all the ports. St. John, Halifax, Quebec and other points.

Hon. Mr. WILSON—If there is any appeal from their decision, to whom would it be ?

Hon. Mr. JONES—The clause says to the minister.

Hon. Mr. WILSON—I was asking the hon. Secretary of State. There are too many members of the government here to get the information we want.

Hon. Mr. SCOTT—The clause says that a medical officer may from time to time, with the consent and approval of the minister, make such arrangement and so on.

The clause was adopted.

On clause 26,

26. No immigrant shall be permitted to land in Canada, who is feeble-minded, an idiot, or an epileptic, or who is insane, or has had an attack of insanity within five years; nor shall any immigrant be so landed who is deaf and dumb, or dumb, blind or infirm, unless he belongs to a family who accompany him or are already in Canada and who give security, satisfactory to the minister, and in conformity with the regulations in that behalf, if any, for his permanent support if admitted into Canada.

Hon. Mr. POWER—I think the words of this clause are liable to lead to misconception. I wish to direct the attention of the committee to this ; as that clause is worded and punctuated, the latter part, the provision with respect to belonging to a family, applies only to those who are deaf and dumb or blind and infirm, and does not apply to the idiots, epileptics, although it is the intention it should apply to all. In order to make the matter clear, I would move to strike out these words beginning in line 13 : 'Nor shall any immigrant be so landed '.

Hon. Mr. LOUGHEED—That would not do, because the insane person would have to be deaf and dumb. You would have to say 'Or who is deaf and dumb '.

Hon. Mr. POWER—Yes, insert 'or,' and the other words should be stricken out.

Hon. Mr. SULLIVAN—A dumb man is just as good an immigrant as any. I do not consider that it is such an infliction as should deprive a man of the right to be landed here, because he may be in possession of all his mental faculties, perhaps in a degree superior to the medical examiner.

Hon. Mr. SCOTT—I object to any change in that clause.

Hon. Mr. WILSON—We know that there are persons who are dumb, but who have a method of communication and can understand the speech of others. I have seen cases of that kind ; therefore in order to embrace that class I think the clause had better remain as it is. But there is another one. What does my hon. friend from Halifax, who seems to approve of this clause, mean by the word 'infirm.' Is it feebleness from age or from some disease, or is it simply incapacity to perform a certain amount of labour ? Infirmities we know come on from old age. If this word infirm embraces all those meanings, a person of advanced years would not be allowed to come into Canada. As my hon. friend from Halifax has been explaining this clause, perhaps he will state what is meant by the use of this word 'infirm '.

Hon. Mr. POWER—I feel this way about it ; if the Senate has any duty I think it is to revise the legislation which comes up from the other House. Now I understand the attitude of the minister is that that is not our duty.

Hon. Mr. SCOTT—I beg the hon. gentleman's pardon. I did not say so.

Hon. Mr. POWER—The hon. gentleman says he will not allow any amendment to this clause. If you go back to clause 15, you will find that it specifies any one who is a lunatic, idotic, epileptic, deaf and dumb, or dumb, blind or infirm, whether accompanied by a relative able to support such person or not. They are all in the same category. That would appear to provide that if an epileptic patient is accompanied by relatives who are able to support him, he will be allowed to land.

Hon. Mr. SCOTT—No, not under this clause ; it is not intended.

Hon. Mr. POWER—I cannot speak for the intentions of the department, but clause 15 looks as if that were the intention. Clause 26 says :

26. No immigrant shall be permitted to land in Canada, who is feeble-minded, an idiot, or an epileptic, or who is insane, or has had an attack of insanity within five years; nor shall any immigrant be so landed who is deaf and dumb, or dumb, blind or infirm, unless he belongs to a family who accompany him or are already in Canada and who give security, satisfactory to the minister, and in conformity with the regulations in that behalf, if any, for his permanent support if admitted into Canada.

Clearly the intention of the department was that the clause should apply to all those.

Hon. Mr. SCOTT—No, they do not allow insane persons to come, and never have.

Hon. Mr. POWER—No epileptic is to be allowed to land either. If that is the intention of the department, it is an exceedingly objectionable one. I give notice that I shall move to amend that clause at the third reading.

Hon. Mr. LOUGHEED—If clause 15 is to be construed as the hon. member from St. John has construed it, then the hon. member from Halifax is perfectly right in the construction which he places on clause 26, namely, that all the parties mentioned there are to come in if accompanied by their relatives and they have the means of supporting them. If the hon. Secretary of State be correct, then the hon. member from St. John is wrong, so that no humanitarian sympathies or purposes would permit any of those persons mentioned in clause 15 to land.

Hon. Mr. SCOTT—Clause 15 simply refers to a report of persons who are affected in any way with minor or greater weaknesses. Clause 26 refers to persons who are feeble-minded. Idiots have not been allowed to come into Canada.

Hon. Mr. POWER—Yes, if accompanied by their families.

Hon. Mr. SCOTT—No, they have been deported, because idiots have to be sent to an asylum. The insane are not allowed to come to Canada. It has not been the policy of the department.

Hon. Mr. LOUGHEED—Then it is idle in clause 15 to say that this list shall be made up.

Hon. Mr. SCOTT—That is for information only.

Hon. Mr. LOUGHEED—It should be expressly provided that the master of the vessel should be punished for bringing any such persons to Canada, but under this clause he may permit such persons to embark and he has only to provide a list and furnish it to the immigration agent. It seems to me there should be an express prohibition.

Hon. Mr. SCOTT—There is, later on.

Hon. Mr. POWER—I appeal to the committee with respect to this matter. Say there is a family of eight, father, mother and half dozen children. Among those children is one feeble-minded, or who happens to be afflicted with epilepsy ; is it proposed that Canada shall take that feeble-minded or epileptic child and deport him and say he shall not be allowed to land with his parents ? That is one of the most inhuman doctrines I have ever heard laid down, and I am satisfied the Minister of the Interior never meant it that way.

Hon. Mr. SCOTT—It is absolutely impossible to frame the language to be so specific as to deal with every case. You must leave a wide margin of discretion. That discretion is exercised every day.

Hon. Mr. POWER—This is not a case of discretion. Why not take the same language as in clause 15 and put all these classes together ?

Hon. Mr. SCOTT—The other is simply a report from the captain.

The clause was adopted.

On clause 27,

27. No immigrant shall be permitted to land in Canada who is afflicted with a loathsome disease or with a disease which is contagious or infectious and which may become dangerous to the public health or widely disseminated, whether such immigrant intends to settle in Canada or only to pass through Canada to settle in some other country ; but if such disease is one which is curable within a reasonably short time the immigrant suffering therefrom may, subject to the regulations in that behalf, if any, be permitted to remain on board

where hospital facilities do not exist on shore, or to leave the vessel for medical treatment, under such regulations as may be made by the minister.

Hon. Mr. SULLIVAN—What on earth can the minister do in the way of making regulations? They should be made by the doctor. Take a case of small-pox; the man would be dead or better by the time you could get a communication to the minister and a reply. He could not get any instructions from the minister. That is why I speak of the necessity of having a chief medical officer to regulate all these things. It is absurd, to my mind, to assign this duty to the minister; it should be left undoubtedly to the medical officer.

Hon. Mr. SCOTT—It is under regulations made by the minister. You cannot define all those circumstances by statute.

Hon. Mr. LOUGHEED—If the committee would permit me to hark back to clause 15 and clause 26, I think the hon. Secretary of State will observe upon reference to the Act that he is incorrect in saying that lunatics, epileptics and that class of immigrants have been absolutely prohibited from landing in Canada. They have been permitted to land in the event of their being in charge of their families, as the hon. gentleman will find by referring to subsection 2 of section 17. I think the hon. member from Halifax is right in the conclusion he drew from the language of clause 26; it certainly has been the policy of the government to allow such immigrants to land if they are accompanied by their families.

The clause was adopted.

On clause 28,

28. No immigrant shall be permitted to land in Canada who is a pauper, or destitute, a professional beggar, or vagrant, or who is likely to become a public charge; and any person landed in Canada who, within two years thereafter, has become a charge upon the public funds, whether municipal, provincial or federal, or an inmate of or a charge upon any charitable institution, may be deported and returned to the port or place whence such immigrant came or sailed for Canada.

Hon. Mr. POWER—The first part of this clause is proper, but the provision that a person who may, two years after, become a charge on the public funds may be deported, is an extraordinary provision. If an immigrant is admitted into the country and happen to become destitute within two years after his arrival, he may be deported; the period is altogether too long. I would suggest three months or six months.

Hon. Mr. SULLIVAN—Leave out the time altogether.

Hon. Mr. POWER—I think Canada should not try to establish a reputation for being perfectly inhuman.

Hon. Mr. SCOTT—In the United States it is three years. Of course it is altogether a discretionary power, and not at all likely to be exercised except in some notable case where the circumstances would be justifiable.

Hon. Mr. WILSON—It does not appear to me that the clause leaves any discretionary power. It says positively that no immigrant shall be permitted to land in Canada who belongs to the class mentioned, and that he may be deported.

Hon. Mr. SCOTT—There is a wide discretion.

Hon. Mr. WILSON—Who is to have the authority? Is it upon an order in council, or is the immigration agent given the discretion?

Hon. Mr. SCOTT—The department would be governed by the conditions and circumstances. They would not want to do an inhuman or improper thing. There may be instances where an immigrant becomes a public charge when it would be only proper and right that he should be deported.

Hon. Mr. EDWARDS—I think two years is an objectionable feature.

Hon. Mr. SCOTT—It is three years in the United States.

Hon. Mr. EDWARDS—That is no reason why we should follow their example.

Hon. Mr. WILSON—In the United States they have been obliged to draw the lines rigidly. They have suffered from an influx of an objectionable class of immigrants, immigrants who are not beneficial to the United States; but a man coming to the country may be perfectly sane when he arrives, and may be a useful citizen for a year or a year and one-half, and some disease may occur whereby he be-

comes deportable under this clause, and he is sent back to the country from where he came. The transportation companies are to be responsible, if the municipalities are not responsible, and the immigrant can be sent back to the place from which he was brought. No one can guarantee that a person will remain in his right mind for a period of two years. It appears to me that this would be a very unreasonable clause. I should think that a limitation of six months, or even less would be ample.

Hon. Mr. SCOTT—I saw it stated a few days ago that there were a very considerable number of persons in London, England, who were professional beggars, men who had accumulated considerable sums of money, but who still kept on begging—it had become a mania with them. We can easily understand a man of that class coming to Canada, possibly with $25 or $50 in his pocket, a healthy looking man, and he would be admitted. If that man were to take up his old calling as a professional beggar, do you mean to tell me that at any time, even after a longer interval than two years, he should not be deported ?

Hon. Mr. WILSON—I do not think the hon. Secretary of State really means that, because he would certainly, by this clause, expel many people from Canada to-day who are very useless and who do not earn their living. The agent in London or Liverpool who looks after the immigrants as they embark should see to this part of it. Why should we forbid professional beggars to come here ? They might make useful citizens.

Hon. Mr. SCOTT—It is only where they continue to be professional beggars.

Hon. Mr. WILSON—I do not want them to come with that purpose, but I can understand that people might desire to come to Canada because they had been unfortunate and could not earn a living at home. If they should be unsuccessful here I do not think they should be deported and have it go abroad that the people of Canada are so ungenerous.

Hon. Mr. LOUGHEED—How would it do to send them to the county of Elgin?

Hon. Mr. POWER—I move that the words 'six months' be substituted for the words 'two years.'

Hon. Mr. SCOTT—The clause only applies to a very undesirable class.

Hon. Mr. EDWARDS—I think it applies to any one.

Hon. Mr. SCOTT—I am assuming a case where they continue to follow the undesirable vocation which they had when they left. If they were to change under the influence of Canadian sentiment, of course they would not come within the provisions of the Act.

Hon. Mr. WILSON—I think it would be well to leave out the expressions 'pauper' and 'destitute.' A man may have met with losses and yet he might be in a position to become a useful citizen.

Hon. Mr. ELLIS—I think the country is getting rich, and it is getting inhuman at the same time. This is certainly an exceedingly severe provision, to turn a man out of the country after he has been here two years, because he may have fallen into decay in some way or another. The last portion of the clause, after the semi-colon, does not refer to professional beggars at all. It refers to any person who has become a charge upon the public funds, either municipal, provincial or federal. The beggar is not a charge on the funds in that sense. He is collecting his money in the street ; but any man may come here with the best of health and the best intentions, with a sincere desire to provide for his family, but he may suffer misfortune and be unable to support himself. Then the country ruthlessly turns him out.

Hon. Mr. MACDONALD (B.C.)—This provision, I think, will be found to be entirely unworkable. Who can tell after two years what railway or steamer brought the immigrant to Canada ? If you say to the Canadian Pacific Railway : 'You brought this man in two years ago and you must take him back', the answer would probably be : 'We did not bring him ; where is the proof that we brought him ?'

Hon. Mr. EDWARDS—I must say I do not think the contention of my hon. friend

the Secretary of State is correct. The clause says :

28. No immigrant shall be permitted to land in Canada who is a pauper, or destitute, a professional beggar, or vagrant, or who is likely to become a public charge ; and any person landed in Canada who, within two years thereafter, has become a charge upon the public funds, &c.

That is to say, a man may come to Canada who is worth $500,000 and lose it and if he becomes a charge afterwards, unable to make his own living, he must be sent away.

Hon. Mr. JONES—It is optional with the government. If they feel that it ought to be done, then they have the power to do it, otherwise no action would be taken.

Hon. Mr. WATSON—If the time be shortened as is proposed by the amendment, it is quite possible, and in fact more than probable, that a great number of these people whom the United States want to get rid of along the frontier will come to Canada. We may get them by the hundreds, and if you had immigration agents posted at every point along the boundary line it would still be possible for this class of people to get into the country. But if we have such a provision as this in the law, if they are in the country and are reported by the municipality to the government, the government can then deport them. We do not want to have the class described in this clause become a permanent burden and nuisance in the country, and I think the conditions set down here whereby the municipality may notify the government and the government may deport, is a proper provision to be included in the Bill.

The amendment was declared lost on a division.

The clause was adopted.

On clause 31,

31. Acting under the authority of the minister, the immigration agent, the medical officer, and any other officer or officers named by the minister for such purpose, may act as a board of inquiry at any port of entry to consider and decide upon the case of any immigrant seeking admission into Canada. The decision of such board touching the right of any such immigrant to land in Canada shall be subject to appeal to the superintendent of immigration, whose action shall be subject to review by the minister. Where the case to be considered is one arising under section 26 or 27, the appeal from the decision of the board shall be to the chief medical officer, whose action shall be subject to review by the minister.

2. The Governor in Council may make regulations governing the procedure in connection with inquiries by such boards of inquiry and appeals from their decisions.

Hon. Mr. SCOTT—In the first part of this clause, I move to strike out all the words after 'superintendent' in the 7th line, and add the word 'minister'.

The clause was amended and adopted.

On clause 33,

32. All railway or transportation companies or other persons bringing immigrants from any country into Canada shall, on the demand of the superintendent of immigration, deport to the country whence he was brought, any immigrant prohibited by this Act or any order in council or regulation made thereunder, from being landed in Canada who was brought by such railway, transportation company or other person into Canada within a period of two years prior to the date of such demand.

Hon. Mr. WILSON—It seems to me this should be amended to correspond with the other clauses of the Bill. Would it not be better to say : All immigrants arriving in Canada by railway or in any other manner by land shall be subject to the same inspection as immigrants arriving by vessel and by railway or transportation company. I desire that the same course shall be pursued towards the immigrants coming into Canada from the United States by railway. They should be subject to the same regulations.

Hon. Mr. SCOTT—I think the clause is very clear as it is and could not be better drafted. I have read it over carefully and find that it is in unison with what we have already adopted.

The clause was adopted.

On clause 32,

33. Whenever in Canada an immigrant has within two years of his landing in Canada committed a crime involving moral turpitude, or become an inmate of a jail or hospital or other charitable institution, it shall be the duty of the clerk or secretary of the municipality to forthwith notify the minister thereof, giving full particulars. On receipt of such information the minister may, on investigating the facts, order the deportation of such immigrant at the cost and charges of such immigrant if he is able to pay, and if not then at the cost of the municipality wherein he has last been regularly resident, if so ordered by the minister, and if he is a vagrant or tramp, or there is no such municipality, then at the cost of

the Department of the Interior. Every such immigrant shall be carried by the same transportation company or companies which brought him into Canada to the port from which he came to Canada without receiving the usual payment for such carriage. In case he was brought into Canada by a railway company such company shall similarly convey him or secure his conveyance from the municipality or locality whence he is to be deported to the country whence he was brought.

Hon. Mr. POWER—I wish to direct attention to this clause: the side note says one year and the text says two years. It seems to me this clause is unreasonable, and it will be found unworkable when you come to put the law into operation. It says whenever an immigrant has within two years of his landing committed a crime involving moral turpitude. Any crime involves moral turpitude.

Hon. Mr. SCOTT—We do not want criminals.

Hon. Mr. POWER—Certainly we do not, and I suppose the hon. gentleman should go further and say that all the inmates in the penitentiaries should be deported.

Hon. Mr. SCOTT—No, we take care of our own criminals.

Hon. Mr. POWER—When does a man become our own criminal? This immigrant may be a citizen of Canada and may be a voter within two years.

Hon. Mr. WATSON—Three years.

Hon. Mr. LOUGHEED—It would depend on how he votes.

Hon. Mr. POWER—It seems to me an extraordinary thing to say that if a man who came here and who was led to commit, say a small theft—

Hon. Mr. SCOTT—No that is not contemplated.

Hon. Mr. POWER—Will the hon. gentleman define what it does mean? A man who takes an article animo furandi—that involves moral turpitude. And if this man, who may have gone out and settled in Alberta on a farm, perhaps after 22 months in the country has stolen ten dollars worth, you can deport him to Hungary or wherever he came from and undertake to say that the railway that brought him out there shall take him back, and then that the steamship company that landed him in Montreal or Quebec shall convey him also. That clause is, to my mind, absurd and will be found utterly unworkable in practice.

Hon. Mr. SCOTT—It is absolutely impossible to administer the department unless there is some latitude. You cannot expect it. Surely the attitude of the minister and the officials would be rather to protect the man if he had been only guilty of a small crime. Moral turpitude means more than the commission of the theft of ten dollars. It means crimes that are sometimes unnameable, and it is not contemplated that we shall permit people who have been guilty of that class of crime to come into Canada.

Hon. Mr. LOUGHEED—The statistics desirable will not be obtainable through the municipality. I am not aware of the municipalities having any machinery for ascertaining statistics of this character. It seems to me the government should look for them from the provincial authorities or from the wardens of the jails or hospitals. May I ask my hon. friend why the term municipality has been put in there?

Hon. Mr. SCOTT—I could not really say. It was supposed that would be one of the sources of information. There would be many sources of information. If some remarkable case was brought to the notice of the authorities, where a man had committed a base crime, before any action would be taken an investigation would be held by the minister, and it would only be in some extreme cases that this power would be exercised.

Hon. Mr. LOUGHEED—It is very desirable that the government should be able to receive statistics of this kind. If this two year clause is invoked I can assure my hon. friend that there is a large field in the west in which he can operate to very great advantage.

The clause was adopted.

On clause 36,

36. The minister or the superintendent of immigration may, from time to time, by instruction to the immigration agent at any port of entry appoint the place at which all passengers arriving at such port shall be landed

Hon. Mr. WILSON—If they are coming by railway from the other side of the line to this side, where do you land them ?

Hon. Mr. SCOTT—At the depot.

Hon. Mr. WILSON—You have no means at the depot of accepting them?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. WILSON—That amendment I suggested would cover it.

The clause was adopted.

On clause 38,

38. No person shall, at any port or place in Canada, for hire, reward or gain, or the expectation thereof, conduct, solicit or recommend, either orally or by handbill or placard or in any other manner, any immigrant, to or on behalf of any owner of a vessel, or to or on behalf of any lodging-house keeper or tavern keeper or any other person, for any purpose connected with the preparations or arrangements of such immigrant for his passage to his final place of destination in Canada, or in the United States, or in other territories outside of Canada, or give or pretend to give to such immigrant any information, oral, printed or otherwise, or assist him to his place of destination, or in any way exercise the vocation of booking passengers, or of taking money for their inland fare, or for the transportation of their luggage, unless such person has first obtained a license from the superintendent of immigration authorizing him to act in such capacity.

Hon. Mr. LOUGHEED—Is this a new clause?

Hon. Mr. SCOTT—It is just to protect him from the shark.

Hon. Mr. LOUGHEED—Is there anything analogous to it in the present Act?

Hon. Mr. DANDURAND—It is in the old Act.

Hon. Mr. SCOTT—It is the result of experience. The provision is enlarged I expect.

The clause was adopted.

On clause 39,

39. No person, whether a licensed immigrant runner, or agent or person acting on behalf of any steamboat company, railway company, forwarding company, or hotel or boarding-house keeper or his agent, shall go on board any vessel bringing immigrants into Canada after such vessel has arrived in Canadian waters, or into an immigration building or on to any wharf where immigrants are landed, or shall book or solicit any immigrant by such vessel, before the immigrants are landed from such vessel, unless he is authorized so to do by the superintendent of immigration or immigration agent at the port of entry where such vessel is to land its passengers.

Hon. Mr. WILSON—Would this clause interfere with a farmer who is desirous of obtaining an employee through any source except the immigration agent from making inquiries and obtaining services of these people?

Hon. Mr. SCOTT—Oh, no. You see by the papers the farmers are at the stations waiting for immigrants. As soon as a responsible person is willing to hire an immigrant, the authorities are only too glad to get rid of him.

The clause was adopted.

On clause 42,

42. If both the immigrant parents, or the last surviving immigrant parent of any child or children brought with them in any vessel bound for Canada, die on the voyage, or at any quarantine station or elsewhere in Canada while still under the care of an immigration agent or other officer under this Act, the minister, or such officer as he deputes for the purpose, may cause or otherwise, or assist him to his said place of destination, or in the effects of such parents or parent to be disposed of for the benefit of such child or children to the best advantage in his power, or in his discretion to be delivered over to any institution or person assuming the care and charge of such child or children.

Hon. Mr. SCOTT—I wish to strike out the 42nd line of this clause. These words were inserted by mistake.

The clause was amended and adopted.

On clause 43,

43. No officer, seaman or other person on board of any vessel bringing immigrants to Canada shall, while such vessel is in Canadian waters, entice or admit any female immigrant passenger into his apartment, or, except by the direction or permission of the master of such vessel first made or given for such purpose, visit or frequent any part of such vessel assigned to female immigrant passengers.

Hon. Mr. POWER—There is one word in line six which might be dropped. It seems to me the words 'or frequent' should be stricken out, and that no one should be allowed to visit those quarters except by permission of the captain. When you say 'frequent,' that means that one might visit it often, and that one of the crew might frequent the quarters of the female immigrants if he had the permission of the Captain. I think no member of the crew should be allowed to frequent those quar-

ters, and should not be allowed to visit them without the permission of the captain.

Hon. Mr. SCOTT—It is simply reiterating.

Hon. Mr. POWER—The hon. gentleman does not seem to take the point of my objection. My objection is that when you use the words 'or frequent,' it means that the officer or seaman or other person on board the vessel may habitually go there. I do not think he should be allowed to habitually go there at all, and that he should not be allowed to visit that portion of the ship without the permission of the captain, and that therefore the words 'or frequent' should be stricken out.

Hon. Mr. SCOTT—It seems to me it is simply emphasizing.

Hon. Mr. WILSON—I could understand that that might do a hardship. Supposing one of the immigrants coming over should take sick, and it was necessary that a physician or some one else should have an opportunity of seeing that patient. The suggestion of my hon. friend from Halifax would prevent anything of that kind, and I think likely that the captain ought to be permitted to give authority or withhold authority.

Hon. Mr. POWER—Yes. I have called attention to it with the view of getting information and I have it.

The clause was adopted.

On clause 71,

71. Any person found in Canada who has come into Canada within a period of one year from any other country by any means or mode of conveyance and who would be liable to exclusion or deportation under any of the provisions of this Act relating to immigrants or passengers arriving by ship or railway train may be apprehended and compelled to return to the country whence he came.

Hon. Mr. SCOTT—A change is to be made there to conform with the previous clause of the Bill. The words 'one year,' in the second line should be stricken out, and the words 'two years' inserted.

Hon. Mr. LOUGHEED—I think my hon. friend is wrong in that, if he will pardon me for saying so. If the person is found in Canada within one year from the time of his arrival, then he may be deported within two years from that time, so that I think the clause is all right as it is.

Hon. Mr. SCOTT—It reads one year.

Hon. Mr. LOUGHEED—Yes, but the one year is given to discover him. My hon. friend does not appreciate the point. The clause gives one year for the government to discover the arrival of the person in Canada. Then from that date he has two years to go on good behaviour and at any time within the two years he may be deported.

Hon. Mr. SCOTT—I would not put that interpretation on it.

Hon. Mr. LOUGHEED—Then he may not be discovered within the two years. This practically gives three years, and I think it is better the way it is.

The clause was adopted.

On clause 72,

72. In any case where deportation of the father or head of a family is ordered, all dependent members of the amily shall be deported at the same time.

Hon. Mr. SULLIVAN—Is not that a bad clause to adopt?

Hon. Mr. SCOTT—It just depends on the condition. You cannot lay down an arbitrary rule. It is not likely to be exercised except in extreme cases. However, I have no objection to moving that the clause be amended, by striking out the word 'shall' and substituting the word 'may.'

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

Hon. Mr. KERR (Cobourg), from the committee, reported the Bill with amendments which were agreed to.

GRAIN INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (207) An Act to amend the Grain Inspection Act.

(In the Committee.)

On clause 2,

Hon. Sir RICHARD CARTWRIGHT—This creates a new grade in compliance with

the request of the people of the western wheat growing region.

Hon. Mr. LOUGHEED—I might say that the section of the country from which I come thoroughly appreciate the action of the government in establishing this standard.

The clause was adopted.

Hon. Mr. BERNIER—I would ask the hon. Minister of Trade and Commerce whether they have taken into consideration the petition sent to the government about the responsibility of owners of warehouses and elevators ?

Hon. Sir RICHARD CARTWRIGHT—That is not referred to in this Bill.

Hon. Mr. BERNIER—Will it come up in another Bill ?

Hon. Mr. SCOTT—My hon. friend has reference to a proposition that some legislation should be introduced by which owners of elevators and warehouses should be liable for grain destroyed ?

Hon. Mr. BERNIER—Yes.

Hon. Mr. SCOTT—That is entirely a matter of civil rights over which the province will have control. It is a matter of contract.

Hon. Mr. BERNIER—Could not that be dealt with by an amendment to the Grain Act ?

Hon. Mr. SCOTT—No.

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

The Bill was then read a third time and passed.

MANITOBA GRAIN ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (206) An Act to amend the Manitoba Grain Act, 1900.

(In the Committee.)

Hon. Mr. LOUGHEED—I should like my hon. friend to repeat that statement in connection with this Bill that he made just now—that petitions have been presented by the western members, and the government take the position that they have no jurisdiction ?

Hon. Mr. SCOTT—That is in reference to grain destroyed.

Hon. Mr. LOUGHEED—To make the owners of terminal elevators and warehouses responsible.

Hon. Mr. SCOTT—I repeat what I said a few moments ago. It is a question of civil rights over which the province has jurisdiction. They can at any time enact a law to provide that in the event of loss of grain the elevator owners or warehouse men may be held liable.

Hon. Mr. BERNIER—But the board of trade take the view that an amendment to that effect could be introduced in the Manitoba Grain Act. If you relegate that matter to the provincial authorities, it might be to a large extent ineffectual. The grain is sent for instance from Manitoba to Port Arthur. Winnipeg is in one province and Port Arthur in another. The farmer has two jurisdictions to deal with.

Hon. Mr. SCOTT—They can follow it.

Hon. Mr. BERNIER—Those who produce and send the grain are not protected.

Hon. Mr. SCOTT—We have no power to affect contracts of that kind.

Hon. Mr. BERNIER—Have those petitions received consideration?

Hon. Mr. SCOTT—Yes, I received a communication from, I presume, the board of trade.

Hon. Mr. BERNIER—Has the government answered the board of trade of Winnipeg?

Hon. Mr. SCOTT—I really do not know; I will inquire and if they have not I will see that an answer is sent.

Hon. Mr. LOUGHEED—That is the answer which the hon. gentleman has just now given on behalf of the government.

Hon. Mr. SCOTT—Yes.

Hon. Mr. KERR (Toronto) from the committee reported the Bill without amendment.

The Bill was then read a third time and passed.

TWELVE MILE POWER COMPANY BILL.

THIRD READING.

Hon. Mr. EDWARDS—With the permission of the House I should like to refer to Bill (183) an Act to incorporate the Twelve Mile Power Company, Limited. I took objections to the report of the committee being taken into consideration today. My reason for doing so was that I objected to a certain portion of the Bill, particularly that declaring it to be a work for the advantage of Canada, and also to the expropriation powers.

As hon. gentlemen are aware, that was only my usual protest. However, apart from that, there is one feature of the Bill which I think is objectionable. I think that the powers are too large, and that they should be confined to the Yukon Territory. With the permission of the House, I will withdraw my request that the amendments be considered at the next sitting of the House, and now give notice that on the third reading of the Bill. I will move that the undertaking shall be confined to the Yukon Territory.

Hon. Mr. KERR (Cobourg). I am authorized by the legal gentleman representing the promoters of the Bill to accept this amendment for the sake of expediting the legislation. I move that the order fixing consideration of the amendments for Tuesday next be rescinded, and that the amendments be now concurred in.

The motion was agreed to.

Hon. Mr. KERR (Cobourg) moved the third reading of the Bill.

Hon. Mr. EDWARDS—I now move that another clause be added to the Bill, namely :

25. The industrial undertakings of the company shall be confined to the Yukon Territory.

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

The Senate adjourned until Tuesday afternoon at three o'clock.

Hon. Mr. KERR (Toronto).

THE SENATE

OTTAWA, Tuesday, July 3, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

IMMIGRATION AND IMMIGRANTS BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (170) An Act respecting Immigration and Immigrants.

Hon. Mr. POWER—In pursuance of the notice which I gave I move :

That the Bill be not now read a third time, but that clause 26 be amended by striking out the words 'nor shall any immigrant be so landed' in lines 13 and 14 of page 6, and substituting the word 'or.'

As the clause reads now there is no exception made, and no discretion is left with the department. It struck me when I read this clause that there had been an error made by the draughtsman. It says :

26. No immigrant shall be permitted to land in Canada, who is feeble-minded, an idiot, or an epileptic, or who is insane, or has had an attack of insanity within five years ; nor shall any immigrant be so landed who is deaf and dumb, or dumb, blind or infirm, unless he belongs to a family who accompany him or are already in Canada and who give security, satisfactory to the minister, and in conformity with the regulations in that behalf, if any, for his permanent support if admitted into Canada.

It appeared to me that the intention was that the feeble-minded and epileptics should be put on the same footing as those who are deaf and dumb, blind or infirm, and that if the persons so afflicted belonged to a family which was already in Caanda, or which should come with him, he should be admitted also. It appears that I was in error, and that this is not a mistake ; but I do not think that alters the duty of this House. If a father and mother come to this country bringing with them say half-dozen children and one of those children happens to be feeble-minded or an epileptic, it seems to me that he should be allowed to come in. As this clause reads either that child is excluded by himself or the whole family are shut out from Canada. It seems to me that that is a proceeding which is diametrically opposed to the spirit of christianity. The

founder of our religion was apparently disposed to look with a peculiarly friendly eye upon people whom Providence had afflicted, and legislation such as this is inhuman, and is contrary to our ideas of christianity. If the afflicted person, no matter how he is afflicted, has a family who are prepared to take care of him, and to give security for his permanent support, then he should be admitted. There might be an exception made in the case of the insane.

Hon. Mr. SCOTT—The interpretation placed by the hon. senator on the clause is not really the correct one. This Bill must naturally be a matter of administration, and it is absolutely impossible to lay down in hard and fast language the policy that shall be adopted under it. I quite concur in all that the hon. gentleman has said in reference to the inhumanity of sending a family back which has with them one feeble charge, and I am quite sure the head of the department will concur, but he must have authority. It must be purely a matter of discretion. You cannot define it.

Hon. Mr. POWER—There is no discretion.

Hon. Mr. SCOTT—I beg the hon. gentleman's pardon, there is a discretion. The law must be violated constantly, and is violated. Powers are really necessary to administer the immigration law and this Bill is required. You must have some sort of confidence in the government administering the law in a humane and proper manner. The feeling will be that any man coming to Canada who can be converted under our conditions into a suitable citizen will be retained in this country, but there are ne'er do well's who will never do any better, and who have been a burden in the country from which they came, and will be a burden in the country to which they go to the end of their days, and it is for that class of people that this power to return is required. There are examinations made at the port, from which the immigrant sails. There are examinations made at the port where he enters, but further examinations have to be made later on, as time develops objectionable features in the particular immigrant. But certainly the Act will be interpreted in the most generous and humane manner possible. Are we not constantly paying for immigrants? Is it not costing us a considerable sum to bring them here? If they are suitable and adapted to the conditions in Canada we certainly are not going to turn them away. The conclusions of the hon. gentleman are not sound, and we cannot lay down for the administration of a department of that kind language that will exactly fit every condition that will arise. I hope the House will not accept the amendment.

Hon. Mr. LOUGHEED—While my hon. friend is on his feet, will he say this is a departure from the past policy of the department?

Hon. Mr. SCOTT—No, it is what they have been doing all along without any law.

Hon. Mr. LOUGHEED—While I am heartily in favour of even the most stringent restrictions being placed on immigrants coming to this country, I would point out that this has not been the policy of the department. It has been expressly provided by the old Act, which we now propose to repeal, that this class of persons had a right to come into the country if they belonged to the family, and with all due deference to the statement made by my hon. friend I must entirely differ from him.

Hon. Mr. SCOTT—Then it has been violated here year after year.

Hon. Mr. LOUGHEED—Subsection 2 of section 17 of the Act provides that if upon examination there is found among such passengers any lunatic, idiotic, deaf and dumb, blind or infirm person not belonging to any immigrant family, and such person is in the opinion of the medical superintendent likely to become a public charge, the superintendent shall do so and so, and such immigrant is deported. I simply point out the fact that this is the old law. I am not saying that I am in favour of it, because I believe in the greatest restrictions being placed on that class of persons; but I must take the position, and my hon. friend will have to concede that it is the correct one, that this is a departure from the policy which has heretofore been pursued under the old Act.

Hon. Mr. WATSON—I think the conditions stated in the old Act exactly carry out this clause. I doubt if the hon. member from Halifax ever heard of hardship having been suffered by any family by refusing to allow such persons to land. This provides for giving the department power to prevent them if they see fit, and I do not think if that is left wide open and we strike out the words in this particular clause and these people are allowed to land that it will be in the interest of the country.

Hon. Mr. SULLIVAN—There is no discretion here. It says: 'No such person shall be permitted'.

Hon. Mr. WATSON—Unless they belong to a family.

Hon. Mr. LOUGHEED—But the first class of persons are prohibited even though they belong to a family. Under the existing law they were permitted to land if they were in charge of a family.

Hon. Mr. WATSON—These people might come in here without any restriction at all.

Hon. Mr. SULLIVAN—Does the hon. gentleman mean to say that a dumb man may not be a very valuable acquisition to any country?

Hon. Mr. WATSON—I do not say that at all, nor does the Act say so, and I do not know that the department, having the power ever knew of a dumb person being turned back; but the department ought to have discretion not to allow those people to come if they see fit to keep them out. We do not want to encourage these people to come here, and we do not want to leave the gate wide open. If the minister is satisfied that a deaf or dumb person belongs to a respectable family, but liable to become a burden on the state, they could ask for security from the family, that the person objected to would not become a burden on the state. Surely discretion ought to be left with the minister.

Hon. Mr. LOUGHEED—That is not the question under discussion. There is no question as to the deaf and dumb and blind and infirm being permitted to come in. The discretion extends to those, but not to the first class, namely, the feeble-minded, idiots, epileptics, and those who are insane. They are absolutely prohibited from coming in. The position I take is that under the old Act the discretion did extend to them, and the medical superintendent would say whether or not the conditions warranted their coming in.

Hon. Mr. WATSON—I do not understand the hon. gentleman from Halifax to find fault with the first part.

Hon. Mr. LOUGHEED—Yes, that is the exception.

Hon. Mr. McMILLAN—As I understand this clause, idiots and epileptics are entirely prohibited.

Hon. Mr. POWER—Yes, absolutely.

Hon. Mr. McMILLAN—While the deaf and dumb are allowed to come in under guardianship of parents or anybody else. An idiot may be a child. As a rule idiots and epileptics are known to be such from childhood—from five to ten or along there. An attack, in the case of a child, before that might not be of an epileptic character. It could not settle into an epileptic character until the child reached 5 or 10 or along there. Such children must come in with their parents, and by this clause you are preventing the parents from entering the country at all. I certainly feel that they ought to be permitted to come, as well as the deaf and dumb.

Hon. Mr. SCOTT—Idiots too?

Hon. Mr. McMILLAN—Yes, idiots as well.

Hon. Sir RICHARD CARTWRIGHT—I might remark to my hon. friends opposite that there is very little doubt that there has been more or less a systematic attempt on the part of certain authorities in the old country and elsewhere to dump on Canada persons who would be a charge on their respective unions, and that having been ascertained by the department to be the case, it is desirable that the department should be armed with pretty extensive powers in order to check any such attempt. I think my hon. friends will agree with me that that should be done. I do not think there is the slightest fear that any great hardship will arise from entrusting the department with these powers. I look upon the clause as one which might be called an

enabling clause; but it is not necessary that it should be executed to the extreme letter of the law. They may rest assured that it is of very great importance to the people of Canada that the quality as well as the quantity of immigration should be looked after. I have always been of opinion that in this country and in the United States, and, for the matter of that, in England as well, the privileges of citizenship have been accorded altogether too freely in a great many cases, and that it would be better if there was a much stricter inspection of immigrants coming into North America. The hon. gentleman knows that the question of the free admission of aliens into England, which country has for a long time been regarded as a sort of natural refuge for all distressed and persecuted people, has led to abuses of a grave character and that there is an extreme probability that the English people at long last will have to revise their attitude upon that subject and take precautions against the admission of aliens of an undesirable character. But the point I make is this: you are granting large powers to the department, a little larger than they had before, but the department may be fairly trusted not to administer these powers in a harsh manner.

Hon. Mr. BERNIER—The clause seems to me to consecrate the principle that government may separate a child from its own family. This, I contend, should not under any circumstances be adopted as a policy of the government. I think the hon. gentleman from Halifax is right, and that the clause should be drafted in some other way.

Hon. Sir RICHARD CARTWRIGHT—I cannot quite agree with my hon. friend. I think the government should have the power

Hon. Mr. McMILLAN—My hon. friend does not quite catch my point I think. A child on its mother's knee may have convulsions which will ultimately lead to epilepsy. The government are taking power to turn that mother and child back at any time within a term of five years to the place from whence they came.

Hon. Mr. POWER—Two years.

Hon. Mr. McMILLAN—I think the clause should be amended so as to allow these people to come in as those who are deaf and dumb.

Hon. Mr. MACDONALD (B.C.)—I would point out to the members of the government that if this class of immigrant is not good enough for Canada, it should not be considered good enough for Great Britain. Is Great Britain to receive these people back?

Hon. Sir RICHARD CARTWRIGHT—They do not come from Great Britain exclusively.

Hon. Mr. MACDONALD (B.C.)—They have broken up their homes and when they land here they are homeless. Supposing Great Britain should say: We will not have them back, what is to become of them? Great Britain might very reasonably say these people have been refused admission into Canada as being useless. and we will not receive them. What would become of the case then?

Hon. Sir RICHARD CARTWRIGHT—The country to which they belong should provide for them.

Hon. Mr. MACDONALD (B.C.)—People from Germany, Italy or Belgium, are landed on the shores of England in this condition, and if I were an Englishman with power to prevent them from landing at all I would do it.

Hon. Mr. SULLIVAN—There is one line in this clause which seems unparalleled nonsense—'Or who is insane or has had an attack of insanity within five years'. You might as well put in the date when he was last intoxicated as to put in a clause like that. I do not know whether any man can tell whether another has had an attack of insanity. I think there have been some acts in my life which would not be considered sane, even less than five years ago. What is the use of enacting such rubbish as this into Acts of parliament? What are the functions of the Senate if they are not to amend legislation so as to make it humane as well as efficient? What is the use of vesting such power in a minister? I grant you that the party in power is the very acme of administrative ability that has been seen in this country up to the

present time, but with all their wisdom and humanity they may make a mistake. The amendment proposed by the senior member for Halifax is simple but effective, one which commends itself to all men irrespective of party, and I hope the hon. Secretary of State will not involve the co-horts of party to frown down this or any other valuable amendment.

Hon. Mr. POWER—I have no desire to limit the powers of the department ; on the contrary, I wish to increase them. Under the provisions of this clause that department have no discretion in this matter.

Hon. Mr. SCOTT—I do not agree with the hon. gentleman there.

Hon. Mr. POWER—The hon. Secretary of State may or may not agree with me. It would be a remarkable thing if the hon. Secretary of State did agree with me when I proposed an amendment to a government measure. Here is the language of the Bill. It is absolutely positive and distinct :

> 26. No immigrant shall be permitted to land in Canada who is feeble-minded, an idiot, or an epileptic, or who is insane, or has had an attack of insanity within five years——

There is no discretion with the department. I say there should be the same discretion left to the department as regards persons of that kind as is left to them with respect to those who are deaf and dumb or blind, or otherwise infirm. He has to belong to a family who accompany him, or who are already in Canada, or who give security satisfactory to the minister and in conformity with the regulations in that behalf, if any, for his permanent support if admitted into Canada. If you put the whole of the parties in the same category, these provisions which I have read protect the country and the government, and we should not ask for any more. That was the old law, and I think the departure from the old law is to be regretted.

Hon. Mr. WILSON—Before this clause passes, I desire to express my disapproval of what the hon. Minister of Trade and Commerce said as to the conduct of the authorities of Great Britain towards immigrants sent out from that country to Canada. I think that the first part of the clause is strongly prohibitive. I do not think there is any power under that clause whereby an immigrant can be brought into the country, if he is in any way afflicted with a feeble mind, and it is difficult to say just what a feeble mind is. We are at times in considerable difficulty when, as medical men, we are called upon to declare whether a person is insane or not, and they have empowered the officer whose duty it would be to inspect immigrants coming into the country, to decide whether a man be of sufficiently sound mind or not. But he is under a still greater difficulty. As far as epileptics are concerned, I think the Minister of Trade and Commerce must admit that we have any number of individuals so afflicted in Canada who are good citizens and are making a good living not only for themselves but for their families. We are well aware that many of those who are deaf and dumb are good citizens. They marry and intermarry and carry on their vocation, farming or whatever it may be, and are useful citizens in performing the ordinary duties of life. Are we to say that such people shall not land here ? Are we to say that England shall not send them to us unless they are accompanied by some one ? After they have been in Canada for a length of time and become known as honest, upright, industrious citizens, doing their best to make a comfortable home here, it would be a hardship for us to send them back, and whether England does or does not desire to get rid of these immigrants, it is certainly inhuman on our part to say that England, in some instances, desires to unload upon Canada, not just what would suit us here, and we are going to shut the door in their face, I say it would be wrong. Then it is provided that no one who is now or has been afflicted with epilepsy shall be allowed to land. My hon. friend must know that epilepsy is not a disease. If long continued, persistent, and of frequent occurrence it may weaken the mind ; but there are hundreds and hundreds of citizens who are suffering more or less with epilepsy who are just as good citizens as we have in Canada. Are we to say that because at some time in their lives they had epilepsy, they are not intelligent now ? As I said on a previous occasion, there is hardly a child between infancy and

five or six years of age who has not been the subject of attack or attacks of epilepsy, and it is urged now as one reason why people are liable to insanity, in case they commit a crime, that in some portions of their lives they have been subject to epilepsy. The law holds them when they are once insane they are liable to continue insane upon certain subjects. These men are often useful citizens. They do their duty in life just as well as any. I object also to this clause in the form it now is on account of the inability to determine whether the weak minded are subject to epilepsy or not. I wish to repeat that there are many deaf and dumb people in Canada to-day. I know many families in that condition who are just as industrious farmers or labourers or workman as we have in the Dominion. Are we to say that they should not be allowed to come into Canada ; that they are not desirable immigrants when we have been making every effort to secure immigration into Canada ? I ask hon. gentlemen under such circumstances why should we shut the door and say that nothing but the best classes shall be admitted here ? We have vast areas of unsettled lands and we have the desire to encourage people to come here, still if clause 26 passes in its present form it will shut out from Canada a very useful and beneficial class. I, therefore, heartily endorse the amendment moved by the hon. gentleman from Halifax, and believe that it is in the interest of the country and in the interests of humanity that the amendment should be adopted.

Hon. Mr. De BOUCHERVILLE—It seems to me there is nothing that the government should object to in the amendment proposed by the senior member from Halifax. It is said that if the amendment is not carried, immigrants who are deaf and dumb shall not be admitted here. Who can say that a deaf and dumb man cannot become a very good citizen ? I have known a successful merchant in Quebec, and I have known scientific and able men who were dumb. But in this clause you do not state whether they are educated or not. That is not the test, but you prevent the deaf and dumb from landing at all. I would vote for the amendment of the hon. gentleman.

The Senate divided on the amendment, which was rejected on the following division.

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Hon. Mr. De BOUCHERVILLE—May I ask the government if they consent to the admission of educated deaf and dumb persons ? They should be admitted ; they will make just as good citizens as others, and sometimes better than the average immigrant.

Hon. Mr. SCOTT—No.

Hon. Mr. POWER—I move that clause 28 be amended by substituting '6 months' for '2 years'. Clause 28 is as follows :

28. No immigrant shall be permitted to land in Canada who is a pauper, or destitute, a professional beggar, or vagrant, or who is likely to become a public charge ; and any person landed in Canada who, within two years thereafter, has become a charge upon the public funds, whether municipal, provincial, or federal, or an inmate of or a charge upon any charitable institution, may be deported and returned to the port or place whence such immigrant came or sailed for Canada.

I discussed this in committee. It is not necessary to discuss it any more. The amendment proposes to substitute for the 2 years, 6 months. That is a reasonable time within which to find out whether an immigrant should be sent back to the country from which he came or not.

Hon. Mr. SCOTT—The period of two years has been fixed from the experience of the department. It has been found that even two years after an immigrant arrives, he

is sometimes found to be a very undesirable person, and should not be allowed to remain in the country. In the United States they have found it absolutely necessary to make the term three years, and we make it one year shorter. It is a power exercised only in extreme cases. We are getting, as everybody knows from the crimes committed in the west and other parts of Canada, persons who are very undesirable immigrants and are a serious menace to our law-abiding population ; and if their character is only discovered after they have been in the country nearly 2 years, surely that should be no ground for retaining an undesirable class of people. If the influence of Canadian life has not had a beneficial effect upon them and reformed them by that time, they should be deported. I think the proposition is a very reasonable one.

Hon. Mr. SULLIVAN—No matter what they have in the United States, we have to consider what is human or humane. Any immigrant who happened to be a professional beggar or a vagrant or a pauper would be found out within six months after his arrival.

Hon. Mr. SCOTT—He may be a professional murderer.

Hon. Mr. SULLIVAN—All that can be found out within six months. I am only arguing against the inhuman conditions of this Bill, and this provision is part and parcel of it. If the hon. gentlemen wish to vote the amendment down, all right, but I contend that no man in this Senate can give a reason why this term of two years should be fixed. If it is following the example of the United States, it is a bad principle, and one that should be avoided instead of being imitated.

Hon. Mr. WILSON—Can the hon. gentleman give us any instance of an immigrant who, after two years residence, has become unfit to remain any longer—who has been all right for the two years he has been here, but at the expiration of that time, it is found that he is unfit to remain longer? It seems to me that it would be a hardship that a person admitted into Canada as being in his right mind perhaps a good citizen for a year or a year and a half, might suffer some misfortune or accident through exposure or other means whereby he becomes afflicted, perhaps through no fault of his own—if he were, under this clause, sent back to the country from which he came. I am sorry that I have to oppose the government in reference to this matter. Reference has been made to the American practice, but we are not to be governed by what is done in the United States. They are charging a poll tax of $2 a head for every person who is admitted into that country now. I do not suppose we would care to follow that precedent. I regard this clause as unnecessarily severe. No doubt there should be authority to deport ; let it be after six months time, in accordance with the amendment moved by the senator from Halifax.

Hon. Mr. WATSON—I would like to say in answer to the hon. gentleman, that I happen to be in a position to know the importance of having a clause of this nature in the Immigration Act. I had charge of the public institutions of the province of Manitoba for nine years, and I know that during that time there was more than one occasion when we would have liked very much to have had a provision of this kind in the law. From time to time people were received in the Home for Incurables, and also in the asylum who become a public charge ; and it is very important to have a provision whereby such persons could be deported instead of allowing them to remain as a charge upon the community. Very often such persons will be employed on a farm for a time, and they are not known to belong to the class I have mentioned within a period of six months or perhaps a year ; but at the end of a year and a half or two years it is found that they cannot make a living for some cause, and that they will become a public charge.

Hon. Mr. SULLIVAN—Will the hon. gentleman submit one of these cases ?

Hon. Mr. WATSON—As Minister of Public Works, I had charge of the public institutions in Manitoba for a number of years. I know of several cases, but I cannot give the details at this moment. There were such cases, however.

Hon. Mr. SULLIVAN—With what disease were they afflicted ?

Hon. Mr. WATSON—I am talking about paupers.

Hon. Mr. SULLIVAN—Could you not find out that a man is a pauper in less than two years ?

Hon. Mr. MACDONALD (B.C.)—What was done with these cases ?

Hon. Mr. WATSON—We simply had to keep them in our public institutions. There are a number of them there to-day.

Hon. Mr. WILSON—In what condition were they when they entered the public institution ? Had they been carefully examined to ascertain whether they were of sound mind, or were they diseased when they went there ? How long had they been in the country as immigrants previously ? Perhaps with these facts before us we might feel that the hon. gentleman is justified in supporting this clause, otherwise we cannot. There is no evidence offered by the hon. gentleman that the people were undesirable when they entered the country and that two years after that they became unsound in mind.

Hon. Mr. WATSON—What is the hon. gentleman referring to ? These people became a public charge, and applied for admission to our charitable institutions, and a number of them are there to-day simply because there was no power to deport them.

Hon. Mr. WILSON—Will the hon. gentleman state whether they were all right, good citizens, and passed the inspection when they went there ?

Hon. Mr. WATSON—No, I do not think they were.

Hon. Mr. EDWARDS—I notice that in the discussion of this clause the two portions of it are confounded. The first part refers to the excluding of professional beggars, vagrants, &c. These are absolutely prohibited from coming into the country. The provision following that does not relate to the class of people I have mentioned. It is a provision affecting any person who may come into Canada. A man may come into this country in good circumstances, a perfectly healthy citizen, but he meets with adverse conditions and from illness or some other cause he becomes unable to support himself and becomes a charge upon the country. I do not think it would be proper that such a man should be deported, and I feel compelled to vote for the amendment.

Hon. Mr. McGREGOR—I agree with the last speaker, but I do not favour the term of six months any more than the two years mentioned in the Bill.

Hon. Mr. EDWARDS—Neither do I, except that it is an improvement.

Hon. Mr. McGREGOR—It is possible that a very worthy citizen might become disabled, and unless it is through drunkenness or some such cause I do not think he should be sent back, if he has met with an accident for instance.

Hon. Mr. De BOUCHERVILLE—I agree with what the hon. senator from Rideau has just said. The second part of the clause does not apply to those who are mentioned in the first part of it, professional beggars vagrants, &c. It might apply to a citizen coming to Canada in very good circumstances. If he should fail in business he is liable to be deported. What right have we to deport a man whom we admitted to the country say a year or a year and a half ago, perhaps longer—it might be as long as 23 months ? What right have we to send such a man back to England, to France, to Italy or any other country ? There is no contract between Canada and the governments of these various countries. We could not do it.

Hon. Mr. SCOTT—There is a considerable amount of misconception in the interpretation of this Bill. Hon. gentlemen will recollect that there were weeks and weeks during the present season when five and six and up as high as seven thousand persons arrived at Quebec. The trains were waiting to take them away. Inspection of these immigrants could not be perfect. It must have been very inferior, because they had to be passed on so rapidly that careful supervision was impossible. There were days and days when a thousand immigrants a day entered the country, and, therefore, undesirable persons in many instances were allowed to pass. This has been the case in years gone by. What has been the practice

of the department ? I am told by one of its officials that within a year they have been deporting undesirable immigrants without any law, yet there has been no disapproval of it in the press or anywhere else. The department exercises the very greatest care, in taking violent action of that kind. It is only where it becomes in the interest of the people in whose locality the unfortunate happens to reside that they exercise that power. During the last year they have exercised that power in 80 cases, as I am credibly informed by the official of the department. When without any provision of the law this has been going on, we are taking no extreme or radical step in conferring on the department the power to do that which has been in the past wisely and judiciously done.

The amendment was declared lost on a division.

The Bill was then read the third time and passed.

GENERAL INSPECTION ACT AMENDMENT BILL.

ORDER DISCHARGED.

The order of the day being called :

House again in Committee of the Whole on (Bill C) an Act to further amend the General Inspection Act.—Rt. Hon. Sir Richard Cartwright.

Hon. Sir RICHARD CARTWRIGHT moved that the order be discharged.

The motion was agreed to.

SECOND AND THIRD READINGS.

Bill (75) An Act to incorporate the Grand Trunk Pacific Branch Lines Company.—(Hon. Mr. Watson.)

THE CONSTITUTION OF THE SENATE.

DEBATE CONTINUED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David : That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.

Hon. Mr. KERR (Cobourg)—In rising to make a few observations upon the question now before the House, I do not do so for the purpose of attempting any serious discussion of the subject. That has already been well accomplished. I rise more to call the attention of this honourable body to some matters which, to my mind, affect this Chamber, although they may not be entirely irrelevant to the subject before the House. In the first place I wish to offer my very hearty congratulations as well as thanks to the hon. gentleman who launched this motion, and for the very able, intelligent and finished manner in which he placed his views before the Senate. I think the members of this House are his debtors. I may say that all the speeches which followed, according to my view, have been very valuable, very instructive, and of a very high order of merit. I do not intend to particularize. If I should venture to do that—which I might do perhaps without being considered individious—and if I had any intention to discuss the subject, I would perhaps be tempted to make this observation, that the right hon. senator from Kingston (Sir Richard Cartwright) has, to use an agricultural phrase, cut such a wide swath by his speech that he has covered nearly the whole field of discussion. There is little left, as I see it, for one at this stage of the debate, but to use simply his sickle about the fence corners, or an occasional stump, so thoroughly has the subject been discussed.

All history, ancient and modern, teaches this lesson, that every great movement in the moral, intellectual and political world is rather the offspring of the necessities of the times than the legitimate child of any one genius, however mighty.

Although Columbus was the first navigator to turn his prow towards the western sun and is entitled to great glory for his sublime faith in the existence of a western world, still there was at the time a spirit of unrest in all Europe, people apparently looking about for a land wherein they might work out their social regeneration in peace, free from many of the trammels of the old world. That is a case that illustrates the proposition which I stated. The invention of printing was another, and the cases are obvious and need not be multiplied to establish the truth of the proposition. So in

Canada the time came, and the movement came when it was necessary for the peace, happiness and contentment of the people on this North American continent to do something, and that great movement was inaugurated largely, although the child, the offspring of the times, by Sir John A. Macdonald, and the Hon. George Brown. Canada had been, so to speak, in political travail for fifty years, and the result was the British North America Act, known as our Act of Confederation, and, as I see it, this discussion involves largely the existence of that Act—certainly its very existence in its present shape. The question is whether we shall end or mend this Act as a branch of the Canadian parliament. For my part I hesitate, and approach the subject with fear and trembling. The British North America Act was not the creation of a day, although when it was launched it was like Minerva from the brain of Jupiter, it came forth full grown and clad in armour. In the wisdom of the fathers of confederation, having the political systems of the old and new world before them, being at liberty to choose, these 33 or more able, wise men—men I am bound to say greater than whom have not yet appeared—framed the basis of confederation, and we are undertaking to say whether we shall abolish, reorganize or reconstitute some of their work. It is a pretty serious undertaking. I hesitate when I know that this body, a second Chamber called the Senate, was intended to be, and has been, as I contend, the bulwark of our liberties, the palladium and the safeguard of all the provinces, to tamper with the powers with which it is invested. What may be the case of the smaller provinces, looking at the great future before this country, may be the case of the largest province to-morrow. Besides, in my opinion, the prestige, the dignity, the powerful influence of the Canadian parliament would be immeasurably impaired by the abolition of one branch of that parliament. The parliament is now looked upon by the provinces as the imperial parliament is looked upon by colonial parliaments, although I have during most of my life every now and then heard men advocate the abolition of the House of Lords, that higher and second Chamber, in England. I have never taken that view. I think the House of Lords in England has fulfilled a mighty and a useful mission on the earth, and I hope that it will be many a long day before the House of Lords will be abolished, as I hope it will be many a day before this Senate, which is modelled on the British parliament will meet with such a fate. Look at the influence of the House of Lords in England. We need not go back further than that terrible war in South Africa. We are sometimes prone to underrate and speak lightly of the House of Lords and its personnel and ability, but we found them on that occasion respond with alacrity to the call of duty, and some of the noblest, the flower of the British youth, laid down their lives, and poured out their blood in the defence of the British empire, setting an example to all future generations of pluck and bravery unsurpassed. It is said that the Senate of Canada has not fulfilled its high mission. I controvert that proposition. I have been a pretty close student of the affairs of this country since 1867, some 39 years, and I assert without fear of successful contradiction, that the Senate of Canada has been a success. You judge the success of anything by the way in which it answers its purpose and fulfils its mission. But perhaps the Senate might have occupied a higher position in the estimation of this country than it does. The Senate of Canada has never had fair-play from the people of this Dominion, owing, possibly, to want of knowledge of its functions and its work. Both political parties are guilty in this respect, the Liberal party leading, and the Conservative party now largely following their bad example. For eighteen or twenty years I heard nothing but disparagement and evil prophecies of the Senate, and to-day not only are the opponents of the Liberal party following their bad example in this respect, but occasionally the press of the Liberal party is even now found saying uncharitable and untruthful things about the Senate. This body, as a legislative body, and as a branch of the federal parliament, is not as well known as it should be. Its usefulness is not as well known as it should be, and it is our duty to see that it is better known, but I do not say that it is necessary to reorganize our constitution to accomplish that result. I have very great faith in what can be done by the individual members of this House, no matter

whether they are appointed or elected. I have great faith in the reformation of the Senate through the reformation, if possible, of every individual member of it. My idea is now, and has always been, that every man who finds a place upon the floor of this House is constitutionally bound to give this country of his best, while he is here, and if we do so we will not hear so much said in disparagement of the Senate. It is impossible to pass a day in travelling on the railway or in any public place without having ones ears offended in this respect. Only last year I happened, in another place to hear an ex-minister of the Crown rise in his place and speak of this Senate as a dead House. The remark was made sotto voce, that the Senate was not morally dead. We should be able to say in this Chamber that

> Then, none were for the party ;
> Then, all were for the state ;
> Then, the rich man helped the poor,
> And the poor man loved the great.

I have now in my hand a copy of a very prominent Liberal paper published in the province of Ontario in which this paragraph occurs :

> The country must make up its mind that the more or less unnecessary existence of the Senate for many years to come will have to be endured.

Imagine such a thing appearing in one of the first papers of this country. I have a great admiration for the press, because, on the whole, it aims to write up that which is right and to write down that which is wrong ; but for some reason or other the Senate has been a target during the past 39 years for a large portion of our Canadian press ; and the wonder is, not that the Senate does not stand better to-day before the people of Canada, but that it has any standing at all. If my poor words can have even this effect, to call public attention to the great wrong which is being done, I shall feel that they have not been in vain. I look upon this parliament as having been largely —so far as circumstances would permit— modelled on the British parliament, and I believe that this Chamber is the nearest we could get to the House of Lords in England. We can make it just as useful here if not more useful in this young and expanding country, than even the House of Lords is in England. Perhaps I have said enough on the question of the abolition of the Senate. I will now come to the second branch of this motion which speaks of the reorganization of the Senate. My view is, and I believe it is good logic—logicians say it is—that the onus probandi or burden or proof of showing that a change is necessary or desirable, is upon those who advocate that change. So that if there is to be any change in our constitution, I ask those who propose a change to show that what is proposed is better than what we have. I claim that we should act in that scriptural text which says : 'Prove all things, hold fast to that which is good.' Some hon. gentlemen will recollect that in their classical readings, some of the nations of Greece had a very peculiar law or custom. I think it prevailed among that nation of the Greeks called the Lacedemonians, who were very conservative of the existing state of things and of their constitution. That law or custom was : that any man who would advocate a change in the existing law which had worked well for a number of years, was to be accompanied into the market square or into the capitol grounds, and before he was allowed to propound his measure or change of the constitution, a rope was put around his neck, and he was to propound his measure in the presence of the assembled citizens or electors. The object of the rope was this : If his measure met with favour as he propounded it, a mighty huzza from the people went up, but if it was received with disfavour the rope was tightened, and the would-be aspiring lawgiver ceased to live or breathe. Sometimes I think when there is a desire to change laws too frequently in Canada, the exercise of such a practice would be wholesome. A public man proposing a reorganization of the constitution would feel his ground pretty well before running the risk of propounding his measure in a public square to the assembled people, and having that rope tightened. In fact looking back at some of the speeches we have here,—and we have had some going pretty fully into what they thought would be a desirable reorganization of the constitution of the Senate—I wondered if that rope was to be pulled if we would not sigh sometimes for 'the touch of a vanished hand and the sound of a voice that

was still.' The point I want to make is this: and I do not think any senator listened to this debate with more patience and desired to listen more intelligently than I did—that as at present advised I do not believe it to be in the best interest of the Dominion that this Senate should be abolished or reorganized. Why should we reorganize? I do not know. We have two able statesmen, members of the government in this House, and we are all proud of them. I should like to know from them is it not possible, in the face of our present constitution, to introduce a larger volume of private legislation in this Chamber, and if it is work we want, my own view is there is plenty of work and it could be got in that way. I do not see why more government measures might not be introduced. There is one Bill now before another place which I think could very well have been introduced here. We need not re-model the Senate to give us work, or to make us do our work more thoroughly or efficiently. The want is not in us, but in others if there is any shortage. The British North America Act has been in operation in Canada with this Senate as one branch, and I contend a very important branch of the federal parliament and if we look at the results, where could they be found greater and grander? We have from one end of the country to the other abounding prosperity. We have an overflowing treasury, with mild but wise taxation. The British North America Act has been the chart by which this country has been steared the last 39 years, and we have a safe guide in that chart. True, our ship of state, during that time, has been well captained and well manned, though possibly not so bountifully provisioned as a certain ship that recently sailed for high latitudes. In the Mediterranean in a certain locality, two dangers are to be met which threaten the marine, called Scylla and Charybdis, and skilful pilots in avoiding the one sometimes wreck their ships upon the other. Is there not some danger to ourselves in avoiding some evil that we think we have, of wrecking the ship of state on other evils that we know not of? I think that is worty of consideration. I said that the result of the working of the British North America Act has been most salutary and successful. Besides there is a certain amount of respect due to the framers of that Act. They had had experience of elected chambers and nominated chambers before their eyes, when they worked out the present scheme. I want to speak further of the success of the British North America Act. It has given the country prosperity in the highest degree. The merchants and manufacturers of Canada are prosperous and happy. The banks of Canada are on a sound business basis, as sound as in any other part of the world, as I sometimes playfully say every prospect in Canada pleases and only man is vile. If you want another sample of the great success of the operation of the British North America Act I point you to our citizen soldiers. It comes to me by observation during the last week or ten days, and I contend that they are the very best in the world. If you want any more evidence of their courage, patriotism and usefulness, their conduct at Pretoria and Harts River give the answer. If you want men of science, where does the greatest university in Great Britain look for highest scientific minds? They look to the western world—not only look to the western world but they select, of all the men in the old and the new world available, a professor in a western university, and happily that one a Canadian. Then if you want men of nerve, men of endurance, athletes that have no peers in the world, listen to the mighty shouts that go up from the Plains of Marathon in celebrating the victory of a Canadian in that famous race. So that in every walk of life, in all the departments of industry, everywhere amazing prosperity abounds, notwithstanding the Senate is said to have a few defects. The most perfect of human institutions are only tentative—must necessarily be imperfect, but any imperfection on the part of the system can be greatly ameliorated and greatly overcome, and its usefulness greatly helped and enlarged by the operators of an institution and we are the operators of this Senate. I hope that this discussion will be productive of good. In what I have said I have not intended in the slightest to show my lack of appreciation of the theories that others have suggested. Perhaps the time has come when it should be said, and I am sure hon. gentlemen will all agree with me, that what has been said could not be better

said than it has been since this debate began. That this discussion may be productive of good is my hearty wish, as I know it is yours. Canadians to-day are the 'heirs of all the ages in the foremost files of time.' Think of such a legacy ; let us see that we use it well :

Not in vain the distance beckons, forward, forward, let us range,
Let the great world spin for ever down the ringing grooves of change,
Through the shadow of the globe we sweep into the younger day,
Better fifty years of Europe than a cycle of Cathay.

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

The motion was agreed to.

It being six o'clock the Speaker left the Chair.

After Recess.

BILL INTRODUCED.

Bill (90) An Act to incorporate United Empire Life Insurance Company.

THE USURY BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (11) An Act respecting Money Lenders.

The Bill was read the first time.

Hon. Mr. SCOTT—This Bill was distributed in the House of Commons form and has undergone no change except a reduction in the rate of interest from 6 per cent to 5 per cent. It is a Bill which has already been passed by this Senate on two different occasions. The only change in the present Bill is that the Act shall not apply to any loan or transaction to which the whole interest or discount charged, or the collection therewith does not exceed the sum of 50 cents. That is the only difference in this Bill from the Bill that was adopted by this Chamber. Hon. gentlemen are aware that for the last two years and longer an agitation prevailed, particularly in the leading cities of the Dominion, especially in the city of Montreal, and to some extent in Toronto, in regard to this question. The press have frequently drawn attention to the extortions that were being practised on poor people obtaining small loans of from fifteen to fifty dollars and paying interest in many instances at a rate over one hundred per cent, the interest being collected by the week or by the month. In the city of Montreal there is an organized association which is carrying on a very large business, controlled it is said chiefly by United States operators, who have put in a good deal of capital, finding the business a profitable one.

Hon. Mr. MACDONALD (B.C.)—What is the limit now for usury ?

Hon. Mr. SCOTT—The proposal in this Bill is that no higher rate than 12 per cent per annum may be charged. An hon. gentleman who is familiar with the trade in Montreal says it will drive out the majority of those who are engaged in the business. If a higher charge is exacted in the first instance by way of a discount it is in the power of the judge, if the case should come into court, to inquire into the circumstance and fix such rate of interest as he thinks fair under the circumstances.

Hon. Mr. LOUGHEED—Did I understand my hon. friend to say that this Bill is precisely the same as the Bill which on two other occasions we passed here, except as regards the rate of interest ?

Hon. Mr. SCOTT—So I am informed by the law clerk of the House of Commons, but there is the clause which I read where the amount is not over 50 cents. I presume the House will have no objection to suspending rule 41, and allow the Bill to go to committee to-morrow.

Hon. Mr. WILSON—Will the Bill be sent to the Standing Committee on Banking and Commerce or will it be considered in Committee of the Whole ? If the latter course is adopted it would be of no use my notifying the parties who are opposed to the Bill ; but if it is to go to the standing committee, I would take the opportunity of notifying these parties in Toronto.

Hon. Mr. SCOTT—As a rule, unless under very extraordinary conditions, a Bill of this kind is considered in Committee of the Whole House.

Hon. Mr. ROSS (Halifax)—I suppose if these parties from Toronto were to come

here they would come specially to ask for a reduction in the rate of interest, even lower than what the Bill provides for? I have seen these gentleman from Toronto before, and their arguments were simply outrageous.

Hon. Mr. WILSON—They are not Scotchmen, they are Canadians, who desire to carry on their business.

Hon. Mr. ROSS (Halifax)—I hope there are no Scotchmen in this country, I know there are none in the province of Nova Scotia, who would think of charging 12 per cent interest on a loan. You can get all the money you want from the banks in Halifax at from 5 to 6 per cent, and from the brokers at from 7 to 8 per cent. If I were to make any objection at all to this Bill, I would say that the rate of 12 per cent is out of all reason and I would be glad to see a further reduction. It is almost scandalous that money lenders in this country should be allowed to charge 12 per cent interest at this day.

Hon. Mr. McMULLEN—I regret that we have not had the privilege of carefully perusing this Bill before giving it a second reading. I suppose since it is not very long we may be able to study its provisions tomorrow before going into committee. It is an exceedingly important measure. I do not know how far the government may be able to put a stop to the extortions which are practiced in charging excessive rates of interest. I am very much afraid that those people who have been in the habit of extorting in the way of direct interest will find some methods of getting around it, and will keep on doing the same thing in another way. I know that the laws in most of the states provide that they shall not charge more than six per cent or eight per cent, but, after all, the money lenders find some means of getting round the law and in many cases, charge 20 per cent and the way they do it is this: If a man goes to one of those people to borrow money he will tell him he has not any to lend, but if he will call upon such a man he will direct him where he can borrow it. He calls on that man and asks for a loan of money. The man asks him how much he wishes to borrow, and says to him: 'If you want to borrow the money I will get it for you if you will pay me 10 per cent.' The borrower pays the usurer 6 per cent and 10 per cent to the middle man who hands over 8 per cent to the usurer and in that way the usurer gets 14 per cent. There are very many ways of getting round such a law. For that reason I should like to have an opportunity of looking into the Bill before we go into committee.

Hon. Sir MACKENZIE BOWELL—Is the Bill we have before us the Bill that passed the House of Commons?

Hon. Mr. SCOTT—No, the difference is that the 6 per cent is changed to 5 per cent in clause 3, and in clause 6, line 18. and line 22. Then there was the change which I read to the House a few minutes ago a new clause. I have called attention to the amendments made by the House of Commons.

Hon. Mr. LOUGHEED—While the question raised by my hon. friend from Elgin is worthy of some consideration, it might be said that on two previous occasions those opposed to the Bill had an opportunity of appearing before a select committee of the Senate, and it is not at all likely that if they were to appear again before a select committee, the mind of the Senate would be changed on an important question like this. It is very desirable that the Senate should keep in touch with public opinion, but in my judgment public sentiment is so strongly in favour of the passage of this measure, and that sentiment has been so peculiarly voiced by the press during the races between last session and the present, that I think we should have no hesitation in dealing with the Bill in Committee of the Whole, entirely irrespective of the views of money lenders outside, who may be opposed to it.

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

The Senate adjourned until 3 o'clock tomorrow.

THE SENATE

OTTAWA, Wednesday, July 4, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

GRAND TRUNK PACIFIC BRANCH LINES COMPANY BILL.

THIRD READING.

Hon. Mr. CASGRAIN (De Lanaudière), from the Committee on Railways, Telegraphs and Harbours, reported Bill (75) An Act to incorporate the Grand Trunk Pacific Branch Lines Company, and moved concurrence in the amendment thereto.

The motion was agreed to.

Hon. Mr. WATSON moved that rule 70 be suspended, which was agreed to.

Hon. Mr. WATSON moved the third reading of the Bill.

Hon. Mr. MACDONALD (B.C.)—It will be within the recollection of hon. gentlemen that we adopted or affirmed a certain policy this session with regard to two subjects. One of these was that no railway should have the exclusive right of running through Yellow Head Pass. That was agreed to by the House and made a part of several Bills relating to railway companies who were seeking the right to construct roads through that pass. The other point was that no railway should be allowed to build toward Hudson bay for fear of jeopardizing the financial arrangements of the Canadian Northern Railway. It was pointed out that the Canadian Northern had built a number of miles of road in the direction of Hudson bay and that they should not be interfered with by granting charters to any other line intending to build in that direction. My hon. friend who has charge of this Bill was one of the strongest advocates of that policy, and other hon. gentlemen, the senators from Wellington, Elgin and Prince Albert also took that view ; the consequence was that in the case of two or three different railway charters the clause giving power to build to Hudson bay was dropped. The hon. gentleman from Portage la Prairie also spoke of some of these other charters as blanket charters. If they were such, I would like to know what this is ? It covers the whole Northwest country and a great part of British Columbia ; I think there are about 12 different branches. If the others were blankets, this I think would be several bales of blankets. Many of these branches never will be built ; they are just to cover the ground in the meantime, which of course is useless. It would not keep out any other company unless parliament chose to give one particular company a monopoly. I do not desire that the House should act on the principle of making a difference whose ox is gored ; I think we should act fairly toward all companies. Why should this company be more favourably dealt with than any other company desiring power to build to Hudson bay ? I ask the hon. mover of the Bill why he goes back on his own principles and asks members of this House to swallow theirs to pass a measure of this kind ? It is not consistent ; it is not fair to other companies and the hon. gentleman was one of the strongest opponents of this kind of thing. I do not intend to move an amendment, because I think the House was wrong then, and I also think the Bill is right now, but it shows the inconsistency of members opposing the same principle in other Bills. Let the first company that comes have the first chance to go to any part of the country it wishes to go, consistent with the rules and regulations of parliament. I want to ask the hon. gentleman from Portage La Prairie—and I want an answer—why he has departed from his principles and supports this measure ?

Hon. Mr. WATSON—I think the hon. gentleman must be mistaken. If he will look at the records of this House he will not find that I ever opposed a Bill for the reasons he has assigned. I opposed a measure this session because I claimed it was a charter held by a speculator for the purpose of disposing of it to some other persons. If the hon. gentleman will read my remarks in the Debates he will find that I mentioned the Bill now before us. I was always in favour of permitting companies to build any line they wished. I objected to the principle of compelling companies to come here to ask for power to build roads. My contention was that we should have a general railway Act, and that the Canadian Pacific

Railway, the Canadian Northern Railway or the Grand Trunk Pacific, or any other railway company should simply file their plans and build their roads under the general Act. In the debate the hon. gentleman refers to, I mentioned this road as one that might be built, and that is one of the reasons I gave why we should reject a speculative charter to Hudson bay. I never opposed it on the grounds that the Canadian Northern had the right to build there and it was going to interfere with their financial arrangements. I have always advocated the building of this road. The Grand Trunk Pacific, in this Bill, are simply getting the same power that the Canadian Pacific Railway had 25 years ago. All they had to do was to file their plans and go ahead and build. I should like to see the Canadian Northern Railway have the same privilege. I do not think it should be necessary to compel the Canadian Northern Railway to come here and put up a lobby to get the privilege. We should change our policy, so it would not be necessary to have so many Bills passed. All they should have to do would be to file their plans and proceed with the work. That is my explanation, as far as the Yellow Head Pass is concerned. The Grand Trunk Pacific had the power to build through Yellow Head Pass under their charter. I do not think any one will object to their building railways through this country, but I do object to speculative charters. We cut off part of their Bill in the Senate, and I think the House of Commons cut off the other part of it. I am not changing my policy. I have been consistent all the way through, and for that reason I have no hesitation in supporting this Bill. I trust the House will pass the third reading. Only one word has been changed. We are near the end of the session and it has to be sent back to the House of Commons.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman cannot discriminate as to what is speculative and what is not. It just suits the purpose of a member to say that a charter is speculative. There is no foundation for it.

Hon. Mr. WATSON—I may be wrong.

The motion was agreed to.

The Bill was read the third time and passed.

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PACIFIC AND ATLANTIC RAILWAY COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. WATSON moved concurrence in the amendments made by the House of Commons to Bill (K) An Act respecting the Pacific and Atlantic Railway Company.

Hon. Mr. LOUGHEED—I should like to ask my hon. friend who has charge of the Bill what is the purport of the amendments? Is it the intention to exclude the branch lines and not have them declared works for the general advantage of Canada, thus leaving part of the undertaking under federal control and the branch lines under provincial control? It seems to me a rather extraordinary proposition to adopt.

Hon. Mr. POWER—That is substantially what the amendment is. They do not propose to declare the branch lines to be for the general advantage of Canada. They limit the operation of this Bill before us to the main line. There is some inconsistency about it, but at this stage of the session it would probably be fatal to the Bill not to concur in the amendments.

Hon. Sir MACKENZIE BOWELL—Before concurring in the amendments, we should understand exactly what their purport is. In looking over them I came to the same conclusion that my hon. friend from Halifax has reached. This is one of those Bills exclusively provincial in its character as it passed the Senate, and gave extraordinary powers. I have some recollection of a remark attributed to an eminent English parliamentarian who had been fighting the House of Lords for several years, but found them in one instance useful. He said: 'Thank God there is a House of Lords.' I think we may well thank Providence that there is a House of Commons to revise the extraordinary provisions of Bills that the Senate, the supposed revising body, passes. Here we have a Bill that has been on the statute-book of the province of Ontario for some 20 years, which has been altered and amended over and over again, until the last attempt that was made to renew the charter by the provincial legislature proposed certain restrictions and conditions which the company must observe be-

fore they could go on with the construction of the road, not one of which restrictions and conditions has been complied with. Not being able, in the province of Ontario, to obtain any further concessions they come to this parliament, declaring the work to be in the general interests of the Dominion, and we—not only the committee but the Senate—comply with their request, giving them still further powers and renewing the powers they had under the old charter, and without any of the conditions contained in the last charter they had from the provincial legislature. The House of Commons now has lopped off, if I may use such an expression, some of their powers. They have powers to construct a number of branch lines. The Bill as it comes before us, if we adopt those amendments, simply confines its provisions to the main line, and the branch lines which they have power to build under the Ontario charter, will not be a portion of the work under federal control, but will come under the control of the Ontario Railway Commission. The main line, having been declared to be in the general interests of the Dominion, will come under the control of the Dominion Railway Commission. These are the provisions of the Bill if these amendments are concurred in.

It will strike every one, as reasonable that if the work is to be declared to be in the general interests of the country the branches should be regarded as a portion of it. If on the contrary, it is to be considered a purely provincial road, then the Dominion should have nothing to do with it and it should be allowed to remain under the control and management of the railway commission which has lately been appointed by the government of Ontario. I do not hesitate to say, without casting any reflection upon those who differ from me on this point, that we have been granting charters which interfere with provincial autonomy in a reckless manner that is unprecedented in the history of the Senate. If this is to be continued it would be much better to have the constitution changed at once and bring all railways under the control and management of the Dominion. I repeat what I said in the committee, if the constitution had to be remodelled I would rather see all the railways in Canada under one control—the control of the Dominion; but that is not the constitution as it exists, and every time we pass a Bill of this character we interfere with the constitutional rights and the autonomy of the province through which the road may run. I am not going to ask for a division upon these amendments. I am glad they have been made because they will tend to frustrate the designs of the speculators who have had this charter under their control, but who have done nothing under it during the past 20 years. They have, I believe, secured the control of some island in one of the lakes which is considered to be valuable as a port of entry and they have filed their plans in the Railway Department. Beyond that, nothing has been done. Whether they will go on during the next 20 years or not, time alone can tell. I presume if they can sell the charter and obtain a little money out of it, that is about the only object they have in view.

Hon. Mr. LOUGHEED—I venture the opinion that the amendments which have been made by the Commons are illogical, inconsistent and unreasonable in view of the fact that both Houses have consented to the proposition that the work is one for the general advantage of Canada. Now, entirely apart from the merits or demerits of the Bill, as pointed out by the hon. gentleman from Belleville, what is the meaning of the amendment? It means that this road —because it must be treated as one road, the branches are as much a part of the system as the main line—is brought under two different systems of railway administration. Shippers who require to use the main line and who wish to invoke the aid of the railway commission as to the adjustment of freights, tolls, &c., would look to the federal commission for relief; but a shipper who is on one of the branch lines would have to invoke the aid of both the provincial and federal commissions for the purpose of obtaining an adjustment of any differences which might arise. Is that a precedent which we should sanction? I venture to say it is not. In the future this proposition will confront us, and if we are asked to sanction legislation of this character in the future, we will be told in connection with

this Bill such and such action was taken. I think this is peculiarly a case which should be recomitted to the Railway Committee so that the matter should be discussed in its entirety. If this is a Bill which should not be declared to be for the general advantage of Canada, then parliament should certainly not grant the legislation which is now being granted. If it is a Bill that comes within the purview of the provision of the British North America Act by which we might declare the work to be one for the general advantage of Canada, then the entire system should be made a federal system. It should not be partly federal and partly provincial. While I do not desire to throw any impediment in the way, I shall move that these amendments be not now concurred in, but that they be recommitted to the Railway Committee for further consideration.

Hon. Mr. POWER—I gather from the remarks which the hon. leader of the opposition has made, that his idea is that when the Bill is referred to the Committee on Railways that committee would be at liberty to go into the whole question of the Bill. I submit that that should not be the case. The Bill was before that committee and was reported from the committee with the clause in it which it is proposed to amend, declaring that the work is for the general advantage of Canada. The House adopted that report, and I think it would be an inconsistent and unparliamentary procedure for us to refer the whole question to the committee again. The only thing which we could refer to the committee is the amendments made by the Commons.

Hon. Mr. LOUGHEED—That is the motion I made.

Hon. Mr. POWER—I concur in the observations made by the hon. gentleman from Belleville and the hon. leader of the opposition. We have gone further, I think, this session than usual—at least it has happened that there have been more Bills before us this session where purely local works were declared to be for the general advantage of Canada, than during any previous session I can remember. It is a most unsatisfactory condition of things that purely local roads should be declared to be for the general advantage of Canada, simply because they happen to cross roads coming within the jurisdiction of the Dominion parliament. It has been stated in another place, I understand, that there is to be a conference between this government and the provincial governments during the recess to deal with the relations between the various governments; and I trust that the Dominion authorities will take steps, when that conference is held, to have some definite policy laid down so that if a road is a purely local road it shall not be held to come within the jurisdiction of this parliament. We shall then have no more legislation of this objectionable character. We have done this thing so often this session, however, that we can hardly draw the line at this particular Bill. As I understand this measure, the committee agreed to the declaration that it is a work for the general advantage of Canada on the ground that it connected at the Soo with roads leading to the United States, and with the roads of companies which are chartered by this parliament, and I do not know that under the circumstances we can very well say that the measure should not be passed. Of course we can decline to accept the amendments from the House of Commons, and put the responsibility on them.

Hon. Mr. McMULLEN—I entirely concur with the remarks of the hon. gentleman from Belleville and the remaks of the hon. member from Halifax. There has been more legislation by parliament this session in the way of granting local charters, and for exceedingly short lines, than has ever before been granted from the date of confederation down to the present time. I have no recollection of any session when there were so many local charters granted for short lines, some no longer than four or five miles, and in one case, in Manitoba, we granted a charter not only within the bounds of Manitoba, but within the limits of one corporation, of one town, where we have granted a charter for a road that was declared to be for the general advantage of Canada. We have gone out of all bounds, in my humble opinion, this session in violating the principle of local rights or provincial rights. The premiers of the different provinces I understand, are to meet this year,

with the Dominion government to discuss many questions that affect the legislation, both in Ottawa and in the several provinces. I earnestly hope the government will come to an understanding with the local authorities as to where the lines are to be drawn between the powers exercised at Ottawa in granting charters, and the powers to be reserved to the provinces to be exercised within their limit. If electric lines—and in my humble opinion electric lines should be subject entirely to provincial legislation—are to be relegated to the provinces, let us have an understanding to that effect. If lines absolutely within one province, short lines, are to be relegated absolutely to the province, let it be so. I agree, however, with the remarks dropped by the hon. gentleman from Belleville ; I do think it would be better if an understanding could be come to that all railways that exchange freights with each other, or cross each other should be declared to be works for the general advantage of Canada. We have been so long now legislating with regard to railways in the different provinces, and throughout the Dominion, that it has become a settled fact with the commission that has been appointed, that railways of the kind that I have referred to have been looked upon and even treated as, and really are, works for the general advantage of Canada. Then I think the central authority with the railway commission should have the oversight and control of those roads, but let it be understood that such is the case. Let us know where we are. Let us know whether we are exercising the powers vested in us here prudently, and at the same time recognizing the rights of the provinces. I think we ought to know that and I hope the government will have a declared policy upon the whole question before parliament meets again. There is another point which the hon. gentleman from Belleville has drawn attention to, and which I think we should emphasize; it is this: we have from session to session been renewing charters of railways where they have had a chartered existence for two years and five years. Nothing has been done, no work performed, no surveys made. The company come back at the end of 5 years and ask to have that charter renewed for 2 or 5 years more, making the most plausible excuses that possibly can be made to get the new legislation.

We have done that in many instances, and I venture to say that with very few exceptions those charters were obtained for speculative purposes. The parties that controlled them are in the market to sell them for whatever they can get. Parliament has no right to encourage that kind of thing. We have had experience in the past and we should lay down the principle that if any company comes back to parliament for a renewal of powers, they must show that they have made certain progress in the way of constructing their lines, and if they fail to do so then the charter should be forfeited. The fact that they have not done anything clearly indicates that they are holding the charter simply for speculative purposes. I have it from a high authority that one of the principal lines traversing Canada has been obliged, in order to get rid of obstructing charters, to compromise and buy out the holders of those charters. Parliament is not helping forward the development of a country in granting speculative charters of that kind ; on the contrary we are virtually restricting the development of the Dominion. We are throwing barriers in the way of legitimate companies, who were they not fettered and schackled by conditions of that kind, might make valuable progress. We have three transcontinental lines of which we have a right to be proud. The Canadian Pacific Railway, the Canadian Northern and the Grand Trunk Pacific. I am willing to concede to these companies any reasonable concession or extensions they seek, but when we come to granting charters to others who will only interfere with them and impede the carrying out of these grand undertakings, I say we should hold our hands. Fifty per cent of these charters, I believe, are held for speculative purposes. If we are spared to meet here next session we should have a distinct understanding with the holders of charters who ask for renewals or extensions that they must show that they have done a certain amount of work and are endeavouring to carry out their undertakings ; otherwise we should not renew their charters.

Hon. Mr. WATSON—If the motion of the hon. leader of the opposition prevails, it means simply killing the Bill for the session. The promoters of this Bill appeared before the Railway Committee and satisfied, I think, a large majority of the committee that they should get the legislation. The promoters explained that this project is part of the old Soo system inaugurated some years ago when Mr. Clergue was looking after the industries established at the Sault. The committee was satisfied with the explanation given, that it was necessary that this legislation should be granted. So far as the amendments are concerned, according to the hon. member from Belleville —and I do not say that I disagree with him —they are in the right direction. If the Bill was bad before, it is not so bad now since the branch lines have been cut off; but the explanations given by the promoters have convinced the committee that this work, the main line at least, should be declared for the general advantage of Canada. In the language of our hon. friend from Wellington I would say we have been bad sinners; we have sinned a lot this session, but do not sit down on this Bill at this late stage of the session. If the committee had not been convinced that it was important to pass this legislation they would not have agreed to recommend it. The Bill has come back to us with slight amendments which, according to the hon. member from Belleville, improves it. I ask the leader of the opposition not to persist in his motion, because if it prevails at this stage of the session the Bill could not possibly go through.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has made a statement which I have no recollection of hearing anything about, that this is a portion of the Clergue system.

Hon. Mr. WATSON—Yes.

Hon. Sir MACKENZIE BOWELL—I notice on the margin of the Bill that the first incorporation of this company was in 1886.

Hon. Mr. WATSON—Yes.

Hon. Sir MACKENZIE BOWELL—Was that the time the offer was made at the Soo for the settlement of a large portion of that country on condition that certain concessions should be made to the Clergue interests? My recollection is that this has nothing whatever to do with it.

Hon. Mr. WATSON—The original corporation, apparently, must have disposed of their interest to the Clergue system, because it was certainly explained most fully to the committee by the promoters of the Bill that it was part of the Clergue system of railways, and he referred to mines and pulp mills.

Hon. Sir MACKENZIE BOWELL—This charter was granted by the province of Ontario in 1886, renewed again in 1900, and again in 1902 with certain amendments. Then in 1905 the Bill was amended again by the Ontario legislature with certain conditions to which the promoters objected. Although they obtained a renewal of the charter from the Ontario legislature last year, they came to this parliament, declaring the road to be a work in the general interest of the Dominion, for no other purpose that I or any one else can understand than to relieve themselves of the obligations imposed on them by the province which granted them the original charter and the amendments thereto. If that be true, then the question is whether this Senate was right in passing the Bill in the first place. I frankly admit that the lopping off of these branches is carrying out, to a certain extent, the ideas which many of those who take the same view as I do entertain, and one principal reason why, if the Bill is to continue on the statute-book, the depriving the company of the power to build branches destroys to a great extent the charter. What we ought to do in our own interests, and with respect to the constitution, is to reject the Bill altogether. We can confine ourselves to the effect that these amendments will have on the Bill when it goes to the committee. I fully concur in the views of the hon. gentleman from Halifax, that in sending the Bill back to the House of Commons with amendments, it will not be open for us to discuss the merits of the Bill itself, unless power to do so be given in the reference.

Hon. Mr. WILSON—It is very late in the session to oppose this Bill. We have been passing a number of Bills with much more

objectionable clauses than this Bill contains. The Bill has passed not only the Senate but the House of Commons, and has been returned with a few unimportant amendments. Why then should we reject the Bill at the end of the session ? If the company has had the charter for some 20 years, certainly no injury has been done to the section of the country where this project is located. My hon. friend laughs; well he might at the arguments he offered to this House with a view to defeating the Bill. I can understand, and no doubt my hon. friend understands, there is a reason why this Bill is now being opposed. It was opposed not in this House but in the other House. Is it the only Bill which infringes on provincial rights ? No, but there is a reason why this Bill is being opposed. If the parties promoting this Bill get the charter, the chances are they will go to work and the road will be constructed. The hon. senator from Wellington says it is a Bill for the purpose of speculation. Many Bills have been before this House and perhaps the parties incorporated were not fully prepared to go on with their undertakings, but parliament granted the charters, and others were found who constructed the roads.

Hon. Mr. McKAY (Truro)—They sold out.

Hon. Mr. WILSON—They sold out to parties who were able to build the road and the country got the benefit, and what injury has been done to any one ? Like my hon. friend from Wellington, I know of roads that people obtained charters for who were unable to construct them and the charters finally passed into the hands of some other company who went on and built the road. One of the best roads we have in the country, the Canadian Southern, running from the east to the west of the province of Ontario, a transprovincial road, was in similar circumstances. The legislature at Toronto first refused a charter to build that road ; afterwards the company that obtained the charter passed it over into the hands of the Vanderbilts, and they constructed the road, one of the finest pieces of railway property we have in the province of Ontario, and equal to any in the Dominion of Canada. I say, therefore, that the fear that the promoters are going to traffic in this charter is no reason why we should not grant their request. The session is nearly at its close ; is it intended by means of this motion to defeat the Bill ? Why is this Bill singled out ? There must be a reason for it. If it is now sent to the Railway Committee and amendments are made there, and it is then sent back to the House of Commons, the session will have come to an end and the Bill will be defeated. That is striking below the belt. I do not think it is a fair course to pursue, and I feel that we should, if we are going to tie up certain roads on account of their being provincial roads, pass an Act that no roads unless they are interprovincial, or works in the interests of the Dominion of Canada, should receive a charter. After we have done that we may then refuse Bills of this kind, but I say that this Bill ought not to be, under the circumstances, strangled in the manner in which it is sought to be done.

Hon. Mr. POWER—I hope the hon. leader of the opposition will not press this amendment.

Hon. Mr. LOUGHEED—If the House will permit me to again make explanation of the position which I have taken, I must say that I regard it as very much more important that I should be consistent than that I should be in effect accommodating in the sense in which my hon. friend has referred to. My hon. friend from Elgin has indicated, or has implied from his remarks that there is an attempt made to strangle this Bill. I may say to my hon. friend, and I may say to the hon. gentlemen who are advocating the Bill, that I gave probably a warmer support to it when in the Railway Committee than any of those hon. gentlemen who have spoken today. I strongly urged the passage of the Bill when in the Railway Committee; but, certainly if it had been proposed in the Railway Committee that the main line should be declared to be a work for the general advantage of Canada and the branch lines left within the provincial jurisdiction, I would not for a moment have supported a Bill of that character. Surely it must appeal to the reason of every hon. gentleman present that to make one part of the line subject to federal jurisdiction and the other part of the line subject to provincial jurisdiction is doing violence to the common sense of parliament. We have to consult, not the

promoters of this Bill, not the convenience referred to by my hon. friend from Elgin, but the convenience of the public. Can any hon. gentleman conceive anything more inconvenient than shippers over the road having to invoke different bodies, the federal power having jurisdiction over the main line, and the provincial authorities over the branch lines. I think the proposition has simply to be mentioned to show how unreasonable it is. I have no desire to throw any impediment in the way, but I would suggest to my hon. friend that his motion is entirely out of order. The amendment will certainly have to go to the Standing Committee or to the Committee of the Whole House. If my hon. friend would prefer that the amendment should go before the Committee of the Whole instead of a standing committee, with the consent of the seconder of the motion, I shall withdraw my motion to send it to a standing committee, and I would point out to my hon. friend rule 72, which distinctly provides that where amendments of a consequential nature are made, those amendments shall go before a Committee of the Whole House or before a standing committee. The rule reads as follows:—

When any private Bill is returned from the House of Commons with amendments the same not being merely verbal or unimportant, such amendments are, previous to their second reading, referred to a Committee of the Whole, or to the standing committee to which such Bill was originally referred.

In fact all those amendments should have been referred.

Hon. Mr. POWER—The hon. gentleman is correct, but that has never been the practice.

Hon. Mr. WILSON—Will the hon. leader of the opposition show wherein those amendments are going to change the Bill so very materially from what it was when before the Railway Committee of the Senate ? He said that the hon. gentlemen who was supporting it now were not so warm advocates of it as he was before the committee. Will he point out where the Bill differs, so that be must oppose it, when he says he agreed with it in committee?

Hon. Sir WILLIAM HINGSTON—The readiness with which we legislate in this assembly upon questions which belong exclusively to the province, is doing more harm to the Senate, I think, than many of the speeches, some unwise, that have fallen from the hon. senators in this Chamber in defending the Senate. This question belongs exclusively to the province, and why do we not leave it to the province ? The hon. gentleman from Wellington has said, and very wisely, that we are sinners, but he is followed by the hon. gentleman opposite who says : 'Yes we are sinners', but let us not sit on the Bill, but go on sinning. I say no. I find out now—because you know I have not been a regular attendant here, I am sorry to say—that we are dealing with matters with which we have no concern, and the sooner we drop that practice the sooner we will go back to the right path. That is the reason why I should be glad, even at this very late moment, to stop legislating where we have no business to and legislate in regard to matters we have a right to deal with.

Hon. Mr. DAVID—If the motion was made to reject the whole Bill I could understand it, but I do not know what the partisans of provincial rights will gain by the amendments. If we cannot get the whole we ought to be glad to have a part. I do not know why we should reject the amendments which are a step in the right direction, when the object is to put the branches under the control of the legislature of Ontario. Unless I receive an answer to this question I will vote against the motion.

Hon. Mr. WATSON—According to the rules, the hon. leader of the opposition is entirely correct, and I move that the Speaker now leave the Chair and that the House do now go into Committee of the Whole.

The SPEAKER—Does the hon. gentleman from Calgary insist on his amendment?

Hon. Mr. LOUGHEED—Better give it a third reading on division.

Hon. Sir MACKENZIE BOWELL—I will consent as seconder of the motion that it be withdrawn, but I do it for the reason that I think the Bill is worse and less likely to be carried out, than if the amendments were not concurred in. I do not understand the remarks of the hon. gentleman from Elgin when he says there must be some reason. That would imply that there is

some sinister or personal reason for the rejection of this measure. I tell the hon. gentleman there is a reason and a very good one, and a constitutional reason to my mind, why I should like to see the Bill stangled as he terms it at the present time. It is not from any personal reasons, because I have none. I know very little of the parties who are interested in this Bill. The position I have taken is the one I have constantly assumed, namely, that this is an interference with the rights of the province, so long as the constitution remains as it is. If the hon. gentleman does not consider that a good reason he can draw what inference he pleases.

Hon. Mr. WILSON—I merely wish to say that I believe I have a just reason. It does not matter what opinion the hon. gentleman from Belleville may entertain as to whether I have such a reason or not.

The motion being put for concurrence in the amendments.

Hon. Sir MACKENZIE BOWELL—Would it not be necessary to rescind rule 72? I understood the hon. gentleman from Halifax to say, and quite correctly, that we have been in the habit of adopting amendments, important though they might be, without requiring the rule to be suspended. I think that the rules of the House should be carried out.

Hon. Mr. WATSON moved that rule 72 be suspended.

The motion was agreed to, and the amendments were then concurred in.

GENERAL ACCIDENT ASSURANCE COMPANY BILL.

CONCURRENCE IN COMMONS AMENDMENTS.

The order of the day being called :

Consideration of the amendments made by the House of Commons to (Bill BB) An Act to incorporate the General Accident Assurance Company of Canada.

Hon. Mr. POWER—The amendments to this Bill are simple. On page 2, line 6, leave out 'sub-boards' and insert 'advisory boards.' We have not I think used the expression sub-boards in our legislation before. On page 2, line 10, $150,000 is substituted for $100,000. The Bill provided that as soon as $100,000 capital stock had been subscribed, and 10 per cent paid up, the provisional directors should call a general meeting. That has been amended so as to make it $150,000. On page 2, line 35, strike out the words 'or to their property.' This is an accident insurance company, and is not supposed to insure property. On page 3, line 1, leave out from the second 'and' to 'may' in line 8. The clause provided for indemnification of owners against their workmen, and the House of Commons has stricken out the part which indemnified them against third parties. Then on page 3, line 8, the original subsection read : 'The company may also carry on the business of sickness insurance in all its branches.' That power has been taken away. On page 3, line 12, after 'age' insert 'and may generally carry on the business of accident and sickness insurance as defined by the Insurance Act'. The next amendment is on page 3, line 26, to strike out 'indemnify persons who are or may become sureties for others,' and insert instead 'may generally carry on the business of guarantee insurance as defined by the Insurance Act.' On page 3, line 36, leave out 'one' and insert 'two'—the company shall not commence the business of guarantee insurance until its subscribed capital has been increased at least to $250,000. Then there is an amendment in the next line substituting $50,000 for $25,000.

These amendments are all, I think, in the right direction. The solicitor for the promoter told me before the House met that he had had a conference with the superintendent of insurance and the Minister of Finance and they had all agreed to these amendments ; so that I suppose there will be no objection to concurring in them. I move that they be now concurred in.

Hon. Sir MACKENZIE BOWELL—Does not the same rule apply in this as in the previous case, that is, that the rule should be suspended which requires the Bill to be sent back to the committee?

Hon. Mr. POWER—It has been our uniform practice when there has been no opposition to the amendments to concur in this way. I recognize the fact that, strictly speaking, the rule is as the hon. gentleman has pointed out; but as a matter of practice

it would not be desirable to introduce the system of requiring the suspension of the rule in every case.

Hon. Sir MACKENZIE BOWELL—The rules must govern the proceedings of this House and I do not think that universal practice could set them aside.

Hon. Mr. KERR (Toronto)—The whole question turns on whether the amendments are of importance. The rule only applies where the amendments are more than verbal.

Hon. Mr. POWER—I quite recognize the fact that the rule does apply. They are important amendments; but our uniform practice has been that, when there has been no objection to the amendments, they have been concurred in without reference to the rule.

Hon. Sir MACKENZIE BOWELL—These amendments are of a most important character. They double the capital, the amount paid in, and the percentage.

Hon. Mr. POWER—I move that rule 72 be suspended in so far as it relates to this Bill.

The motion was agreed to, and the amendments were then concurred in.

CHARTERED BANK OF LONDON AND CANADA BILL.

CONCURRENCE IN COMMONS AMENDMENTS.

The order of the day being called :

Consideration of the amendments made by the House of Commons to (Bill CC) An Act to incorporate the Chartered Bank of London and Canada.

Hon. Sir MACKENZIE BOWELL—These are amendments which are not of an important character. £2,000,000 sterling is changed to $10,000,000, and the word 'pounds' in another place is changed to 'dollars.' This, I understand, was done upon the suggestion of the Minister of Finance, who thought it was much better that no difficulties should be allowed to arise under the Banking Act as it stands to-day.

The amendments were concurred in.

USURY BILL.

IN COMMITTEE.

Pursuant to the order of the day the House resolved itself into Committee of the Whole on Bill (11) An Act respecting Money Lenders.

(In the Committee).

On clause 2,

2. The expression 'money-lender' in this Act shall include any person who carries on the business of money-lending, or advertises, or announces himself, or holds himself out in any way, as carrying on that business, and who makes a practice of lending money at a higher rate than ten per cent per annum, but does not comprise registered pawnbrokers as such.

Hon. Mr. McMULLEN—I cannot understand how it is proposed to limit the application of this measure to money-lenders. It does not include private individuals who charge exhorbitant rates. Supposing a retired farmer or retired merchant is the lender, he is not known or recognized as a money-lender. Under the provisions of this Bill he might charge 20 per cent, and yet not be on the list of money-lenders. Why is it necessary to make that exception ?

Hon. Mr. SCOTT—Because in the cities where the abuse has existed, Montreal and Toronto, there are regular syndicates who lend money to poor people, in sums of from ten to one hundred dollars, on furniture or other collateral securities. They are parties who make a practice of lending money. This applies only to those who make a practice of lending money, not to the occasional lender.

Hon. Sir MACKENZIE BOWELL—The Bill is confined to money-lenders, and then at the latter portion of the clause it says money-lenders who make a practice of lending money at a higher rate than 10 per cent. What constitutes a money-lender and what interpretation would be put on the practice of lending money ? Would the lending of money two or three times to a neighbour constitute a man a money-lender? It is defined further on 'The practice of lending money'—does that mean carrying on lending money exclusively as a business ?

Hon. Mr. SCOTT—The language is supposed to cover the cases in view and the courts will interpret it. There are men who

make a practice of lending money to poor people who cannot go to a bank, and who give their furniture as security for the loan. Those men charge exhorbitant rates, from one hundred to one hundred and fifty and two hundred per cent. It is that class of persons that this Bill is intended to reach, and it will be for the courts to say if the language is sufficiently clear to cover the cases intended to be dealt with.

Hon. Mr. LOUGHEED—I would say to the hon. senator from North Wellington that if any of those modest, unassuming and retired farmers, up in North Wellington should lend $500 or under at 12 per cent on more than three occasions they certainly would be money-lenders within the meaning of the Act.

Hon. Mr. McGREGOR—Are registered pawn brokers exempted ?

Hon. Mr. POWER—They are. His honour the Speaker, it will be remembered, had charge of a measure almost indentical with this which passed the Senate some years ago twice. I for one should be glad to hear the hon. gentleman explain the Bill.

Hon. Sir MACKENZIE BOWELL—Before he does so, I should like to call the attention of the hon. Secretary of State to the fact that the clause to which he refers gives no power to the judge to declare what is the practice of lending money. The cases to be referred to the judges under this Bill are cases in which there has been an exhorbitant rate of interest extracted from the borrower and which he has attempted to collect. Then it is referred to the judges to see whether the agreement entered into comes within this law. It has nothing whatever to do with defining what is the practice of lending money or what constitutes a money-lender.

Hon. Mr. SCOTT—All our laws are subject to the interpretation of judges and this law will in all cases be.

Hon. Mr. KERR (Toronto)—The language of this clause is much more definite than the hon. gentleman suggests. The second clause provides:

> 2. The expression 'money-lender' in this Act shall include any person who carries on the business of money-lending, or advertises or announces himself, or holds himself out in any way, as carrying on that business, and who makes a practice of lending money at a higher rate than ten per cent per annum.

That covers the case. In the case of a man who never made but one loan or as the Minister of Justice in the other House said, the man who made one loan or probably two loans would not come within the meaning of this, but the man who is shown to have made three or four or more loans might very well be called one who carried on the business of money-lending, and so you have a definition for that kind of case. The cases intended to be met are the cases of those who hold themselves out to be money-lenders, or who carry on money-lending as a business. That is what is intended to be hit at, and not the case of an individual money-lender.

Hon. Mr. McMULLEN—I should like to put a case to the hon. leader of the opposition. In a recent court held in my own section, a man was sued for payment of a note which had been made payable at the expiration of six months, with a clause added that two and a half per cent interest per month after maturity should be paid until the note was redeemed. The man paid interest on it for two years, and there was a large amount due. The judge felt himself compelled to maintain the covenant that the borrower had made with the money-lender. That man did not advertise himself as a money-lender, nor did he practice the business of money-lending. He was a retired gentleman, and the borrower went to his House to get the money. I should like to ask the leader of the opposition if this Bill would reach the case of that man?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. LOUGHEED—I should say unhesitatingly, notwithstanding his very retired disposition, which seems to be emphasized as the chief proposition, my hon. friend, if he made a loan on those lines on more than three occasions he certainly would be a money-lender within the Act. I do not think there is any question about it.

The SPEAKER—The description of a money-lender to which it has been judged proper to restrict the operation of the Act is the very description of a money-lender to be found in the English Act of 1900. I think that our own description goes a little further in describing the money-lender.

Clause 6, of the Money-Lenders Act, 1900, reads as follows :—

The expression 'money-lender' in this Act shall include every person whose business is that of money-lending or who advertises or announces himself, or holds himself out in any way as carrying on that business.

But there are very many exceptions. We go on and add to the clause :

And who makes a practice of lending money at a higher rate than ten per cent per annum.

But it does not comprise pawn brokers as such. The money-lender that this Bill wants to reach is the professional money-lender ; the one who makes a practice of money-lending, it does not cover the isolated case of one who lends money to a neighbour on a note of fifteen or thirty days. One would be very much surprised to find out possibly that he has violated this law when the amount he would collect as discount would seem to be most reasonable and would be as a matter of fact very modest. I may say I objected when this Bill came before the Senate to the interest being reduced to 12 per cent. If the hon. gentlemen who were here then will remember I had fixed 20 per cent as the outside limit to which money-lenders could lend money, but the Senate in its wisdom decided that it was somewhat demoralizing to hear of a loan carrying 20 per cent and reduced it to 12 per cent. I will have something to say on that subject when we reach that clause.

Hon. Mr. SULLIVAN—Does it not all depend on the security ? There are some notes I would not cash at 20 per cent, while others I would cash at 5 per cent.

Hon. Mr. McMULLEN—I commend the government for making an effort to put a stop to exhorbitant interest. I earnestly hope that it may be successful, but I have very great doubts, and let me state the reason for my doubts. Some years ago, it was thought wise on the part of the Ontario government to pass a law exempting certain property from seizure for rent. The result was that conveyancers began to have inserted a clause in the leases that the tenant handed over his right to exemption under that agreement. He covenanted not to take advantage of the enactment ; the result was that it was nugatory altogether. They contracted themselves out of the provisions of the law. Supposing a money-lender in this case gets notes drawn whereby the maker of the note covenants on the face of the note that he will not take advantage of a certain Act passed in the reign of His Majesty, 1906, regarding money-lenders, and cites this very Act, I would like to know if he is going in that way to get over the difficulty ?

Hon. Mr. DANDURAND—That would be absolutely illegal.

Hon. Mr. SCOTT—The judge would not recognize it.

Hon. Mr. McMULLEN—It is not illegal as a covenant in a lease.

Hon. Mr. LOUGHEED—The one is penal and the other is not. That is simply a privilege it gives to the debtor.

Hon. Sir RICHARD CARTWRIGHT—Did my hon. friend ever hear of exempted property being seized and sold ?

Hon. Mr. McMULLEN—No.

Hon. Sir RICHARD CARTWRIGHT—I think the party who did it would find himself in trouble.

Hon. Mr. McGREGOR—I think the intention of the law to protect the people is a good one, but why is the registered pawnbroker not included ? Supposing I have a gold watch worth $50 and want $10 for 10 days, he may charge me $5 for 10 days, and yet the money-lender with no security is not allowed to charge. Why is there the exemption ?

Hon. Mr. DANDURAND—The point is well taken to a certain extent. The pawnbroker is somewhat more favourably treated under the Pawn Brokers Act than the money-lender under this Act. The pawn-broker gets something tangible, which protects him fully, yet he is allowed by the Pawn Brokers Act about 18½ per cent on a money loan, and that was one of the reasons why I thought that 20 per cent on those loans on notes, where the security is doubtful, was not too large an amount to charge ; but, as I said, the Senate decided that it should be 12 per cent and it left this Chamber at 12 per cent, and the same Bill was taken up in the House of Commons and passed, leaving the rate of interest at

12 per cent. The pawn-broker is exempted from the operation of this Bill, because there is a special law governing pawn-brokers.

Hon. Mr. LOUGHEED—He is already regulated.

Hon. Sir MACKENZIE BOWELL—Do I understand that all the provisions of this Bill apply only to money-lenders who make a practice of lending money ? If so the individual who cannot be considered a money-lender, and who is not in the habit or practice of lending money, could lend to an individual money at any rate of interest they chose to agree upon. The private individual could loan to another if he did not come within the meening of the clause, money at 50 or 75 per cent.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—So long as he does not do it too often.

Hon. Mr. SCOTT—I might say to my hon. friend who spoke last, that I had occasion a good many years ago, when Minister of Finance, to consider this question, and I had occasion to confer with some gentlemen of very considerable experience as regard to the way in which the poorer classes of our cities were fleeced by some of these money-lenders. Now, with respect to the pawn-brokers, the universal consensus of opinion was this—and I think the House will see the force of it—that if you refuse to allow the pawn-brokers to exercise their vocation in some such way as they are now permitted to do, the only result will be that the property which customers pawn they would be compelled to sell for an absurdly low price, and they would suffer very much more in that way than if they had to pay for a comparatively short time the high rate of interest referred to, and I do not see how on earth you are going to avoid in such cases permitting pawn-brokers to charge a pretty high rate of interest. As to the general question, the House must be aware that anything we could do in this way is liable to be avoided in a thousand different fashions. All that we can possibly do, and all my friend the Attorney General hoped to do was to avoid the scandal of compelling our courts to enforce transactions which, on the face of them, were grossly usurious. That I think will be attained in measure by this Bill. More than that I do not think any legislation will attain, so far as my own experience and inquiry enables me to offer an opinion on the subject ; but we can prevent the courts of justice from being made a means of assisting certain vampires in bleeding their fellow creatures to death.

The clause was adopted.

On clause 3,

3. Notwithstanding the provisions of chapter 127 of the revised statutes no money-lender shall stipulate for, allow or exact on any negotiable instrument, contract or agreement, concerning a loan of money, the principal of which is under five hundred dollars, a rate of interest or discount greater than twelve per cent per annum ; and the said rate of interest shall be reduced to the rate of five per cent per annum from the date of judgment in any suit, action or other proceeding for the recovery of the amount due.

Hon. Mr. DANDURAND—I simply want to repeat that the cure we wanted to effect of a certain evil would have been a satisfactory cure if we had allowed the money-lender, the shark, 20 per cent interest. That is a very small amount on the sums that are loaned by these people. The reason why I speak of raising that rate of interest from 12 to 20 per cent is that we have two classes of money-lenders in large cities, and perhaps in towns and cities throughout the land. But we have money-lenders who are the usurers. They loan small sums to people who are hardly solvent but have hopes; young men between twenty-one and thirty, and they take an endorser not worth much more than the maker. They try to borrow small sums, from $10 up to $50, $75 or $100, but we have other men who help contractors and builders and others who happen to be short of money, but who have a certain kind of solvency, though not sufficiently solvent to go to the banks, and who will pay 15 per cent, 20 per cent and 25 per cent for fifteen days, for a week or a month and be able to meet their obligations, to pay their men. When I was endeavouring to promote this legislation in this House I received very many protests from a number of men who were doing a regular business of money lending, respectable men, not charging a higher rate than 20 per cent. On $100, 20 per cent means $20 per annum, but for a month, it means a little more than a dollar,

for fifteen days it would only be 50 or 60 cents. So that all this business will be practically stopped. These channels by which men who need temporary help will be prevented, if the 12 per cent is maintained, from getting advances from those regular and decent business men who are money-lenders, who call themselves bankers, who lend money openly on short notes, and that was the reason why I had originally fixed the rate at 20 per cent. Some people may be scandalized at the idea of passing a Bill to restrict usury, and yet allowing 20 per cent, but those notes are made for a month or two and 20 per cent did not appear to me to be large, and seemed to be satisfactory to the other regular money lenders who lend thousands and thousands of dollars at between 20 per cent and 25 per cent. They were asking in fact that we should put the margin at 25 per cent, but I convinced them at the time that 20 per cent was perhaps sufficient and they should accept it as a compromise; but the Senate thought otherwise and fixed 12 per cent. Inasmuch as it is five or six years since this measure passed the Senate and this Chamber was not composed of the same members as at present I mention the fact, although I do not propose to move an amendment. There will be some undoubted hardship if the Bill passes the 12 per cent provision.

Hon. Sir MACKENZIE BOWELL—Does the 10th clause not cover, to a great extent, the objections which the hon. gentleman makes? That clause reads:

10. This Act shall not apply to any loan or transaction in which the whole interest or discount charged or collected in connection therewith does not exceed the sum of fifty cents.

If you borrow $5 for a month, and the money lender charges you 50 cents, that would be 120 per cent per annum. On $10 it would be 33⅓ per cent. It seems to me that for these small sums that clause covers the case to which the hon. gentleman refers.

Hon. Mr. DANDURAND—Yes, small loans, $5, $10 and $20.

Hon. Sir MACKENZIE BOWELL—This clause was probably based on the fact that it was just as much trouble to draw a note and do the clerical work for a ten dollar loan as if the loan were $100, and if you confined it to 12 per cent for the small loan. it would only give to the money-lender a few cents. I think this clause was put in to cover cases of that kind. I hope the Senate will not change the rate of 12 per cent; that is quite high enough. I would rather see a general law myself. I have always been in favour of a usury law, though I frankly admit the force of the argument made by the Minister of Trade and Commerce. All these enactments can and will be evaded. If you cannot get rid of them in any other way, there is the commercial transaction. There are many estates wound up in which there are a number of notes and very frequently these notes are put up at auction or sold by private sale. There may be ten or fifteen thousand dollars worth of notes which may be sold at 50 cents or 25 cents on the dollar. There may be ten or fifteen thousand dollars as the case may be. They would not come within the meaning of this Act, I suppose, because it is a commercial transaction; and it is by that means that the law can be evaded. Whether it be a bankrupt estate or a person giving his note to another for the purpose of raising money, where the note passes into the hands of a third party at say 50 or 75 cents on the dollar. I do not think this Bill will meet the case; but if it meets the cases which the hon. gentleman from Wellington and the hon. Speaker have mentioned it will be of benefit. In one case in particular, in the city of Montreal, I think judgment was given by the judge, very reluctantly I remember, where the rate of interest ran up to three or four hundred per cent, but he had under the law to give decision against the unfortunate debtor.

Hon. Mr. SULLIVAN—I saw accidentally to-day that this clause was added by the chairman of the committee after the report had been fully concurred in, to cover some cases which had not been provided for.

The SPEAKER—The hon. gentleman from Belleville has spoken of clause 10. This clause was added on the representation that the banks do not negotiate a note where the interest is less than 50 cents. When we reach that clause I intend to move that it be struck out. I will try to convince the Senate that this is a bad clause.

Hon. Mr. McGREGOR—I do not know that I am in favour of a usury law at all,

but since we are going to have one for the money-lenders, why not have one for money-borrowers as well. I think such legislation would serve a useful purpose to a certain extent, if we had the right to pass it. There is one point which I wish to bring to the notice of the government—I do not suppose my view will be agreed in by many. We have chartered banks in Canada with a total capital of $85,000,000. They are borrowers from the people—from the very poorest of the people to the extent of some $600,000,000. Why does the government form a combination with the banks to give these poor people only 3 per cent ? When trade is good, money is worth seven or eight per cent, but these peoples' money at 3 per cent, surely the banks should not be allowed to take their money from them at so low a rate. Why should we limit what a man must charge and not limit what he must pay ? I think the government should give the matter some consideration.

Hon. Mr. GIBSON—The hon. gentleman is very much concerned about what the banks should do with regard to charging a high rate of interest when they are only giving the people three per cent for their money. He wants the Senate to take some cognizance of the banks with respect to the rate of interest, but the greatest sinner in connection with the whole matter is the government, who fix the rate of interest at 3 per cent. If my hon. friend would use his influence with the government he supports to encourage the thrift of the people by giving them a higher rate of interest he will accomplish something. But so long as the government are in the habit of taking peoples money at 3 per cent, surely the banks are not over-steppeing the rule when they do the same thing. In connection with clause 3, I should like to point out that while you are not dealing with a large sum of money, it is a large amount for poor people whose interest we are trying to protect, and I think the principal sum of $500 is too large. We should limit it to $100 and we would be doing justice to people who are compelled to borrow money in this way. They are not going to the banks for money, they are getting it on an article of value, and they should not be compelled to pay 12 per cent on money borrowed on something that is of value. We all know that the value set upon an article by a money-lender is about 50 per cent of its real value, and by this Bill you are allowing the lender to charge 12 per cent so long as the sum is under $500.

Hon. Mr. POWER—The hon. gentleman misapprehends the effect of this clause. Up to $500, the rate of interest is limited tc 12 per cent per annum. Beyond that there is no limit, and the only effect of the amendment proposed by the hon. gentleman would be that if the sum borrowed was anywhere between $100 and $500 the rate of interest might be as high as the parties would agree upon.

Hon. Mr. McMULLEN—I should like very much if the government would consent to reduce the rate from 12 to 10 per cent.

Some hon. GENTLEMAN—Oh, no.

Hon. Mr. McMULLEN—The public will be under the impression that parliament is legalizing 12 per cent as a rate of interest for any sum loaned under $500. Money-lenders will say that parliament has passed a law declaring that 12 per cent is the legal rate of interest on any sum under $500.

The SPEAKER—The evil we want to reach by this legislation is to bring down the rate of interest from 48 per cent to 12 per cent. The average rate of interest charged by money-lenders in the cities of Toronto and Montreal, and very likely elsewhere, is 48 per cent and the rate goes up to 120 per cent very easy. I may tell the hon. gentleman that he need not concern himself at all about this legislation ; 20 per cent will serve as well as 12 per cent to put a stop to the practice at which the Bill aims. I thought we should say 20 per cent because of other money-lenders who lend small sums of money for a few days, and who will not lend at less than 20 per cent, but the others who are lending on doubtful security and doubtful names, will be put out of business at any rate under 20 per cent.

Hon. Mr. McMULLEN—I admit the force of my hon. friends remarks, but after all you will find that when farmers throughout the country go to private lenders to borrow money, the lenders will claim that they are

justified in charing 12 per cent since parliament has passed an Act fixing that as the legal rate for any sum under $500. The simple farmer will say if that is what parliament has been doing in the interest of agriculturists and poor people, it is a great injustice.

The SPEAKER—The hon. gentleman knows that the banks charge 7 per cent, though the legal rate of interest is 5 per cent. Yet we can borrow money on good security at as low as 4 per cent to-day.

Hon. Mr. McMULLEN—In the rural districts and small villages there are no chartered banks, and borrowers must go to private banks or private individuals and pay a larger rate of interest than a chartered bank would charge, even where their credit is good. Even where there is a chartered bank many a farmer would rather borrow from a private individual and pay 9 or 10 per cent for a year than be bothered going to a chartered bank and borrowing for three or four months, and having to return and get a renewal, and possibly not feeling sure that he would get a renewal. He would rather pay a higher interest and borrow for a year. There are many borrowers of that kind, and there are money-lending sharks who would take advantage of this legislation and tell such borrowers that parliament had fixed the rate at 12 per cent.

Hon. Mr. De BOUCHERVILLE—I wish this Bill had limited the rate of interest all over except with the banks, whom I would allow to charge a higher rate. The hon. senator from Wellington wants this 12 per cent to be reduced to 12 per cent on loans below $500. I am afraid that, against his wish probably the hon. senator would be doing a thing that would kill the entire Bill. Ten per cent would still be a very high rate of interest, but if you pass an amendment you must not forget that the amended Bill will run the risk of being thrown out in the other House. That occurred once before when a Bill limiting the rate of interest was sent down to the House of Commons. It reached the other House too late. They are on the eve of proroguing there now, and every member wants to get away, and those who are opposed to the Bill entirely would simply take advantage of that amendment to defeat the Bill. Twelve per cent is certainly a high rate to charge poor people in whose interest this legislation has been introduced, but it is an improvement on the existing state of affairs, and therefore I think the hon. gentleman ought not to insist on his amendment.

Hon. Mr. McMILLAN. The point which the hon. senator from Wellington wishes to make is this: time is the essence of the contract. His honour the Speaker is quite correct in saying that 12 per cent or 20 per cent or any rate like that will not appear much for a short time, but advantage will be taken of the fact that we have fixed a limit of 12 per cent by this Bill. There is a good deal of force in what the hon. senator from Wellington says. Where it is a short time and a matter of great convenience to the borrower, it ought to be allowed, but advantage will be taken of the fact that parliament has acknowledged that 12 per cent is not excessive and I think we should reduce it at least to 10 per cent.

Hon. Sir MACKENZIE BOWELL—If I did not think that a reduction to 10 per cent would defeat the Bill in the other House, I would readily second the motion of the hon. senator from Wellington. It would be much better and high enough, but this is one of the Bills which would probably be lost if it were amended and sent back to the House of Commons at this stage of the session. Some years ago the Senate, at the instance of the present Speaker, passed a Usury Bill. The House of Commons either rejected it, or allowed it to die, and what I fear now is that if we reduce the rate to 10 per cent we will get no Bill at all. While I am strongly in favour of reducing it to 10 per cent, I would rather leave it as it is than run the risk of losing the Bill altogether.

Hon. Mr. POWER—As a matter of fact the Senate on two occasions has passed a Bill fixing the rate at 12 per cent.

Hon. Mr. ROSS (Moosejaw)—In the Territories it is doubtful if this Bill will prove a benefit. Dealers go through the country selling horses at a season of the year, when the farmers are short of money. The farmer may wish to buy a horse which he could get for $100 cash. If he has to purchase on time he would be charged $150. If he can go to a private bank and borrow

$100 and pay cash he could afford to pay 18 per cent and save money. As a matter of fact, in many cases of that kind, the farmer, the man who should be entitled to consideration now, is debarred from borrowing money at a reasonable rate. He cannot get it at 10 per cent, and very likely will not get it at 12 per cent, because the only security he has to offer is the horse, and that is not very good security. As a matter of fact you are injuring the farmer and the new comer in the Territories. Of course it does not apply to the Yukon, because, as a matter of fact, you could not get money there at 10 per cent. The banks charge one per cent per month, and, as a fact, about two per cent a month is the rate in ordinary trade. The security there is not as good as it is here. This Bill may be very good for cities like Toronto and Montreal, but I consider it legislation in the wrong direction for the section from which I come.

The clause was adopted.

On clause 10,

10. This Act shall not apply to any loan or transaction in which the whole interest or discount charged or collected in connection therewith does not exceed the sum of fifty cents.

Hon. Mr. LOUGHEED—It seems to me this clause might be subject to a very great deal of abuse. Let us assume that a man borrows ten dollars. The money-lender will only lend it to him for, say, one month. This is a case which will permit an evasion of the Act. I will undertake to say that any ingenious money-lender, under this clause, may lend all the money he desires, and get the same rates of interest as we are to-day trying to suppress.

Hon. Sir MACKENZIE BOWELL—He could do that by renewing the note for two or three days at a time.

The SPEAKER—I move that this clause be struck out.

Hon. Mr. De BOUCHERVILLE—I think we ought not to strike out this clause. If a man refuses to pay such a small sum as 50 cents, what can the money-lender do? He can only sue him, and then the matter will be ventilated in court. If we change even one clause, the Bill will have to go back to the House of Commons and that would be the end of it.

Hon. Mr. ROSS (Moosejaw).

The SPEAKER—Perhaps it is as well not to make this motion; the matter can be dealt with next session. I will leave it to the judgment of the hon. leader of the government, as it is a government measure. I would not like to jeopardize the measure.

Hon. Mr. De BOUCHERVILLE—In the House of Commons I am almost sure there are some members who are entirely opposed to this measure. There are some people there who are interested in these loans. It will be sufficient for two or three of them to keep on proposing amendments and by a little obstruction to see that the Bill shall be lost.

Hon. Mr. POWER—That would only apply to a private Bill. But this is a government measure and the government have control of the House of Commons and can see that an amendment which is made by the Senate is dealt with by the House. I do not think there is any fear of its being thrown out. This particular clause was not in the Bill which we passed on two occasions; and, in addition to what has already been said against the clause, one can see that a money-lender instead of lending an amount of $50 could make half a dozen different loans for smaller amounts and fleece the unfortunate just as effectually as if this Act were not in existence at all. The probable effect of passing this clause will be to render nugatory all the preceding part of the Bill.

Hon. Mr. SULLIVAN—Is not this clause for the purpose of punishing evil doing? The government have committed so many sins that when they bring forward an Act which is intended for the benefit of the people we ought to pass it and not put it in a position where it may be imperilled. This clause, I contend, is in the right direction. It can be amended at another session if necessary. I think there is an undercurrent in the Senate for the purpose of defeating this Bill, and I hope it will not be allowed to prevail.

Hon. Mr. BOLDUC—I am in favour of making this Bill as stringent as possible, but I am afraid the money-lender will be difficult to find. If I had been in the House of Commons I would surely have moved to strike out clause 2. We may make the Bill

as stringent as we like, but if we define that a money-lender shall only be a man who makes a profession of lending money, then, in nine cases out of ten, the sharks will be free to act as they are doing at present. There are many persons who make loans of money at ten, fifteen, twenty and twenty-five per cent who cannot be called money lenders according to clause 2 of the Bill as it stands at present. I think it would be much better to say that any one who loans money at a higher rate than 12 per cent, whether he be a professional money-lender or not, should come under this Act.

Hon. Mr. De BOUCHERVILLE—If we refer to clause 4 it will be seen that provision is made for bringing into court any case where the loan is under $500. Consequently it is clear that in any of these small loans if the case comes into court, clause 4 of the Bill will apply.

Hon. Mr. LOUGHEED—It was stated in the Commons that this clause was put in to meet the requirements of the banks. That statement may have been made in all sincerity, but this Act cannot possibly extend to the banks and it is idle to say that this clause was put in for their protection.

Hon. Mr. SCOTT—It is put in to meet the case of small loans of five and six dollars. Fifty cents would not be an unreasonable sum for five dollars loaned for a term of ten days.

Hon. Sir MACKENZIE BOWELL—If the trick is resorted to of renewing the note every week in order to obtain a much higher rate of interest, would that not come under the operation of clause 4 ?

Hon. Mr. SCOTT—The judge would of course take cognizance of all the circumstances.

Hon. Mr. POWER—Clause 10 is clear and unmistakable in its language. It would apply, on the face of it, to very poor people raising small loans—the very parties who are to be regarded as objects of commiseration. In addition to that, as I pointed out before, instead of making one loan of $50, the money-lender may say : 'I cannot lend you now more than $10, and on that $10 the 50 cents would not exceed the rate laid down by the Bill. Then next day, perhaps, he agrees to lend five or ten dollars more. It is all very well for hon. gentleman to intimate that they consider that absurd, but that is just the sort of transaction which would take place between a very low type of money lender and a very poor borrower; and the object of the whole Bill being to protect poor people from the operations of sharks, while this tenth clause remains in the Bill, that object will not be attained.

Hon. Mr. SCOTT—The judge has the widest possible power to inquire into all questions of discount, commission, expenses, fines, bonus, renewals and all other charges. He has the most ample powers.

Hon. Mr. LOUGHEED—But this would probably be a cash transaction. The exorbitant interest would be extracted from the borrower day after day or week after week. I do not think this class of case would be likely to come into court, and, in any event, clause 10 expressly provides that that Act shall not apply to this class of cases.

Hon. Mr. De BOUCHERVILLE—Fifty cents for a loan of one week would be more than twelve per cent per annum. Let us suppose the borrower says 'I will not pay,' what follows ? Either the money-lender must sue the borrower or he must lose his money ? If he sues, he comes before the judge, and the judge has power, if he finds that illegal methods have been taken, to reduce the rate of interest to five per cent per annum, so that the danger is not as great as one might suppose. It is all very well to say that the government is all powerful, but we know that five or six members of the House of Commons could keep back this measure for months. We know what obstruction has already been employed in the case of this very Bill.

Hon. Mr. GIBSON—If one will make a little careful calculation with regard to clause 10, he will find that a man borrowing $10 for a week and paying 50 cents for that loan, would pay in the course of a year $26 for the use of $10 dollars. Surely this House would not legalize a transaction of that kind. Surely 12 per cent per annum, one per cent per month, is enough under any ordinary cir-

cumstances without making provision for a rate of 260 per cent for the year.

Hon. Mr. McMULLEN—I do not think there is very much risk of the clause being abused. Men who have money to lend are not so peculiar that they will renew a note every week, which is drawn for the sum of $10.

Hon. Mr. POWER—I didn't say a note; I didn't suppose there would be any note.

Hon. Mr. McMULLEN—This clause is put in evidently for the purpose of allowing bankers or brokers to charge up to 50 cents for small transactions. It is not worth while putting a transaction through a set of books for less than 50 cents. I do not think it is at all likely the clause will be abused in the way my hon. friend has pointed out.

The Senate divided on the motion to strike out clause 10, which was rejected.

Contents 8, non-contents not counted.

Hon. Mr. McKAY (Truro), from the committee, reported the Bill without amendment, and it was then read the third time and passed.

THE SAFETY OF SHIPS ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (48) An Act respecting the safety of ships and the prevention of accidents on board thereof.

The Bill was read the first time.

Hon. Mr. SCOTT—This is not a government Bill. Mr. Sinclair introduced it in the other House, and the government allowed him to take up the Bill during a lull in proceedings. It is in reference to the deck loads of ships, a question which has been so often discussed in parliament.

Hon. Mr. McGREGOR—I beg to move the suspension of the rule to permit of the second reading of this Bill presently.

The motion was agreed to.

Hon. Mr. McGREGOR moved the second reading of the Bill. He said: This Bill is simply following a Bill framed by the English Board of Trade. It is extending the time of the sailing of ships from the 12th October to the 16th October and from the 12th March to the 16th March. Formerly they were not allowed to carry over a three-foot deck load, and now they are allowed to carry a seven-foot deck load. My experience is that with a vessel which has a rail of six feet from the deck to the top of the rail, would be much safer with a full load three feet deep. The water is heavier than the lumber, and if she was allowed to carry a full deck load, the water would wash right over the ship. I think every man who has been at sea will know that it is much safer to have the deck load flush with the rail. The best explanation I can give of this matter is a discussion which took place in the English parliament during the consideration of the Merchants Shipping Act on the 26th May, 1906. The report reads as follows:

> Some discussion took place on clause 9 extending and amending the definition of 'wood goods.'
>
> Mr. Lloyd George remarked that at present wood goods could only be carried on deck in winter to a maximum height of three feet above the deck. The object of the clause was to allow wood goods to be carried to a maximum height of seven feet above the deck. As the clause in the Bill stood, there was a danger that the increased height allowed might extend to wood goods carried on the top of permanent structures on deck; that was to say, that the top or permanent structure would be taken to be the dock instead of the deck itself He therefore moved the following amendment with a view of making the matter clear:
>
> In the case of an uncovered space on a deck forming the top of a break, poop or other permanent closed-in space on the upper deck to a height not exceeding three feet above the top of such closed-in space, and in the case of any uncovered space, &c.

This is realy what passed in England and following on the line of the boards of trade in England. In regard to the extension of time, the 12th of October was the date fixed, but formerly the lumber was taken over by sailing vessels, and now steamers are used, and they have extended the time to the 16th of October.

Hon. Mr. LOUGHEED—May I ask my hon. friend if it is not the case that when this Bill was originally before the Commons there were some protests against it by seamen, that it was regarded by seamen as being unfavourable to their interests and in favour of the ship owners?

Hon. Mr. McGREGOR—I have no doubt there would be some, and there would be

some gentlemen differ from me. I have had a little experience. Some men will tell us that it is still safer to have a three-foot deck load where you have a drop of six feet. I contend that it is safer to have a full deck load. I think the majority of seamen consider the full deck load is safer.

Hon. Mr. LOUGHEED—Personally, I have no knowledge of nautical questions of this kind, but it seems to me, having a Department of Marine, the government should assume the responsibility of passing legislation of this character.

Hon. Mr. SCOTT—They do.

Hon. Mr. LOUGHEED—I see that in England, a member of the government assumed the entire responsibility for the legislation. It seemed to me rather an exceptional thing that a private member in the House of Commons should introduce this measure and that the government should not intervene and express their approval or disapproval of it, particularly in viw of the fact that there was considerable opposition to the measure when it was presented to the House of Commons.

Hon. Mr. SCOTT—It could not be taken up without the approbation of the government, and it was only taken up yesterday by the government giving way and practically endorsing the Bill.

Hon. Mr. LOUGHEED—My attention was drawn to the fact that in the Commons the members of the government were particularly quiet in regard to this question and it was left to the private members. There does not seem to be any centre of responsibility for this legislation, and I think that is a suspicious circumstance.

Hon. Mr. POWER—The fact that this is a copy of an English Bill, which has recently been adopted, is sufficient reason why we should give it the second reading, and to-morrow if the details are not satisfactory we can alter it.

Hon. Mr. GIBSON—So far as the legislation is sought for in regard to deck loads has obtained in England, a vessel cannot be put below the Plimsol mark, but here in Canada we have no Plimsol mark.

Hon. Mr. McGREGOR—Oh, yes.

Hon. Mr. GIBSON—I am glad to hear that, because it is evidence that a vessel is not over-loaded when she is not below that mark. Some provision should be made in this Bill for protecting the seamen above the deck load line. We all know the bulwarks of a vessel are for the protection of the seamen. These stand four or five feet high, and the decks should not be loaded higher than the bulwarks without some provision being made to protect the seaman. Every one knows that it is a dangerous condition. It might be safe enough in our lakes, because they are not subject to the same sea, although they are probably subject to heavier winds in some cases. There is no provision of that kind in the Bill, and I think there should be. I have no objection, so far as my observations go in that direction, to the Bill, but I think we should make provision to protect those who have the working and management of the ship.

Hon. Mr. SCOTT—The Marine Department will inquire into the whole thing befor it goes into operation it does not go into operation until proclamation.

Hon. Sir MACKENZIE BOWELL—This question is a very vexed one, and as gentlemen who have been in the House of Commons know, ever since confederation this question has been dealt with, and ship-owners are the gentlemen who have always urged the amendment to the law to enable them to carry high deck loads. That has been the request in the past. I have not read the debate in the House of Commons on this Bill, so I am not prepared to give an opinion, but, like my hon. friend in front of me, I am not a nautical man. I have, however, distinct recollection of discussions on this question very often, as the hon. Minister of Trade and Commerce may remember also, and that the conflict has been as a rule between the ship-owners and those who are considered to be philanthropists and looking after the safety and lives of sailors. How far this Bill before us will justify the philanthropists in continuing their opposition to deck loads, I am not prepared to say. I am not objecting to the second reading now, but we should consider the question when in committee. I might inquire how far would this Bill affect the loading of the 'Arctic' going on her expeditions to the north ?

Hon. Mr. WILSON—Would you have money enough to load her up ?

Hon. Mr. ELLIS—I hope the hon. gentleman will not proceed with this Bill to-morrow, because I have received a letter from Messrs. Wm. Thomson & Co., St. John, on the subject. I think they are not opposing the Bill, but they have some objection to state.

Hon. Mr. LOVITT—This Bill is merely a copy of an English measure, making an addition of about 3 feet to the deck load. If the imperial parliament do not pass the Bill now before it, this Bill will not become law. It is only to go into force by order in council. The present deck load law conforms to the English law. In England they are proposing to amend the law, and the object of this Bill is to conform to the change proposed there, if it should be made.

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

RAILWAY SUBSIDIES BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (214) An Act to authorize the granting of subsidies in aid of the construction of the lines of railways therein mentioned.

The Bill was read the first time.

Hon. Mr. SCOTT moved the suspension of the rules. He said: The subsidies contained in this Bill are only revotes, as hon. gentlemen will find if they examine the details.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not strictly correct in saying they are all revotes.

Hon. Mr. SCOTT—I have not gone through each detail of it, but the Minister of Railways announced that it consisted, with perhaps one or two exceptions, of revotes. However, the revotes are referred to if hon. gentlemen will look at the Bill.

Hon. Mr. LOUGHEED—I suppose we can discuss the principle of the Bill in committee.

Hon. Mr. SCOTT—Yes, we can discuss it more freely in committee.

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

NATIONAL TRANSCONTINENTAI RAILWAY ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message as received from the House of Commons with Bill (215) An Act to amend the National Transcontinental Railway Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the rules be suspended. He said: Under the provisions of the statutes and the agreement with the Grand Trunk Pacific Railway Company, they were to put up $5,000,000 as security for the building of the line. They have made an application to the government to be allowed to put up securities for an equal amount, and the government have accepted the offer, provided parliament approves of it. The effect of it is to save the company a certain amount of interest. It gives them the use of $5,000,000 now lying idle in the bank.

Hon. Mr. LOUGHEED—I thought it had been arranged that the government would pay interest on the $5,000,000 deposit?

Hon. Mr. SCOTT—Yes, but not as much as they have to pay for the money. There is a difference of 2 per cent.

Hon. Mr. LOUGHEED—What securities has the government agreed to accept in lieu of the cash deposit?

Hon. Mr. SCOTT—Certain securities of the Grand Trunk Railway, which are now quoted at 102, were to be offered as securities at par.

Hon. Mr. LOUGHEED—Are they bonds, or preferred stock?

Hon. Mr. SCOTT—Either bonds or preference paper. The government have to take the responsibility of that.

Hon. Sir MACKENZIE BOWELL—Is the hon. gentleman sure that this will be the last time of asking?

Hon. Mr. SCOTT—No, I am afraid not.

Hon. Sir MACKENZIE BOWELL—We passed a Transcontinental Railway Bill which became law. The Grand Trunk Pacific pledges themselves and the government pledges the country that the original terms of the Bill would be carried out to the letter.

However the Grand Trunk Pacific did nothing, and at the next session of parliament they asked for concessions and further concessions were granted them. One of the terms was that they were to deposit $5,000,000 on which the government was to allow them 3 per cent. Now they desire to withdraw that money and deposit in lieu thereof the debentures or stock of the Grand Trunk Railway. Of course that would release a large amount of money, but the question is whether the security is as good as the money. I question it very much. But it enables the Grand Trunk Railway to make use of $5,000,000. Whether next session they will ask for some further concession or not I do not know. Perhaps the next proposal will be to withdraw that security.

Hon. Mr. SCOTT—The last time of calling.

Hon. Sir MACKENZIE BOWELL—This must be a new issue of bonds.

Hon. Mr. SCOTT—I cannot speak positively as to the security. The Minister of Finance made the announcement in another place.

Hon. Mr. De BOUCHERVILLE—The Grand Trunk Railway is our debtor already.

Hon. Mr. LOUGHEED—There is one element that has not been considered; what is the government receiving in lieu of this release of $5,000,000? It must be a very substantial consideration to the government to have $5,5000,000 in the exchequer at a very nominal rate of interest which, of course, is available for the public service. The government is to get no advantage so far as I can see by accepting stock which they cannot use but will only be kept in their vaults.

Hon. Mr. SCOTT—I presume it is the same to the country if an equivalent security is put up. The Minister of Finance in another place announced that it was proposed to accept securities from the Grand Trunk Railway which are at present quoted above par in the market, so the country would be perfectly safe.

Hon. Mr. LOUGHEED—That is not the phase of the question I am considering. I am asking what is the government receiving in lieu of the $5,000,000 cash which they can use for the public service, instead of having to borrow from the banks at a higher rate of interest. No particular advantage will enure to the government from holding securities?

Hon. Mr. SCOTT—My impression is that the money was simply deposited and not to be used.

Hon. Sir MACKENZIE BOWELL—The character of the securities to be given in lieu of the $5,000,000 is not indicated in this Bill?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—It simply says any securities which may be approved by the Governor in Council, so that the country have no knowledge of what the securities may be. They may be good or bad. The bonds or the stock of these companies may be 102 to-day, and 90 to-morrow.

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

HARBOUR COMMISSIONERS OF MONTREAL BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (222) An Act to provide for a further advance to the Harbour Commissioners of Montreal.

The Bill was read the first time.

Hon. Mr. SCOTT moved the suspension of the rules. He said: A sum of $250,000 or thereabouts of bonds issued by the harbour commissioners of Montreal is maturing. The object of this Bill is to authorize the government to practically redeem those bonds by accepting bonds of the harbour commissioners in lieu thereof. The object being to save them the additional amount they would have to pay over and above the loan the government would secure.

Hon. Mr. LOUGHEED—Can the government borrow this money at 3 per cent.

Hon. Mr. SCOTT—The money can be borrowed considerably lower by the government than it can be borrowed by the harbour commissioners.

Hon. Mr. LOUGHEED—Can they borrow it at as low a rate as they are lending it to the harbour commissioners?

Hon. Mr. SCOTT—Oh, yes, the government lose nothing.

Hon. Sir RICHARD CARTWRIGHT—If I am not misinformed the harbour commissioners had been paying 6 per cent, or 5 per cent at the least.

Hon. Sir MACKENZIE BOWELL—Have the Harbour Commissioners been appointed yet? If not when are they to be appointed?

Hon. Mr. SCOTT—The matter is under consideration.

Hon. Sir MACKENZIE BOWELL—I have noticed in the press that there is a good deal of dissatisfaction at the manner in which the wharfs and the harbours are maintained at the present time, and it arises from the fact that there is no one to look after them; hence the necessity of the appointment being made at once.

Hon. Mr. SCOTT—The hon. gentleman did not hear my answer. I said that the government had the names under consideration, but they have not finally decided on the appointment.

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

FISHERIES ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (223) An Act to amend the Fisheries Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved the suspension of the rule. He said: The object of this Bill is to authorize the Minister of Marine and Fisheries to charge $50 for a license for those vessels that are frequenting Hudson bay. That is the whole object of the Bill.

Hon. Mr. SULLIVAN—Why do they charge $50 for a license?

Hon. Mr. SCOTT—One reason is that it costs the country something to watch these whalers. We have to send vessels up there to look after them. They very often smuggle in goods and carry on trade with the Indians when they have no right to do so.

Hon. Mr. LOUGHEED—How many vessels go in annually?

Hon. Mr. SCOTT—A very considerable number. Another object is that it asserts our sovereignty. On some occasions the whalers disputed the right of the government to collect anything from them or to make them account to the Customs Department for anything they might bring in to sell to the natives.

Hon. Sir MACKENZIE BOWELL—United States vessels have been invading that territory for the last half century. Fifty dollars is a very small sum to impose upon foreign vessels, but I see this advantage in it: By charging fifty dollars for a license it establishes the fact that these are inland waters belong exclusively to Canada. After that point is once established the government of this country will be in a better position to regulate these fisheries. The whalers have been there I suppose for nearly a century and we have never really asserted our ownership. The imposition of this $50 fee will accomplish that object.

Hon. Mr. LOUGHEED—May I ask my hon. friend what means the government has of asserting its authority in Hudson's bay in the event of their being any refusal on the part of these American vessels to comply with the demands of the government as to taking out a license?

Hon. Mr. SCOTT—One or perhaps both of the vessels going up this year will have an officer of the customs on board. As my hon. friend knows the mounted police are not very far distant.

Hon. Mr. LOUGHEED—You are not sending up a gunboat I suppose?

Hon. Mr. SCOTT—No, it is not necessary to do that.

I move the suspension of Rule 41.

The motion was agreed to.

The Bill was read the second time.

UNITED EMPIRE LIFE INSURANCE COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON—I desire to move that the resolution which was passed today in reference to the United Empire Life Insurance Company Bill be rescinded. I find that this is the last Bill coming up from the House of Commons to go before the Banking and Commerce Committee. That

committee is called for to-morrow morning, and, if there is no objection, I will move that the existing resolution be rescinded and that rule 41 be suspended.

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

It being six o'clock the Speaker left the chair.

After Recess.

CONSTITUTION OF THE SENATE.

DEBATE RESUMED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David : That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.

Hon. Mr. POWER—I do not suppose that any thing that I have to say will shed any additional light on this subject, which has already been so well discussed. I think that the House is under a very considerable debt to the hon. gentleman from Mille Isles (Hon. Mr. David) for having introduced this subject. His own address was a very interesting one and calculated to lift our minds above our every-day work ; and several of the addresses which followed shared in these qualities. As for myself I am not the least bit of an orator, and shall only try to give expression in a more or less conversational way to certain ideas which have occurred to me with respect to the matter under discussion. I think that up to last Wednesday—this day week—there seemed to be no difference of opinion amongst the members of this House as to the desirability of a second Chamber in the Parliament of Canada. We seemed to be quite unanimous upon that subject ; but the hon. gentleman from St. John (Hon. Mr. Ellis) who addressed the House on that day, and whose speech was in a great many ways a very admirable one, took the ground that the bicameral system as it is called, is inconsistent with responsible government. He prophesied that in the end there would be in this parliament —and I suppose he meant his prophesy to extend to other parliaments in the English speaking world—only one Chamber and that the popular House. His view was that it should be government by the people, as well as for the people. Apparently he took the ground that government by two Houses was not government by the people, as he spoke of this bicameral system as being inconsistent with responsible government. Now I respectfully submit that the hon. gentleman's interpretation of responsible government is somewhat inaccurate. The essential of the responsible government for which Howe and his colleagues fought in Nova Scotia, and for which his contemporaries and friends fought in New Brunswick and old Canada, which they ultimately won, and under which British North America has been governed for nearly 60 years, is not what the hon. gentleman seemed to think. The essential of the responsible government which our ancestors fought for and won is—not that there shall be only one House and that the popular House,—but that the administration of the day, carrying on the public business of the province or of the Dominion, as the case may be, shall be supported by a majority of the representatives of the people elected to serve in the popular House. It has never been held that an administration must have the confidence of the Upper House. In England no Liberal government for over one hundred years has had the confidence of the majority of the House of Peers ; and in Canada from the time of the union in 1867 until, I think the year 1901, no Liberal government had the support of a majority of the members of the Senate ; but in both countries during all those years there was responsible government, and the administration was carried on in accordance with the wishes of the people as expressed by their elected representatives, so I think the hon. gentleman from St. John must attach some different meaning to the expression 'responsible government' from the meaning which history assigns to it. It is clear, from the fact that England has, on the whole, been pretty well governed for the last one hundred years, and that Canada taking it altogether, although perhaps it was not governed just so well during the eighteen years prior to 1896 as it was for four years prior and has been for ten years since, comparing Canada with countries at large throughout the world, has been pretty well governed. It is true that when the Upper House is not in harmony with the Lower House, measures passed by the Lower

House are more carefully scrutinized and are more likely to be amended or rejected than when the majority of the Upper House are in harmony with the government of the day. But there is this to be said; that where the Upper House is not elected, where the Upper House is a nominative body, it never sets itself up against the deliberate will of the people. A measure may be postponed for a session, and may possibly be postponed until an election has taken place, but always the nominative Upper House gives way to the wishes of the people; and after all it does not seem to me that it is a very unfortunate circumstance that there should be time given for second thought occasionally. Even under this system, with a majority of the Upper House differing from the majority in the Lower House, the people are governed by their own administration ; the administration of public affairs is in the hands of the people through their representatives, and the legislation, which is a different thing altogether, is in accordance ultimately with their sound, deliberate conclusions, and I do not think it is desirable that in every case legislation should follow the popular sentiment of the moment. The hon. gentleman from St. John, as I indicated, seems to favour a parliament of a single House. If the popular House were a perfect legislative machine there would be much in his contention. The question is whether it is or not ? I do not wish to reflect on that House, but I do not think that it is. I venture to say it is not quite perfect. I shall quote a few observations from Castell Hopkins, 'Canadian Enclycopaedia of the country,' fifth volume, page 539. I just quote some passages to show what I thought a perfect House ought to be. The portion I refer to reads as follows :—

To judge correctly as to what parliament should be we must look at the work which it has to do. What are the duties of parliament? Stated in a few words, they are to adopt measures and pass laws for the welfare and good government of the people of the country. The due performance of these duties is undoubtedly the highest earthly work of man, a work calling for the exercise in a great degree of the noblest human qualities. In a perfect parliament we should find in their highest development the following qualities : patriotism, wisdom, stability, justice, independence, energy, patience, industry and a sense of responsibility to the people. Are all these qualities likely to be found in a single house ? If men were perfect, if Adam had never sinned, it might be so, but if human nature were faultless government would be unnecessary, or at most nothing further would be required than one benevolent ruler of a patriarchial type. Under the present dispensation it is in the last degree improbable that any body of men having all these qualities shall be found. Is the House of Commons such a body ? The warmest admirer of that body will not venture to say yes. Experience has shown that a popular House—that is one chosen by an electorate embracing the bulk of the adult male population, is likely to be influenced by panic, popular delusion, party prejudices and corruption, to mistake temporary advantage for permanent good to be fickle and unstable, to be feeble in resisting vicious measures, to be unjust to the opponents of the majority and to favour their partisans, to follow the party leader even when he is believed to be in the wrong, to be impatient of detail, and to forget the public in the party. The popular branch of the legislature being imperfect—wanting in some of the qualities which I have named as being essential to good law makers—its measures will necessarily partake of the same character and be defective and will therefore need to be submitted to the scrutiny of a second body, by whom, if deemed unwise or mischievous they may be hindered from going into operation, or if imperfect may be amended. Few would be prepared to entrust this delicate and most important duty to any individual. This is one of the cases in which most people believe that there is safety in a multitude of counsellors, and consequently a second independent House is needed to check and revise the measures of the Commons. If the second House does not possess the legislative qualifications in a greater degree than the first, still its independent consideration and revision of measures will be most beneficial in themselves, and will also cause the administration of the day and the members of the lower branch to be more careful as to the character and details of the legislation which they introduce and adopt. Besides all this it is much more difficult to corrupt or deceive or intimidate two separate and independent bodies of men than a single one, and in this way a second House is a most valuable security against pernicious legislation. If we now go back and take up the list of qualities which I have said the law-making power should have and try to see in what proportions they are severally possessed by the two Houses of parliament, we shall find that the upper is not a mere reflex of the lower, but that, if in some respects it is less qualified, in others it is better qualified, to share in the task of making laws.

I apologize for the length of that quotation, which would not have been necessary if it had not been for the ground taken by the hon. member for St. John. I venture to think that the hon. gentleman is mistaken, and that there is really no question that a second House in a parliament such as ours is desirable. They have one in England, they have one in the United States, they have one in every state of the union, and although at the time of the adoption of the constitution, or at any rate at the

time of the declaration of independence there were states in which they had no upper House, the upper House has been introduced since in each of those states, and there is not the slightest indication of any disposition on the part of the people of the United States to abandon the upper House in the country at large or in any individual state. The same thing is true all over Europe. In every civilized country there is a second House, and there is no proposal, as far as I am aware, to abandon the second House. In Norway, as was pointed out by the hon. member for St. John, they constitute their second House in an unusual way, by a sort of co-operation among the members of the lower House; and I understood the hon. member to intimate that that was rather his view as to the way in which we should get our second House, if we are to have one. The quotation I have made will indicate what I think the duties and functions of an upper House in a constitution such as ours should be, but perhaps the House will allow me to quote again, because it is easier to take what has been said before than to prepare something new. I take the Senate debates for 1890, and I may say that during that session there was a very thorough discussion of practically the same question we are considering now. It was originated by the hon. gentleman from Shediac (Hon. Mr. Poirier), who was then a comparatively young member of the House; and one of the most important speeches made during that discussion was by the late Sir John Abbott, a speech which I would commend to the attention of any hon. gentleman who wishes to know the impression made by the Senate upon a gentleman of very marked ability, and great experience in public business. I just wish to give my own idea of what the duties of the second Chamber in a constitution such as ours are. I quote from page 536 of the Senate 'Hansard' for 1890:

> Now the second chamber under a system such as ours and that of the British parliament should not be equal in power to the lower House. That is not what we want. We do not want a second House of Commons, we do not want a body that is capable, as is the United States Senate, of dealing with every kind of subject. We must recognize the fact that the ultimate seat of power is in the House of Commons; and we want a second chamber which will supplement that House and make up for its defects. Having laid down that proposition, I think rather an elementary proposition, I shall venture to say what I think an ideal Senate should be. It should be a body governed by a calm and judicial spirit. It should be a body made up as far as possible of upright and independent men; and it should be a patient body—a body that will take time to deal with the legislative and other business that comes before it; and of course it should be an intelligent body. Further, it should be—and that is implied in saying that it should be a calm and judicial body—a body that would not be influenced by the passions of the hour. These passions arise in every country, and sweep over the face of the land, and are very intense as a rule for a short time; and their length of life is generally short in proportion as they are intense. The upper House should not be a body that would be liable to be influenced by such passions. It should be a body that should look before and after, that would not be influenced by the passions of the hour, but would look upon every question in a calm and judicial way. The principal duty of the body would not be to originate legislation, although it should do that to a certain extent; but the principal use of the upper House under the British system is to check and revise the work of the popular body. That body is likely to do things hastily, to pass measures under the influence of those ebullitions of popular passion that I have spoken about; and where a measure is passed under the influence of that spirit and the upper House thinks it is not likely to promote the welfare of the state, it is the duty of the upper House to resist the popular passion of the hour. Of course if after the people have had time to carefully consider a question they still remain of the same mind, then as a rule it has been the practice, at any rate under the British system, that the upper House gives way. Even when the legislation of the lower House is not such as to be objectionable on the whole, it may be imperfect—it may be legislation that has passed through its various stages hurriedly. Then it is the duty of the upper House to revise that work and to atone for the want of care and study devoted to it in the other Chamber. The two principal functions of the upper House under the British system are to check and prevent injudicious legislation and to revise legislation that is imperfect.
>
> Hon. Mr. ABBOTT—Hear, hear.
>
> Hon. Mr. POWER—That is what the House ought to be in itself. Then in addition to that, an ideal House ought to be a House whose work would be understood and appreciated by the people, and a House that would be respected by the people and in whose proceedings the people would take almost as deep check and prevent injurious legislation and to revise legislation that is imperfect.

Without going into detail, I think we may say that we have done our work fairly well. I do not think it can be charged that on the whole what is called the party spirit has been unduly manifested in the Senate. While the Mackenzie administration were in power, on an average there was only one

government Bill rejected each session by the Senate.

Hon. Mr. SULLIVAN. That has nothing to do with it. It depends entirely on the excellence of the Bill. It does not matter what number of Bills were rejected.

Hon. Mr. POWER—I am simply pointing out that there has not been much party spirit shown. If my hon. friend wishes to prove that there has been, I shall, of course, defer to him, but in my opinion there has not. During the years between 1878 and 1896 the majorities in the Senate and House of Commons belonged to the same political party. Even during that time a certain number of government Bills were rejected. Between 1896 and 1901 a certain number of government Bills were also rejected, but not a large number, everything considered; and, as to most of these cases, I think, making allowance for the natural tendency of any member of either House to look at things from the point of view of his own party, perhaps there were only one or two cases where I should be disposed to find serious fault with the action of the majority. There was one measure introduced here which contained a provision for the retirement of county judges when they attained the age of 75 years, that is that a county judge should cease to fill his office, ipso facto, on his attaining the age of 75 years. That measure was killed in the Senate. I think the Senate made a mistake. That was in 1898; in 1898 or 1899 there was a measure before the House providing for the redistribution of the electoral districts of Canada, to be made by a judicial tribunal. That measure also failed to pass this House. I thought at the time, and I still think that the action of the Senate in that case was a mistaken action. I know there were grounds given for what was done, but my own impression is that substantially the action taken was unwise. But, taking it altogether, under either government, the Senate has not really done anything in the way of obstructing the popular will which deserves to be severely condemned. I do not propose to discuss our record or proclaim how good we are, that has been done already, very much better than I could do it; but the question occurs as to possible changes in the method of appointing the senators, or the method of constituting the Senate. There are one or two observations which I should like to make with respect to that feature of the subject; so that we may judge better of the schemes which are set before us. It is almost essential that members of the Upper House should be independent; that is really at the present day the most important qualification of an upper House. I mean that they should not look to the people for re-election, if they are elected, and that they should not on the other hand look to the government for re-appointment if they are appointed. I do not care to rest on my own humble opinion with respect to that matter, but on the subject of re-appointments I shall quote language used by a very distinguished man, the Hon. George Brown. At page 437 of this volume of Hopkins (page 89 of the confederation debates) he says:

> But it has been said that although you may not give the power to the executive to increase the numbers of the upper House in the event of a dead-lock, you might limit the term for which the members are appointed. I was myself in favour of that proposition. I thought it would be well to provide for a more frequent change in the composition of the upper House and lessen the danger of the chamber being largely composed of gentlemen whose advanced years might forbid the punctual and vigorous discharge of their public duties. Still, the objection made to this was very strong. It was said 'Suppose you appoint them for nine years, they would be anticipating its expiry and anxiously looking to the administration of the day for reappointment; and the consequence would be that a third of the members would be under the influence of the executive.' The desire was to render the upper House a thoroughly independent body—one that would be in the best position to canvass dispassionately the measures of this House, and stand up for the public interests in opposition to hasty or partisan legislation. It was contended that there is no fear of a dead-lock. We were reminded how the system of appointing for life had worked in past years since responsible government was introduced; we were told that the complaint was not then, that the upper chamber had been too obstructive a body—not that it had sought to restrain the popular will, but that it had too faithfully reflected the popular will.

That is what Mr. Brown said, and he knew what he was talking about, with respect to a nominated Senate. In my humble opinion, the effect on the House of looking forward to re-election would be quite as injurious as that of looking forward to re-nomination by the administration of the day. If senators had to look forward to

being elected by the people instead of following the dictates of their own honest judgment, they would try to meet the supposed wishes of the electorate—I say supposed wishes, because very often the people are wiser and more just than the people who are looking for their suffrages give them credit for being. This weakness, this desire to try and meet the supposed wishes of the electorate, is one of the worst features of public life to-day. Just two or three days ago a friend of mine—we were not discussing this question—gave me a quotation from one of the leaders in the French revolution which I think describes very well the attitude of a great many popular leaders of the present day. I have no doubt my hon. friend from Mille Isle can tell which of the revolutionary leaders it was, but his saying was: 'I am their leader, I must follow them.'

That is the attitude of the leader of the the present day. The popular leader is a man who, as they say in the United States, has his ear to the ground listening to find out what the substratum, so to speak, of public opinion is, not the man who comes down boldly and sets before the people the view he honestly thinks to be best; and my own view is that if we could go back to the practice of former years when people were supposed to be governed and led and were not supposed to be followed, that we should be in a better position. At the present day particularly, this quality of independence is really an important and almost essential quality in an upper house, and if the members of this House are to be nominated only for a certain term, or if they are to be elected only for a certain term, that independence is largely sacrificed; consequently I do not think that senators should be elected for terms or nominated for terms. I have said a good deal on the general question, and now there comes the problem: supposing the Senate is not to be nominated for a term, nor to be elected for a term, how is it to be constituted? Like most others I have occasionally thought of some modification in the constitution of the Senate, and in the mode of appointing senators. I had recognized the difficulty of suggesting any plan which would be better than the present one, but still, I had certain views of my own on the subject, views which I entertained when this discussion began; but I am free to confess that certain speeches which have been made during this debate have rather tended to convince me that any change would be a change for the worse. I may refer particularly to the speeches of the hon. gentleman from Smith's Falls (Hon. Mr. Frost), the hon. gentleman from Rideau (Hon. Mr. Edwards) the hon. gentleman from Sackville (Hon. Mr. Wood) and the hon. gentleman from Cobourg (Hon. Mr. Kerr). I am disposed to think that these hon. gentlemen are right, and that we are pretty nearly perfect; but the misfortune is that while we may be nearly perfect, the deluded public outside do not realize the fact. And why is that? There is a feeling that we are no good. That is one of the public sentiments. And then we are found fault with for various reasons. Two things are particularly found fault with. One is that we adjourn very often, and the other is that we do not do very much beyond that. We know that we have merits, and we know that the charges against us are not well founded. Take the question of adjournments; as a matter of fact it is not this House which is responsible for the long adjournments of the Senate. It is the other House. And why? The reason that we have long adjournments is that the sessions of parliament in Canada are in recent years unduly long, and why are they so? They are unduly long because there is a great deal too much talk in one end of the building. I am not going to say now in which end, only I say it is not this end. To show what a change has taken place in this respect during the last few years, I shall call attention to some statistics with respect of the length of the sessions, beginning with 1874. I take the first period from 1874 to 1878, and I do not go back of 1874. The details are as follows:

Date.	Months.	Average	Days.
1874	26 March to 26 May.....		61
1875	4 February " 8 April.....		63
1876	10 " " 12 "		61
1877	8 " " 28 "		79
1878	7 " " 10 May.....	71·2	92
			356

Date.	Months.			Aevrage	Days.
1879	13 February	to	15 May		91
1880	12 "	"	7 "		84
1881	9 December	"	21 March		102
1882	9 February	"	17 May	93·5	97
					374
1883	8 "	"	25 "		106
1884	17 January	"	19 April		92
1885	29 "	"	20 July		172
1886	25 February	"	2 June	116·75	97
					467
1887	13 April	"	23 "		71
1888	23 February	"	22 May		88
1889	31 January	"	2 "		91
1890	16 "	"	16 "	92·5	120
					370
1891	29 April	"	39 September		155
1892	25 February	"	9 July		134
1893	26 January	"	1 April		65
1894	15 March	"	23 July		130
1895	18 April	"	22 "		95
1896	2 January	"	23 April	115	111
					690
1896	19 August	"	5 October		47
1897	25 March	"	29 June		96
1898	3 February	"	13 "		130
1899	16 March	"	11 August		148
1900	1 February	"	18 July	117·8	167
					588
1901	6 "	"	23 May		106
1902	13 "	"	15 "		93
1903	12 March	"	24 October		195
1904	10 "	"	10 August	136·75	153
					547
1905	11 January	"	20 July		159
1906	8 March				102

Hon. Mr. LOUGHEED—Were those sitting days ?

Hon. Mr. POWER—No, the whole length of the session.

Hon. Mr. SULLIVAN—Exclusive of Saturdays and Sundays ?

Hon. Mr. POWER—No the whole time.

Hon. Mr. SULLIVAN—Saturdays and Sundays and all ?

Hon. Mr. POWER—Yes. The session of 1874 commenced on the 26th of March and ended on the 26th May; the session of 1878 commenced on the 7th February and ended on the 10th May. I just wish to make one observation with respect to that House. At that time, the opposition in the House of Commons was led by the late Hon. Sir J. A. Macdonald. He was I think then recognized and is to-day recognized, as having been an exceedingly judicious and skilful party leader.

Hon. Mr. SULLIVAN—What year does the hon. gentleman refer to?

Hon. Mr. POWER—I refer to all those years; I say he was that always. There is the fact that he was leading the opposition during that parliament; and just look at the sessions. During the next House, from 1879 to 1882, the average length of the session was ninety-three and one-half days. During the third House, from 1883 to 1886, the average length of the session was 116¾ days. During that House there were one or two sessions which were unduly prolonged. The session of 1885 was a session in which the Franchise Bill was discussed, and also the session during which the rebellion in the Northwest took place. In the next House, from 1887 to 1891, the average length of the session was 92½ days. From 1891 to 1896 the average length of the session was 115 days. From 1896 to 1900, the next House, the average length of the session was 117 4-5 days. During the last House, from 1901 to 1904, the average length of the session was 136¾ days. So that you see that during the last House the average length of the session was about twice what it was during the 1874 to 1878 House. Inasmuch as there was not a very great deal more public business transacted—I mean business that required discussion—in the last House than in the House of 1874 to 1878, it will be seen that this House was naturally driven to frequent adjournments.

Hon. Mr. SULLIVAN—In what years were we driven to adjournments ?

Hon. Mr. POWER—I do not wish to weary the House by taking up every year in detail.

Hon. Mr. SULLIVAN—Does the hon. gentleman know that last year this House adjourned sixty-one days? If he can reconcile that with the days of sittings I shall be obliged.

Hon. Mr. POWER—I am not giving the days of sittings, but the number of days in

the session. For instance, parliament met in the second session of 1896 on the 19th August and rose on the 5th October. I count every day between those days; I am not taking the number of days they actually sat, but the length of the session, which I think is a reasonable thing to do. It is clear that as regards adjournments the Senate is not altogether responsible. I have another statement here which is also somewhat interesting. I do not know that statistics are interesting as a rule, but I take the 'Hansard,' in which are recorded the debates of another place, and I find in 1875 the 'Hansard' of that place is included in one small volume of 1,095 pages of comparatively large type. The record year by year is as follows :—

Year.	——	——	——
1875	1,095 pages.	1 volume.	Small size.
1876	1,184 "	1 "	"
1877	1,899 "	1 "	"
1878	2,565 "	2 "	"
1879	2,048 "	2 "	"
1880	2,026 "	2 "	"
1880–1	1,467 "	2 "	Large size.
1882	1,576 "	1 "	"
1883	1,399 "	2 "	"
1884	1,656 "	2 "	"
1885	3,476 "	4 "	"
1886	1,778 "	2 "	"
1887	1,276 "	2 "	"
1888	1,693 "	2 "	"
1889	1,727 "	2 "	"
1890	4,939 columns.	2 "	Small size
1891	6,332 "	3 "	"
1892	4,736 "	2 "	"
1893	3,568 "	1 "	"
1894	6,540 "	2 "	"
1895	4,912 "	2 "	"
*1896	7,188 "	2 "	"
†1896	2,644 "	1 "	"
1897	5,546 "	2 "	"
1898	7,890 "	2 "	"
1899	10,270 "	3 "	"
1900	10,510 "	3 "	"
1901	5,976 "	2 "	"
1902	5,088 "	2 "	"
1903	14,862 "	6 "	"
1904	6,012 "	3 "	"
1905	8,024 "	4 "	"

* 1st Session. † 2nd Session.

In 1903 there were six volumes of 'Hansard,' published in a smaller type, containing altogether 14,862 columns. Last year 'Hansard' contained, although it was the first session after the election, 8,024 columns, making up four volumes. I think it is perfectly clear that this House is not responsible for the adjournments. I wish to point out another circumstance in connection with the undue length of our sessions, although it is somewhat aside from the matter immediately under discussion. The public or this country has almost altogether lost interest in parliamentary proceedings. Twenty-five years ago the public read the parliamentary reports in the newspapers with a great deal of interest, and they watched the public business as it went through parliament. That is not the case to-day. Not very long ago I met an intelligent business man who did not know whether parliament was sitting or not.

Hon. Mr. MACDONALD (B.C.)—That is because the country is more prosperous.

Hon. Mr. POWER—I do not think so. I think that public interest in the proceedings of parliament had fallen off, even before 1896 when the increased prosperity set in. Now this is the position with regard to the question of adjournments; when we have no business to do we adjourn; in another place they talk. I think in that way we serve the country better than the other people.

There is a second reason why our good qualities are not recognized. The public know very little about our work. In the first place, the newspapers do not report our proceedings as fully as they report the proceedings of the other Chamber. That is a perfectly natural thing. With respect to the summaries of our debates, I think that those which have appeared in the newspapers this session are more satisfactory than they have been in the past. I do not recall myself any year when we have seen as much of our proceedings and as satisfactory reports in the public press as during the present session. Then, our Hansard is hardly ever read, which, I think, is to be regretted. I do not think it is because I have an unduly high opinion of the members of the Senate, but I remember a good many years ago the debates of this House were published in one of the city newspapers—I think it was the 'Free Press'—and coming under the eyes of the public in the columns of that newspaper they were read a great deal, and there were, from various gentlemen who read the reports of our debates in the 'Free Press,' expressions of admiration

and astonishment, at the amount of good sense that was talked in the Senate. Inasmuch as our official debates are not read, people have not nowadays the opportunity of finding out how wise we are. This is an important matter, and it is a defect that can be easily cured. I have already adverted to it, but I take the liberty of introducing the subject again. One of the ways of enabling the public to know what we are doing is to arrange for consolidating the reports of the two Houses. In England that is the case; in the English Hansard you get the Debates of the House of Lords and the Debates of the House of Commons in the same issue of Hansard. The same is the case in Washington; in the Congressional Record you get the reports of the speeches made in the Senate and those made in the House of Representatives. I think it would very much improve our standing in the public estimation if we were to consolidate the reporting of the two Houses. Then the public who read the Commons Hansard would get what we said also.

I said that I had some ideas as to what change might be desirable in order to meet the popular view. There is a popular feeling first that we are not a sufficiently popular body, and there is a great deal of ignorance as to what our work is, so that a great many members of this House think that even though we are doing our work fairly well and it is questionable whether any very substantial improvement might be made in the body, still it might be desirable to make a change with a view of meeting the popular wish and making us a body of more consequence in the popular eye, and the question is what form the change should take. The hon. gentleman from Shediac (Hon. Mr. Poirier) suggested that we should adopt the system which they have in the United States, and that the members of the Senate should be elected by the provincial legislatures. In the discussion which I have refered to that took place in the session of 1890, that matter was considered at considerable length. I do not propose to go over what was said. I would refer hon. gentlemen to that discussion. There is just this fact which hon. gentlemen do not consider: our parliamentary system is altogether different from that of the United States. Practically the members of this House are now appointed by the Premier of the Dominion. If you gave the appointment to the local legislatures, while nominally the appointment would be made by the legislatures, substantially the appointments would be made by the provincial premiers; and my view is that to have the members of the Senate appointed by the provincial premiers would be no improvement upon appointment by the Dominion premier. On the contrary, I do not think we should get a higher class of men, and I do not believe that it would be as appropriate and suitable as the present system. In addition to the objections that were made in 1890—there is this serious objection to that practice: In the United States to-day the selection of senators is looked upon in some states as being the chief business of the legislatures, and the members of the legislatures are selected with a view of voting for some particular candidate for the Senate instead of being selected with a view to their qualifications as members of the legislatures. That is a very objectionable condition of things. If we adopted that system here, the provincial business would suffer and at the same time, as I said just now, the level of the Senate personnel would not be raised. Attention has already been called to the fact that in the United States very frequently the element of purchase enters into the appointment of senators. There is no doubt that in certain cases the legislature has been bought up. I do not mean to say that would be the case here; still there might be a temptation to expand in that direction. Let us suppose that we had had that system in operation between 1867 and 1896. During nearly all that time the province of Ontario, for local purposes, was Liberal, and during almost all the years of Sir John Macdonald's administration you would have had the province of Ontario electing Liberal senators. We can understand that it would have created a very unsatisfactory condition of things, looked at from the point of view of the administration of the day, and it does seem to me that the complexion of the provincial legislature should not govern the selection of senators; that we should follow Do-

minion lines rather than local lines. I wish to say a few words as to certain plans which have been proposed during this discussion.

The right hon. Minister of Trade and Commerce advocated proportional representation. I quite concur with the right hon. gentleman in thinking that that is an admirable system. It is to be regretted that it does not prevail much more extensively than it does ; and if we had such a system in operation in the case of elections to the House of Commons, I for one should be quite prepared to support it for the Senate, but inasmuch as the system of proportional representation is not in operation anywhere in Canada, I do not feel myself that I should be prepared to advocate its being adopted for the Senate. The right hon. gentleman's scheme, as I understood it, was to divide each province into districts which would be represented by three Senators. Well how are you going to get the three vacancies at the same time ? If we were starting de novo and were going to frame a scheme for the formation of a Senate, I think the suggestion of the right hon. gentleman would be an admirable one. The hon. member from Mille Isles suggests that we might all resign so as to give room for the new scheme to work, but there would be some difficulty in bringing about result. The scheme of the right hon. gentleman would involve considerable dislocation of the present adjustment. Then there was the plan advocated by the hon. gentleman from Marshfield that the leader of the Opposition should recommend a portion of the appointments to the Senate, to bear the same relation to those made by the Premier, as the number of the opposition members of the House of Commons bore to the Government members. There is a good deal to be said in favour of that scheme, but after all the position of the leader of the opposition is one which is not recognized at all in the British parliamentary system, and as an hon. friend suggests, carries no responsibility with it. It has been recognized in this country in the other House, but I think it would be very difficult to induce the present parliament, or in fact any other parliament in this country, to agree that any appointments to the Senate should be made by the leader of the opposition. I do not know any way in which you could induce the House of Commons to agree to it, or the Senate either for that matter.

Now, if we had to change, we might look at the experience of the old province of Canada before the union. Canada was divided into forty-eight legislative council divisions. There were twenty-four in Quebec and twenty-four in Ontario, and each of these divisions counted about three of the electoral divisions for the lower House—nearly three. The proportion was twenty-four to sixty-five, and the councillors were elected for eight years instead of four, as were the members of the lower House ; and the gentlemen who were elected to the upper House under that system were a very superior class of men. I do not say they were superior to those whom we have now, but they were a very superior class of men. I do not wish to go over the names, but within my own experience we had a number of very able men in this House who had been elected to the council before the union, and who were men of marked ability and very high character ; and I may say that some years ago, when discussing this question, I remember that the Hon. Edward Blake took the view that on the whole the system which had been in operation in old Canada was probably the best system, and I notice that in the discussion of 1890, to which I referred before, my hon. friend the Secretary of State took that view. Now to that view there are the objections that I mentioned some time ago. There are the objections which you find discussed at the time of confederation and you will find them in the discussions which took place in 1890.

With these other objections there is the objection which I took a little while ago to any system which would make the members of this House dependent upon any other body. The men elected for eight years would be to all intents aud purposes just about as subservient to the supposed wishes of the people as the House of Commons, and this House would not fulfil its proper function if its members were not independent. My own scheme, I presume, will not meet with the approval of very many hon. gentlemen. My scheme would be to divide the country up, as old Canada was divided up, into senatorial districts. Provision might

be made, if we thought well of it, for reducing the number of senators. That is another point as to which I quite concur with the right hon. Minister of Trade and Commerce, that some steps should be taken to prevent the Senate from going beyond about eighty. The scheme would be to divide the country up in that way into senatorial districts. Attach one sitting member of the Senate to each of those senatorial districts, and then provide that henceforth whenever a vacancy occurred in a senatorial district that vacancy was to be filled by election by the people. The senators would be elected just as the old legislative councillors were in the days immediately preceding confederation, elected by the same electors, but for much larger districts than members of the House of Commons, and such senators should be elected for life. Now, let us see what the effect of that would be. In the first place, it would involve no addition to the number of senators. It would involve no dislocation of existing arrangements; it would satisfy the desire of the people for representation in the upper House, and as the elections would be for life, it would give the members of this House the desirable independence, and it would meet the objections urged by Mr. Brown and also by Sir Alexander Campbell and others against the senator, who was looking forward to re-election or re-appointment. It would not involve any additional general election, and it would, I humbly submit, guarantee that we would have a pretty good class of men in the Senate. I do not say they would be any better than those we have now, but I think it would be a guarantee that we would not have an inferior class of men. A gentleman to be elected by a constituency embracing say three of the Commons constituencies would require to be a man of marked ability and considerable standing. This plan would not be open to the objection taken to the old plan, that elderly men would not care about running any more elections. There would be simply one election to run, and then the fight would be over. I contend that whereas we to-day are fairly independent, but somewhat timid in our independence, and not very popular, under this system which I suggest, when it once came into operation, we would be quite independent and very popular.

Hon. Mr. ROSS (Halifax)—I do not intend to occupy the time of the Senate, because I have not prepared a speech on this subject. Many different reforms have been advocated by different speakers. The only two who have not advocated reform, are the hon. gentleman from Kingston (Hon. Mr. Sullivan) and the hon. gentleman from Cobourg (Hon. Mr. Kerr). I admire these two gentlemen for their great common sense, far above those who have been advocating so many different theories. The hon. gentleman from St. John (Hon. Mr. Ellis) would have only one Chamber. I think the day is passed in the Dominion of Canada when that theory will find a reception. I know that in the province of Nova Scotia, with whose legislature I am well acquainted, nothing of the kind would be dreamed of, and I think that even the large body which meets in Toronto would be the better of a second Chamber. I am not so sure but that in the new provinces which have been organized lately in the west the day will come when a second Chamber would be an improvement to their system also. The hon. gentleman from St. John disqualified me for being elected, because he limited the age; but if the Senate were to be made an elective body, unless the age limit would disqualify me, I would have as good a chance of coming back from Cape Breton as any of the other representatives from that island or from Nova Scotia. I am opposed to an elective Senate. Suppose the legislatures of Nova Scotia would have the power of electing the members coming to the Senate from that province; as that body is constitued at present they would all be supporters of the government. The same would be the case in Quebec and in the other provinces who sent representatives to the other House supporting the present government. Do you think that that reform would place the Senate in a better condition than it is at present? I think you would find that there would be confusion. There is no confusion now because we are a harmonious body of men, courteous in our debates, and we like to listen to good speeches no matter from what side of the House they may come. I have the highest respect for the hon. leader

of the opposition in this House. He speaks well ; he speaks courteously ; he uses good language, and he has the good sense never to make a long speech. Some of the theories that were advocated by the right hon. Minister of Trade and Commerce did not meet with my approval. He generally settles his arguments on a pretty solid foundation, but in this instance he has wandered away and has advocated theories which would not, I think, be very beneficial if carried into effect. He was followed by the hon. gentleman from Marshfield (Hon. Mr. Ferguson). Pehaps the greatest fault of that hon. gentleman is that he makes long speeches. They are very exhaustive—he is an industrious man, and when he speaks on any ordinary subject he leaves little for any body else to say. I think it is a benefit for us that he is absent now, because the end of the session will be hastened on that account; my idea is that you had better leave the Senate as it is, that is the advice of an old man. The hon. gentleman from Cobourg has given us a little display of his classical knowledge. We always admire his speeches, and he has given us a little of his knowledge of scripture in the speech which he has made. While I would not attempt to follow him in the classics, when it comes to scripture I find myself just as much at home as he is, and there is one passage of scripture which I think applies very forcibly to the present question : 'Remove not the ancient landmarks which thy fathers set.'

The fathers of confederation were wise men, men of great experience, men used to political life, who knew the necessity for a constitution for this country and they formed a scheme that has worked well to the present day. I did not admire my hon. friend from Cobourg (Hon. Mr. Kerr) in his high praise of the House of Lords. I think the House of Lords is not as much in sympathy with the electors of Great Britain as the Canadian Senate is with the electors of this Dominion. Suppose that there should be five vacancies in the province of Quebec to-morrow, those vacancies would be filled with men perhaps that would have the accord if not the request of the local government of the province of Quebec. The local government of Quebec is in close connection with the people, so that senators that would be appointed would be in that respect much closer to the people than the House of Lords is at present. I might be permitted here to quote from a speech once delivered by Mr. Chamberlain speaking of the House of Lords. The Westminster 'Gazette' quotes from a Birmingham speech delivered some time ago by Chamberlain :

Speaking of the House of Lords, he said :

> It has never contributed one iota towards popular liberties or popular freedom. It has protected every abuse and shattered every privilege. It has denied justice and delayed every reform. It is irresponsible without independence, obstinate without courage, arbitrary without judgment and arrogant without knowledge.

That was Chamberlain's view of the House of Lords. He has a different idea now ; he wants to praise the House of Lords because he thinks they would be the means of defeating the Education Bill. The hon. member from St. John prepared a long, valuable and learned address on this subject and advanced some theories that I thought were rather inconsistent. He would give Prince Edward Island four members in the Senate and would only give his own province six and Nova Scotia six. I doubt that he is speaking the voice of the people of New Brunswick. I know he would not be speaking the voice of the people of Nova Scotia if he were going to reduce the number of members in the Senate. There is very little, as the hon. senator from Smith's Falls said, in the constitution of the United States that we should like to follow or imitate. We have started on a good solid foundation, and we are progressing very favourably. Although an old man, I am a young member of the Senate, but I must confess that I admire the kind sentiment and feeling that prevails in the Senate. There is nothing like extreme partisanship in any shape or form. There is a desire on both sides to please, and I think that every subject that comes up to this House will receive fair consideration from both parties. I am not going to advocate any reform. I have a little more sense than to attempt anything of that kind ; but if in the kindness of their hearts, and I know that the Secretary of State is one of the kindest men we have in the Senate or out of it—the government would select two or three

or more prominent members who have been known and trained to political life, of moderate views, even of the Conservative party, and appoint them to this House, I think it would show wisdom on the part of the government. However, there is a difficulty there ; the people outside would not take hold of that view, because there would be persons wanting to come into this Senate who would be supposed to have a better right to the appointment than members of the opposition. However, I think something of that kind would be an improvement, and it would encourage our friends who are in mild opposition to the government at present. My advice, the advice of an old man and an old politican also, is to let the Senate alone, and this kind sentiment that prevails in the Senate is growing stronger and better every day, and the result will be that every message that comes down to this House will receive as much and as careful attention as possible from both parties. For instance, yesterday, I voted with my hon. friend from Halifax and against the leader of the government in this House on some mild reform that was advocated, but if it would come to the abolition or the repeal or the vetoing of any government measure, I would not be found going that far. As a rule, when a government measure comes down from the other House to the Senate—I am not speaking of one government more than of another—a government supported by the representatives of the people, as a rule it is a pretty high handed act to repeal that measure in the Senate, and I do not think that I will live to see such a thing done again. I admired the speeches of the hon. senator from Kingston and the hon. senator from Cobourg, and I think they have shown perhaps more penetration and more wisdom than most of the other theoretical speakers who suggested this reform and that reform. I am not so sure that I would approve of the reform suggested by my hon. friend from Halifax, because I do not think we should go back to the old days. The idea in this age is to go forward, and if there is any change at all it should be more in a progressive way than to go back to ancient history. As I have already said, leave the Senate alone, and in the present spirit of the representatives of both parties in this House, the legislation that is introduced here and that will come down from the other House will receive the best and most careful attention.

Hon. Mr. MACDONALD (B.C.) moved that the debate be adjourned until to-morrow.

The motion was agreed to.

LOAN COMPANIES BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (40) An Act respecting certain loan companies.

The Bill was read the first time.

Hon. Mr. KERR (Toronto)—I beg to move the suspension of the rules in order to permit of the second reading to-night.

Hon. Sir MACKENZIE BOWELL—The title of the Bill is 'An Act respecting certain loan companies.' Will the hon. gentleman inform us what the character of the Bill is ?

Hon. Mr. KERR (Toronto)—I was going to give that explanation at the second reading.

Hon. Sir MACKENZIE BOWELL.—Before consenting to the suspension of the rules, I want to know the character of the Bill.

Hon. Mr. KERR (Toronto)—This Bill has a limited application. It is intended to apply to companies, as it expressely states on the face of the Bill, incorporated as loan companies under the Act of 1886, chapter 119 of the Revised Statutes. It will be within the memory of the hon. gentleman that that was an Act respecting joint stock companies and contained clauses that related exclusively to loan companies that were incorporated by letters patent. The companies to which this Bill apply are companies that were incorporated under that Act. In 1899 a new Act was passed relating to loan companies, and that Act repealed the sections which I have just referred to in the Act of 1886, except as applying to companies then in existence. Under the Act of 1899, more extended powers of investment were granted to companies incorporated under that Act, and in 1903 a Bill was introduced, of which this is a copy. It passed this House and the House of Commons as Bill No. 24.

Hon. Mr. LOUGHEED—What is the number in the statutes ?

Hon. Mr. KERR (Toronto)—It is not in the statutes. By some mistake the Bill was mislaid and never received the Royal Assent, simply because it had gone astray. It was not discovered until some months afterwards that the Bill had not received the Royal Assent, and so the matter passed on until last year. It was intended to introduce it, but for some reason it was not introduced, but has been introduced this year. The Bill therefore now is word for word and letter for letter that of the Bill that was passed that year by both Houses, and it is intended to apply only to those companies that were incorporated under the general Act of 1886, chapter 119, because all the others which had been incorporated since 1899 are governed by the provisions of the Act of 1899. This gives them the same powers as the Act of 1899 and is the same Bill, as I have said, which passed here in 1903. Under these circumstances, I thought I might ask the indulgence of the House to suspend the rules and give this Bill the second reading now in order that it may be referred to the Committee on Banking and Commerce to be dealt with tomorrow.

Hon. Sir MACKENZIE BOWELL—The companies to which the hon. gentleman refers, were they incorporated by Act of parliament ?

Hon. Mr. KERR (Toronto)—They were incorporated under the general Act.

Hon. Mr. LOUGHEED—How is it that the government has not assumed responsibility for this legislation? The general Act under which loan companies are incorporated is, of course, a government measure. It is practically administered by the Finance Department and it seems to me a peculiarity that a government measure of this kind should be introduced at the instance of private companies.

Hon. Mr. KERR (Toronto)—Of course it affects a limited number of companies, two or three companies who are at the disadvantage of not having the same field of investment given by the general Act. It is introduced at their instance.

Hon. Mr. LOUGHEED—If there was this inequality to which my hon. friend referred and this was pointed out to the government, would the government not assume responsibility of placing them on the same footing?

Hon. Mr. KERR (Toronto)—This course is following exactly the line taken in 1903. I might also add that this Bill has been approved by the Finance Minister, because I happened to be present in the committee of the House of Commons when the Bill was dealt with, although I had nothing whatever to do with the Bill at the time. I heard the explanation which was given, and the assent given by the Finance Minister to the Bill; and the Bill being passed as it passed the committee of the House of Commons, I am in a position to say that the government, through the Finance Minister, have approved of the measure.

Hon. Mr. LOUGHEED—What has the hon. Secretary of State to say, as representing the government, to a measure of this kind being brought down to amend a general Act without the government assuming the responsibility of it?

Hon. Mr. SCOTT—My attention has not been called to it. One reason why the government would not have taken it up is that it is not a Bill which is general in its character. It is limited to a certain number of companies. I quite understand how it happens to be in the hands of a private member

Hon. Sir GEORGE DRUMMOND—There is no doubt this is a very important question. It is an extension of the powers already granted by the Act to certain loan companies. We should, in the first place, be well acquainted with what powers they have under the general Act before we undertake to extend them. I am of the opinion that the government should take upon itself to consider carefully the lending powers of all trust and loan companies, and also the investing powers of insurance companies, and frame a general Act which would meet the case. I am entirely of opinion that to pass a Bill like this at the very end of the session would be a rather rash proceeding. I think we ought to give very careful consideration to such a Bill as this.

Hon. Mr. KERR (Toronto)—This is not a Bill, so far as those who are promoting it are concerned, which is being brought

in at the last of the session. The Bill was introduced on the 22nd of March. It will be within the memory of members here that the Finance Minister was laid up by an accident and unable to attend the public business for a time, and this Bill stood for his consideration and assent. It has simply been delayed by the fact of other Bills getting precedence in the House of Commons. But so far as the companies are concerned who are interested in it, they saw to its introduction early in the session, and the explanation I have given is the only one there is as to why it is here now. It is of great importance to the three companies which are effected by it, because they are at the disadvantage of not having enjoyed the same powers as are granted by letters patent to companies which are incorporated under the Act of 1899.

Hon. Mr. LOUGHEED—How many companies would this Bill affect ?

Hon. Mr. KERR (Toronto)—The statement made in the committee of the House of Commons was that there were two or three. I had nothing to do with the matter until this evening, when I was asked to move as I am now doing. The instructions were to ask if the House would do it, to allow it to go to the Banking and Commerce Committee where everybody could be heard and the circumstances be detailed.

Hon. Mr. LOUGHEED—My hon. friend knows that if these rules are suspended the Bill will go to the Banking and Commerce Committee in the morning. It has not been distributed up to the present, as far as I can ascertain, and it seems to me it would be utterly impossible to make full inquiry into so important a measure before to-morrow morning, more particularly in view of the fact that we have not the Bill before us.

Hon. Mr. KERR (Toronto)—It is a Bill of the Commons, and it could not be printed for distribution here until now. I admit that is a disadvantage, but the reason for the delay is as I have stated. The first clause of the Bill quotes word for word the powers which are granted at present under the general Act, and it is word for word with a Bill which the Senate and House of Commons passed in the session of 1903. (Bill 24). It was supposed then that it would have become law, and this would have been the case but for a mistake.

Hon. Sir GEORGE A. DRUMMOND—If the matter was of such vital importance, how were the companies content to wait until now?

Hon. Mr. LOUGHEED—Might I also, if I am not interrupting my hon. friend, suggest that the very fact of the Governor not having given his assent to that Bill of 1903, would indicate that the government had withdrawn the Bill or that the Governor had purposely refused his assent.

Hon. Mr. KERR (Toronto)—I am only giving the explanation as given to me.

Hon. Mr. LOUGHEED—I do not doubt the correctness of my hon. friend's motive or statement, but it seems to me it bears upon it the imprint of this fact that the government must have reconsidered the measure and not permitted the Governor to assent to it.

Hon. Mr. KERR (Toronto)—Of course if that was the case I would not be able to make the statement I am making now. The statement made in the Commons committee, in the presence of the Finance Minister, who had considered the Bill in the meantime and approved of it—that statement was just as I have made it. And it was not that there was not any reconsideration, or that there was any reason it did not get it, except that the Bill was not amongst those that were assented to. We could easily understand such a thing as that could have happened, and it is what has appeared here.

Hon. Mr. LOUGHEED—What section in the Act of 1899 does this Bill re-enact ?

Hon. Mr. KERR (Toronto)—Section 20. I do not see any reason why the matter should not go the way I speak of under the circumstances, because it is not as if the matter had been abandoned or anything of that kind, and all I am asking is an opportunity of being able to give the explanation to-morrow which I cannot give now. I understood it was the intention to have the Bill introduced last session, but for some reason or other that miscarried, I do not know what the reason was, I may be wrong about that. I do not undertake to to say that is the case, but it was months

afterwards before it was discovered that the Bill was not in force. It was only when they came to turn up the Act that they found that the Bill had not been sanctioned.

Hon. Sir MACKENZIE BOWELL—I think that in view of the importance of the matter the rule should not be suspended. The statement of the hon. gentleman is a peculiar one—that the Bill should have passed both Houses, and was not sanctioned by the Governor. There can be only one explanation to that, and that is that the government advised His Excellency not to consent to the Bill for some reason or other. It is as well that it should stand till to-morrow, in order that the Secretary of State should ascertain what the action of the government was at that time. If the Bill was passed, I scarcely conceive it possible that the clerks of both Houses should neglect to bring it before the Governor to receive his sanction, unless some action had been taken by the government to delay it. It is a statement, I must confess, that I never heard before, and it is extending the principle of the Bill to which the hon. gentleman has referred to all loan companies which were incorporated before and since which had not those powers. I do not think it is a reason why we should consent to a suspension of the rules dealing with so important a matter, for the simple fact that the Bill has been delayed by the House of Commons even for the reason suggested, and then laid before us. We are asked to confirm, by the action we are taking, the principles involved in it, without having the Bill laid before us or printed. It is one of the difficulties of rapid legislation, and the complaint which we are constantly making that Bills of the most important character are brought before the House during the dying hours of the session when we have no time to investigate them or even to know the contents of the Bills themselves. I hope the hon. gentleman will not press the motion for the suspension of the rules.

Hon. Sir GEORGE A. DRUMMOND—The necessity for some such Bill has forced itself very clearly on my mind during the experience I have had in the Committee on Banking and Commerce. The fact is that it is the duty of the government to give full consideration to all the items in such a Bill and frame it with the greatest care. As hon. gentlemen are aware, the House at large is scarcely the forum to discuss in detail the objects of the investment of a trust or loan company, but that some such Bill of a general character which would affect the legislation on trust and loan companies, something on the lines of the Railway Act and Companies Clauses Act, might be adopted with the greatest possible advantage in the ordinary legislation of the Senate. In my opinion it is not a thing to be done in a hurry or without due deliberation, but if it were possible to suggest to the government a method of doing it, which is an act of imprudence, perhaps, I would suggest that this Senate might very well devote the earlier days of the session, when as you all know we are occupied in really doing nothing and adjourning from time to time. I cannot conceive of any better piece of business that we can undertake in the early days of the session than to give such an Act as is contemplated in this Bill our most serious consideration. Hon. gentlemen are all aware that Bill after Bill comes before this House and is relegated to the consideration of the Banking and Commerce Committee, and notwithstanding all considerations of prudence, the attitude of the Senate committee and of the Senate itself is to be lenient and grant if possible the terms of any Act which comes before it. The leaning is always to be liberal, and an absolutely conclusive argument always invoked is that some other companies have got those rights before. In the face of any prudential considerations, that is supposed to be an absolutely final argument. Under those circumstances, I am deeply of opinion that it would be an excellent thing not to pass any such Bill as this at this stage of the session, but to make it a part of the business of next session to occupy our time in the Senate—which we might very well do—originating a Bill on the subject. I think it is the business of the government to undertake it however, and I would hail any attempt on the part of the government to solve this question. In the meantime I, for one, would object to the passage of this Bill now, simply because I do not understand its bearings without the closest consideration of details. I rather object to the Bill as proposed.

Hon. Mr. KERR (Toronto)—In view of the objection to the suspension of the rules there is only one thing to do, and that is to move the second reading of the Bill to-morrow. The object I had in going before the Banking and Commerce Committee to-morrow was to get the very details and explanations necessary, information which I think everybody in this House will agree, if it establishes the case as I have put it, will justify this company asking for the same powers as other companies possess under the general Act.

Hon. Mr. LOUGHEED—My hon. friend will have plenty of time before prorogation to do that.

Hon. Mr. KERR (Toronto)—Except there will be no opportunity to go to the Banking and Commerce Committee, and it will go to a committee of the whole House.

Hon. Mr. LOUGHEED—It is a public Bill and can go to a committee of the whole.

Hon. Mr. KERR (Cobourg)—It is only just to the hon. member from Toronto and the Senate that I should state what I know about the subject under discussion. The very Bill which the hon. senator from Toronto has spoken of was under my charge in the Senate in 1903. I took charge of it at the request of a Toronto law firm. It was read the first and second time, and on motion referred to the Committee on Banking and Commerce, where it was fully and thoroughly considered, under our present able chairman who made some remarks on the character of the Bill at the time. I think it was before it was referred to the Committee on Banking and Commerce that the attention of the Secretary of State was called to the character of it. As I recollect now, it affected two or three companies and the object was to bring these companies under the existing law. At the request of the hon. Secretary of State, the Bill was allowed to stand until he could look into it. After he had carefully examined it, he allowed it to pass this House and I supposed that it was law. The firm wrote me after the session was over to say that through some inadvertance the Bill had not received the Royal sanction. I wrote down to Ottawa to the hon. gentleman who had charge of it in the House of Commons, and said I would look into it thoroughly. I felt vexed at myself for having left Ottawa at the close of the session without making sure that the Bill had received the Royal sanction. It was not introduced in the last days of the session, but early in the session, and was one of the first Bills I had to look into in this Chamber. I felt after it had received the approval of the Secretary of State that the Bill was quite safe and would pass, and I wrote to the firm saying so. It was only when they wanted to make use of the legislation, which they supposed had been passed, that the mistake or inadvertence was discovered. I am not sure, but I believe the hon. gentleman from Belleville made some observations about the Bill when it was before this House.

Hon. Mr. POWER—I wish to direct attention to one provision in the first clause of the paragraph (b) which empowers loan companies to invest in certain classes of securities. It gives power to invest in the stock of any incorporated company incorporated by the Dominion parliament or any province of Canada. It seems to me that the power of investing in the stock of any incorporated company ought to be limited.

Hon. Sir MACKENZIE BOWELL—Is that the Bill that has been introduced here?

Hon. Mr. KERR (Toronto)—That is exactly the wording of the present law.

Hon. Mr. POWER—Then it ought to be changed.

Hon. Mr. KERR (Toronto)—It seems to me that both Houses of parliament having passed this Bill, it is due to ourselves, as well as to the companies affected by it, that we should redress the mistake which has prevented this measure becoming law for the last three years. Instead of our being over captious about it, we ought rather to try and put the companies in the position it was intended by the parliament of Canada in 1903 to place these companies. I am not asking for anything but what was really granted at that time, and what would have been the law if the Bill had received the Royal Assent.

Hon. Mr. POWER—Is it not possible that the Minister of Justice may have advised His Excellency not to assent to the Bill?

Hon. Mr. KERR (Toronto)—That question was asked and the reply was that it was not so. I do not know anything about it, because I can only tell you what was stated in committee. It was said that the only reason was that through some slip it had not received the Royal sanction. Under the circumstances, if the hon. member for Belleville persists in his objection, I must move that the Bill be read the second time to-morrow.

Hon. Mr. LOUGHEED—I do not think the hon. gentleman from Toronto should attribute the criticism on this Bill to captiousness.

Hon. Mr. KERR (Toronto)—I did not mean to say that.

The motion was agreed to.

The Senate adjourned until to-morrow at three o'clock.

THE SENATE

OTTAWA, Thursday, July 5, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (129) An Act to incorporate the Sovereign Trust Company.—(Hon. Mr. Ferguson.)

Bill (131) An Act respecting the Royal Bank of Canada.—(Hon. Mr. McKay, Truro.)

UNITED EMPIRE LIFE INSURANCE COMPANY.

THIRD READING.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (90) An Act to incorporate the United Empire Life Insurance Company, with two amendments.

He said: It is my duty to explain that the amendments consist in striking out the words 'And 41' which has the effect of excluding clause 41 of the Companies Clauses Act from the exception which applied to sections 7, 18 and 39. Clause 41 is one which forbids the company to purchase the stock of another corporation, and was struck out by the committee.

Hon. Sir RICHARD CARTWRIGHT—Would the hon. gentleman state exactly what the purport of that amendment is? Is it an omission?

Hon. Sir GEORGE DRUMMOND—Clause 16 of the Bill reads as follows:

16. The Companies Clauses Act, except sections 7, 18, 39 and 41 thereof, shall apply to the company in so far as the said Act is not inconsistent with any provisions of this Act or of the Insurance Act: provided, however, that the company may make loans to its shareholders or policy-holders, not being shareholders' directors, on the securities mentioned in the Insurance Act.

The committee left the exception in clauses 7, 18 and 39 and struck out the exception in clause 41, which, as I said, is a section which forbids the company to purchase the stock of another corporation.

Hon. Sir RICHARD CARTWRIGHT—That remains in to all intents and purposes; they are fobidden now?

Hon. Sir GEORGE DRUMMOND—Yes.

Hon. Mr. WATSON moved concurrence in the amendments.

The motion was agreed to.

The Bill was then read a third time and passed.

LOAN COMPANIES BILL.

Hon. Sir GEORGE DRUMMOND—I ask the forbearance of the Senate if for a moment I refer to a matter outside of the regular business which was confided to the Committee on Banking and Commerce by this House. It will be in the recollection of hon. gentlemen that a Bill was introduced last night and discussed at considerable length respecting certain loan companies, with the result that the House declined to grant the suspension of the rules which would have enabled that Bill to come before the committee to-day. The Bill was of a general character, and increased the powers of certain trust and loan companies. The representations made were that this Bill had been actually passed by both Houses in 1903, and through some accidental event had not received the Royal sanction. The committee entered into a full consideration of that and were satisfied that the representation was correct. I objected, if the House will remember, to the Bill on the

ground that it was of vital interest to the Senate, and to the country at large, that a general Act dealing with investments and powers of the trust and loan companies more especially should be passed; that it was called for urgently, and this Bill was likely to forestall and impede such legislation. I was convinced this morning by a comparison of the statute-book charters that the powers requested in this Bill were really as represented and had already been enjoyed by a class of other companies investing in the same way. My objection to the Bill was thereby removed. I would only, in concluding what I have to say, urge on the House in the strongest way to impress on the government the necessity for a general Act dealing with powers and privileges of several classes of companies that come before the Banking and Commerce Committee, more especially the trust companies and the loan companies, and no doubt the commission now sitting on the insurance companies will make representations which will lead to legislation in that direction also.

RAILWAYS AND SUBSIDIES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (214) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

(In the Committee.)

Hon. Mr. LOUGHEED—Would my hon. friend, at the beginning, point out what subsidies are new?

Hon. Mr. SCOTT—I have not been able to find that any of them are new.

Hon. Mr. LOUGHEED—I understand that while most of them are re-votes, some of them are practically new in this respect that they are old subsidies transferred to new roads. Has my hon. friend any information as to where that has been done?

Hon. Mr. SCOTT—The policy of recent years has been not to allot a subsidy to a particular company but to any road constructed between the termini. That has been found to be a better way, because sometimes where the subsidy has been allotted to a particular company it has failed to make arrangements, while other parties could have succeeded in doing so. I do not find that there is any material difference except that there may be some difference in the mileage. I have spent some time looking through the Bill and I do not find that there are many new subsidies. The clauses are framed on the same lines which have governed the Bills introduced on this subject in past years. The subsidies are $3,200 per mile, except under certain conditions where the cost exceeds $15,000 per mile. Then the subsidy may be increased double the amount, but it is not to be greater than $6,400 per mile.

Hon. Mr. LOUGHEED—In clause 1, can my hon. friend say whether the Canadian Central Railway Company appeared in the former vote? The subsidy is now being voted to the Manitoulin and North Shore Railway Company.

Hon. Mr. KERR—(Toronto)—These two companies are affiliated, and it is not known which of them will construct the road.

Hon. Sir MACKENZIE BOWELL—Since no discussion took place on the motion to go into committee, I suppose we may be excused for asking questions outside of the paragraph immediately under consideration. Could the hon. gentleman inform the House of the number of miles that are subsidized and the different provinces in which the roads are situated, and the amount in each province?

Hon. Mr. SCOTT—I cannot do it off hand. In answer to the first question, I would refer the hon. gentleman to the Act of 1901 the first item of which related to the Manitoulin and North Shore Railway Company.

Hon. Mr. LOUGHEED—The former subsidy only extended to 30 miles of the road?

Hon. Mr. SCOTT—130 miles.

Hon. Mr. LOUGHEED—I am referring to 1903. That vote had lapsed, and revote was made in 1903 which will be found in item 34 of the Subsidy Act of that year.

Hon. Sir MACKENZIE BOWELL—What the hon. Secretary of State has said is not an answer to the question I asked. Can the

hon. gentleman tell us the number of miles re-subsidized in the different provinces ?

Hon. Mr. SCOTT—No I cannot. I checked the Bill over to ascertain whether they were all revotes. My hon. friend yesterday was under the impression they were not. As far as I can judge, they are revotes, but in one or two instances the mileage is somewhat changed or the route may be slightly altered. I did not find that any one of the votes came up for the first time—that they had appeared in a former subsidies Act.

Hon. Sir MACKENZIE BOWELL—I notice in these different items that they run from 130, 50 or 80 miles down to a mile. Upon what principle and what is the policy in granting to a company a subsidy for a mile of road ? If the hon. gentleman turns to item 10 he will see that there is 1½ miles, and 4½ miles in section 26. In section 29 there is only one mile, and in section 34 it is four miles. Then we get down to section 35 and it is only one mile. That seems to be carrying the principle of subsidy to a pretty good length, and if I were to use the sentences and language I have heard used in times gone by, I might say, adopting the language of others, that this looks like a bribe to some of these companies. Mind you, I do not say it myself, I am only repeating what was said a few years ago to members of the present government.

Hon. Mr. SCOTT—The explanation, I presume, is that where a road has been subsidized for 38 miles, and they find in building the road that it is really 39 miles, they have come back and asked for the additional mile. That has occurred on several occasions, but I do not know about this case. It has frequently involved even a half mile.

On clause 1,

Hon. Mr. LOUGHEED—Is this road under construction ?

Hon. Mr. SCOTT—That is the general clause under which the Governor in Council is authorized to pay the amount. It applies to all. The first road mentioned is the Manitoulin and North Shore Railway Company.

Hon. Sir MACKENZIE BOWELL—Are these for new roads, or are they under construction, and if they have been completed why has the subsidy formerly voted not been paid to them ?

Hon. Mr. SCOTT—I am not aware that any of them has been completed. I do not apply my observations as to this mile question, but, as a general rule, none of them have been completed. None of them pactically have been commenced. I noticed that some of them were contained in the vote of 1904, and under the clauses of all these Bills they must commence within two years. Now those subsidies granted in 1904 would expire on the 1st day of August, unless the companies began work within two years from the date of the passing of the Act. so there are several roads that were subsidized in 1904, that have really done nothing, not only earned nothing, but have made no commencement.

Hon. Sir MACKENZIE BOWELL—I know one of those roads has been completed and has been running for a year or two.

Hon. Mr. SCOTT—That may be.

Hon. Sir MACKENZIE BOWELL—Then why were the subsidies not paid ?

Hon. Mr. SCOTT—What road is it ?

Hon. Sir MACKENZIE BOWELL—The road running from Tweed to Bannockburn in the county of Hastings.

Hon. Mr. KERR (Toronto)—Perhaps because the time stipulated for the subsidy had expired.

Hon. Sir MACKENZIE BOWELL—I am glad the hon. Secretary of State and some one who understands the items can give the information.

Hon. Mr. SCOTT—You say this road is finished ?

Hon. Sir MACKENZIE BOWELL—The one that I refer to is running.

Hon. Mr. SCOTT—These roads have not been paid all the amount of the subsidy.

Hon. Sir MACKENZIE BOWELL—I am asking why, since the road has been completed and is running, the subsidy has not been paid ?

Hon. Mr. SCOTT—I cannot explain. The Act is a very exact one. It requires very

full examination and a certificate by local engineers and the engineers of the department and an order in council, so there is no doubt there is considerable delay about all those matters. I will make an inquiry in regard to it.

On subclause 7,

7. For a line of railway from a point at or near Sharbot Lake or Bathurst station, in the province of Ontario, or between those points, via Lanark village, to Carleton Place, in lieu of the subsidy granted by chapter 7 of 1901, section 2, item 17, not exceeding 41 miles.

Hon. Sir MACKENZIE BOWELL—This is one in which the route has been completely changed.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Could the hon gentleman tell us why ?

Hon. Mr. SCOTT—On the report of the Minister that there is a more desirable route. The Minister of Railways is the official who prepares this Bill, and he no doubt has seen the local parties, and on representations made to him that he thought reliable and satisfactory the route no doubt has been changed. Very often the routes are changed.

Hon. Sir MACKENZIE BOWELL—The vote originally was to the Canadian Pacific Railway in order to shorten their line. Probably this is a shorter route.

The subclause was adopted.

On subclause 29,

29. To the Quebec and Lake St. John Railway Company, for a line of railway from Roberval to the government wharf at Lake St. John, in lieu of the subsidy granted by chapter 57 of 1903, section 2, item 40, not exceeding one mile.

Hon. Sir MACKENZIE BOWELL—This is a one mile road. Is it simply a branch to run down to the lake, to a wharf, or to some warehouse ?

Hon. Mr. SCOTT—That is evidently an illustration of what I was speaking of; that the road has either been extended one mile, or that they were one mile short.

The subclause was adopted.

On subclause 32,

32. To the Brockville, Westport and Sault Ste. Marie Railway Company, the balance remaining unpaid of the subsidy granted by chapter 3 of 1889, not exceeding $3,200 per mile, and also the balance remaining unpaid of the subsidy granted by chapter 2 of 1890 which was regranted by chapter 5 of 1892 ; the whole not exceeding $86,800, being a revote of the subsidy granted by chapter 4 of 1894 ; and the said subsidy, or so much thereof as has heretofore been agreed upon by the terms of an agreement, filed in the Department of Railways and Canals, between the said Brockville, Westport and Sault Ste. Marie Railway Company and the creditors of the said company, may be paid over to the said creditors or their legal representatives, as mentioned in the said agreement.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell us with regard to the claim under clause 32, the Brockville, Westport and Sault Ste. Marie Railway; has that not been a claim for some years, and now re-voted ?

Hon. Mr. SCOTT—As the hon. gentleman is aware, this road has been in operation for some years as far as Westport. The road got into bankruptcy practically, and we had it before the Railway Committee two years ago. Then it was purchased by an American syndicate and they obtained a charter to extend it to Sault Ste. Marie.

Hon. Sir MACKENZIE BOWELL—Is this subsidy for the extension ?

Hon. Mr. SCOTT—This would be part of the extension. I do not think they have done very much at it. I am not aware that they have done anything.

The subclause was adopted.

On subclause 35,

35. For a line of railway from a point at or near Wolfville, on the Dominion Atlantic Railway, to the government pier at the Basin of Minas, not exceeding one mile, in lieu of the subsidy granted by chapter 57 of 1903, section 2, item 25.

Hon. Mr. ELLIS—I would ask the hon. Secretary of State what was in the preceding grant in 1903 ?

Hon. Mr. SCOTT—The Act of 1903 read 'For a line of railway from a point at or near Wolfville on the Dominion Atlantic Railway to the government pier on the Basin of Minas, not exceeding one mile.' That was in lieu of the subsidy granted in 1901. It is just the same as in the former year.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell us what company owns or operates this road ?

Hon. Mr. SCOTT—The Dominion Atlantic.

Hon. Mr. ELLIS—I may say that the government built a pier somewhere down in the harbour of Wolfville, and there was a good deal of difference of opinion at Wolfville as to whether the pier should not have been built nearer the railway. It was built by the government, for whatever reason, and this is to extend the track from the Dominion Atlantic Railway down to the pier. It has been standing since 1903 and nothing has been done yet.

Hon. Sir MACKENZIE BOWELL—I suppose this mile of road being in the constituency of the Minister of Militia, he will decide where the mile of road shall be built ?

Hon. Mr. SCOTT—It appears not to have been built from 1903 up to the present time.

Hon. Sir MACKENZIE BOWELL—It must be very important, if they want a subsidy to build a mile of road ?

Hon. Mr. LOUGHEED—Does my hon. friend know if there is water around this pier ?

Hon. Mr. McKAY (Truro)—There is, when the tide is in.

The subclause was adopted.

On subclause 40,

40. To the Ottawa, Northern and Western Railway, for a line of railway from Aylmer to a point of junction with the Interprovincial Bridge approach in the city of Hull (except that portion thereof beginning at a point of junction with the line of the Hull Electric Railway in the city of Hull and terminating at a point on the main line of the Canadian Pacific Railway at the east end of its Hull station yard), not exceeding 9 miles, in lieu of the subsidy granted by item 12 of section 2 of chapter 7, of 1899, and by the first portion of item 13 of section 2 of chapter 57 of 1903.

Hon. Sir MACKENZIE BOWELL—I think this requires some little explanation. There is an electric road now running from Aylmer to the Interprovincial bridge, and there is a railway also which was built some years ago running from Hull to Aylmer, and from this it appears that there is a subsidy for another road, or is it to pay for what has been built already ? The railway has been built as hon. gentlemen know, for years, ten or fifteen years. The electric road has been built for a number of years, and, according to the reading of this item they propose to build a third road over the same route.

Hon. Mr. SCOTT—Yes, it is a puzzle. It has been up ever since 1899 and has been in all the subsidy Acts. I presume in some of those cases the claim is made, and the minister will not decide favourably, and it goes on for another year, and he has not come to any conclusion, and it is still put in.

Hon. Mr. LOUGHEED—What is the necessity for the road, if there are already two roads ?

Hon. Mr. SCOTT—It is a claim, I suppose, for a portion of the road built. Formerly the road was subsidized between Aylmer and Ottawa. Then I think the electric road took part of the original line.

Hon. Sir MACKENZIE BOWELL—Then the Canadian Pacific Railway bought both.

Hon. Mr. SCOTT—Then they made a claim for some additional mile subsidy and it appears to have been up since 1899. It ought to have been settled, and decided one way or the other before this.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman, before the third reading, make some inquiry about it ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. KERR (Toronto)—The vote showed this to be for a part of the road from a point in the city of Hull to the Ottawa and Gatineau.

Hon. Sir MACKENZIE BOWELL—There is nothing in this item about the Gatineau. It says: ' To the Ottawa Northern and Western Railway for a line of railway from Aylmer to a point of junction with the Interprovincial bridge approach in the city of Hull, except that portion thereof beginning at a point of junction with the line of the Hull Electric Railway, and so on. It says nothing about the Gatineau road.

Hon. Mr. KERR (Toronto)—The former vote did.

Hon. Mr. SCOTT—The vote in 1899 read in this way :

To the Pontiac Pacific Junction Railway Company for a railway from Aylmer to Hull,

Quebec, not exceeding nine miles, in lieu of the subsidy granted by chapter 4 of 1897.

So it has been running for nearly ten years.

Hon. Sir MACKENZIE BOWELL—I should like to know for the information of the Senate, and myself in particular, why it has been standing so long ?

Hon. Mr. SCOTT—I shall try to obtain some information about it. Probably it was ruled out and the time expired, and the application was renewed.

Hon. Mr. LOUGHEED—Under the subsidy Act of 1903, the subsidy is limited to one mile and a quarter, and that is divided into two sections, so it is growing very rapidly apparently, from a mile and a quarter to 9 miles.

Hon. Mr. SCOTT—It is very absurd not having it closed up. It should have been closed up long ago.

The subclause was adopted.

Hon. Sir MACKENZIE BOWELL—I notice that there is no recognition of the claim made by the province of Ontario for assistance and subsidy from the Dominion for the roads which they have built out of the provincial treasury for the purpose of opening up and developing the unsettled portions of Ontario to the north and northwestward. Might I ask what consideration was given to the application made by the Ontario government for aid in connection with their road ? If we carry our recollection and memory back for a short time, we will remember that a very large subsidy was voted by parliament to relieve the province of Quebec from the liability which it had incurred in connection with the North Shore road. I am not finding any fault with that appropriation, but it seems to me that if one province could be relieved of a liability incurred in the construction of a road through a well settled portion of the country—that is the North Shore road—there can be no good reason why the province of Ontario, building a road into an unsettled portion of the country, should not be treated in the same way. The province of Nova Scotia also incurred a liability in connection with the Nova Scotia Eastern and after a good deal of negotiation this present government took over that road and paid the liability incurred by the province of Nova Scotia. There are two cases in which the Dominion government has taken over provincial works, one by the present government, the other by the government which preceded the present administration. Why should not Ontario be treated in the same way ? That is, if the question has been considered by the present government.

Hon. Mr. SCOTT—In reference to taking over the line from Quebec to Montreal, that was done on the assumption that it was part of the Transcontiental Railway.

Hon. Sir MACKENZIE BOWELL—Transcontinental ?

Hon. Mr. SCOTT—Yes, we paid for the road between Montreal and Ottawa, and took over the Canada Central that was built through the county of Renfrew, or gave a very large bonus of $13,000 a mile.

Hon. Sir MACKENZIE BOWELL—Over $2,000,000.

Hon. Mr. SCOTT—This application from the province of Ontario has been repeatedly before Council. I can harly say it has been finally disposed of, but the principle on which hesitation was expressed was that it seemed rather inconsistent that both the Dominion and the province should be expending money in the same direction. The expenditure on federal matters ought to be limited to the federal exchequer, because the provinces can go into debt at any time if the policy is once recognized that they ought to subsidize railways. The subsidizing of railways involves a very lage sum, and it is not one of those matters that was in contemplation at the time the subsidies were allotted to the provinces. In regard to some of the provinces it is absolutely impossible. Some of them have already made themselves, I will not say financially embarrassed, but they have seriously affected their finances by either advancing to railways or guaranteeing bonds, and I presume it is a question which will have to be discussed when the provincial premiers and the Dominion Premier meet. The application of Ontario I cannot say has been absolutely turned down. It has been under discussion and argued in the direction I have stated.

It would seem a very bad precedent to commence and bonus roads built by provinces, because there would be no end to it. You do not know where it would land us if a province were to build railways and call on the federal government to subsidize them in the same way they subsidize their own roads.

Hon. Sir MACKENZIE BOWELL—That would be a very good rule if it had been adopted years ago. The deductions to be drawn from the remarks of the hon. Secretary of State are these : if a province is reckless and runs into debt, you come to its assistance ; but because Ontario has not done that in the past—what it may do in the future I do not know—it is not to be assisted in the opening up and developing of an unsettled portion of the country. Let me put this question to the hon. gentleman; have not both governments recognized the principle, by relieving the provinces in the two cases to which I have called attention, of liabilities incurred in aiding the construction of railways ? That policy has been carried out in the case of two provinces, and I think I could instance others. Now, supposing a company had been organized for the purpose of constructing a road from North Bay to the Cobalt district, the government then, no doubt, would have granted a subsidy of $3,200 per mile ; but because the Ontario government has done this work, then it is to be deprived of the subsidy, while the right of other provinces has been recognized. I am very glad to hear that the matter has not been finally settled. In equity, the Ontario government, although not involved as some of the other provincial governments are, is certainly entitled to the $3,200 per mile, the same as a private company would be. I am fully aware, and so is every one else who has paid any attention to public affairs, that what many of the provinces have done has involved them in debt. If it is to be understood that a province which is reckless and extravagant is to be aided by the Dominion government, surely some assistance should be rendered to a government which is opening up a section of the country which was a wilderness, while the other governments were only contributing to the construction of roads through settled portions of the country.

Hon. Mr. SCOTT—It is worthy of note that the application was pressed strongly on the government before any change took place in the government of Ontario. When the Hon. Mr. Ross was premier this application was pressed on the government.

Hon. Sir MACKENZIE BOWELL—That does not detract fom the equity of the claim.

Hon. Mr. POWER—I think this provincial road in Ontario is in a different position from any other road. As far as I am aware, there is no other road in the Dominion which is owned and operated by a province. The object of granting a subsidy, I think, is not to benefit the parties who build the road, but to secure the construction of a road which would not be built without the subsidy. In the case of the Temiskaming road that question did not arise. The province undertook to build the road, and was able to build it, so that it was not necessary that there should be a Dominion subsidy to secure its construction. Although I do not know very much about what happens in Ontario, still I gather from the newspapers that this road which the province owns, and which I believe it is extending, is a property which pays the province handsomely ; and I really do not see why the Dominion treasury should contribute to put more money into the treasury of the province.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will permit me to congratulate him on his ingenious explanation.

The clause was adopted.

On clause 6,

6. Every company receiving a subsidy under this Act, its successors and assigns, and any person or company controlling or operating the railway or portion of railway subsidized under this Act, shall each year furnish to the government of Canada transportation for men, supplies, materials and mails over the portion of the lines in respect of which it has received such subsidy, and, whenever required, shall furnish mail cars properly equipped for such mail service ; and such transportation and service shall be performed at such rates as are agreed upon between the minister of the department of the government for which such service is being performed and the company performing it, and, in case of disagreement, then at such rates as are approved by the Board of Railway Commissioners for Canada ; and in or towards payment for such charges the government of Canada shall be credited by the company with a sum equal to three per cent

per annum on the amount of the subsidy received by the company under this Act.

Hon. Mr. LOUGHEED—May I ask my hon. friend if the government has ever availed itself of this provision which has been inserted in many of the Bills relating to railways to which aid has been given? Has the government ever invoked its rights under this section?

Hon. Sir RICHARD CARTWRIGHT—I think it has in a few instances, but not, as the hon. gentleman is well aware, as a rule.

Hon. Mr. SCOTT—It, no doubt, has formed an element in making a contract with the Postmaster General for the carriage of the mails.

Hon. Mr. LOUGHEED—Is there any systematic account kept by the government with those roads which are bound to carry the mails and to extend to the government the privileges mentioned?

Hon. Mr. SCOTT—No, they have always been in an impecunious position.

Hon. Sir MACKENZIE BOWELL—If I may be permitted to refer to the debates in the other House, it was acknowledged by the Minister of Railways that these rights had never been invoked, and the government had never received any return.

Hon. Sir RICHARD CARTWRIGHT—In a certain number of cases, not many, in the Northwest, this clause was put into force.

Hon. Sir MACKENZIE BOWELL—If my recollection serves me right, those subsidies were given under different conditions altogether. There was a certain amount advanced to the companies and the conditions were that they were to carry the mounted police, the mails, &c., as the government might desire. That was a different principle altogether.

Hon. Sir RICHARD CARTWRIGHT—I speak from recollection, and if my hon. friend's recollection differs from mine I will not press the point; but I think on one or two occasions that question did come up.

Hon. Mr. LOUGHEED—My right hon. friend will remember that, in the construction of the Calgary and Edmonton road, the government gave a subsidy extending I think over 20 years, compelling the road at the same time to accord to the government the privileges and rights enumerated in this section. I am under the impression the government must have invoked to some extent at least their rights under that section, but I have never seen any return.

Hon. Sir RICHARD CARTWRIGHT—My recollection is that the only cases in which it was taken advantage of had reference to some few roads in the Northwest. I had the Calgary and Edmonton Railway in my mind, and I think the same thing also was done in the case of the Qu'Appelle road, and one or two others, but it certainly was not done as a general rule.

The clause was adopted.

On the question of adopting the preamble.

Hon. Sir MACKENZIE BOWELL—Before the committee rises, I wish to express my regret that there is no clause providing for the assumption by the government of any of these roads which had been built, the subsidy been paid by the government, and then the companies have allowed the roads to fall into disuse. That may not be the case in many instances, but it has happened in my own county. The Grand Trunk Railway were granted the full subsidy for the building of a road of 6 or 7 miles running from the terminus of what is called the North Hastings Road from Belleville to Madoc to Eldorado, connecting with the Ontario Central. The Grand Trunk Railway, after building the road and obtaining the subsidy, operated the line just as long as the hematite mines continued to yield a return for carrying the ore to the front. As soon as that ceased, that section of the road which connected Madoc with Eldorado on the Ontario Central was allowed to fall into disuse. So that really the money that was paid by the government of the day in aid of the construction of that road has been of no use whatever to the section of the country beyond the benefit that was derived for a short time in carrying out ore from the hematite mines along the road. There ought to be some provision of law by which a company receiving aid in that way should be compelled to keep the road up. It is very important for the city of Belleville and for the village of Madoc that that connection

should be made. It is only made now by stage coach.

Hon. Sir RICHARD CARTWRIGHT—Does my hon. friend inform us that that road exists, has been operated, and is now absolutely discontinued ?

Hon. Sir MACKENZIE BOWELL—Yes, discontinued. Whether the rails have been taken up I am not in position to say ; but I know that the road ceased to operate years ago.

Hon. Sir RICHARD CARTWRIGHT—The money was paid over to the Grand Trunk was it ?

Hon. Sir MACKENZIE BOWELL—The money was absolutely paid to them, and I will say further that they received half the subsidy first, and then the road required repair, and the hon. John H. Pope, when Minister of Railways, caused a vote, the difference between the $3,200 per mile and that which had been paid them before, which was $1,500 to be paid to the Grand Trunk and the road has been allowed to run down and has not been operated for several years. A deputation, of which I was one, waited on the manager of the Grand Trunk years ago and offered to take the whole line off their hands, and bind a small company, which could be formed for that purpose, to put the road in repair.

Hon. Sir RICHARD CARTWRIGHT—The two points are Madoc and Eldorado.

Hon. Sir MACKENZIE BOWELL—Yes. There is no village at Eldorado, but the junction of the other road was called Eldorado, and the name was given on account of the discovery of the Richardson gold mine.

Hon. Sir RICHARD CARTWRIGHT—Was it intended to stop at Eldorado, or was it intended to have gone further ?

Hon. Sir MACKENZIE BOWELL—No, simply intended to make a junction with the Ontario Central, which road runs in the northern section of the county.

Hon. Sir RICHARD CARTWRIGHT—Which passes Eldorado ?

Hon. Sir MACKENZIE BOWELL—Which goes through Eldorado southward to Trenton.

Hon. Sir RICHARD CARTWRIGHT—There is a good deal in what the hon. gentleman says. If these people got our money and chose to take it, it seems to me they should be compelled to operate the road or pay the money back, or let those who will run it take charge of it. I will take a note of it and bring it to the attention of the Minister of Railways.

Hon. Sir MACKENZIE BOWELL—I think this is the first time it has been brought to the attention of the House, but I felt it my duty to call attention to it for fear of any other road getting a subsidy and as soon as they found that the road did not pay for the moment, to let it go into disuse.

Hon. Sir RICHARD CARTWRIGHT—Perhaps it is not too much to ask the hon. gentleman to send a note to myself or the hon. Secretary of State giving the full particulars.

Hon. Sir MACKENZIE BOWELL—I will see that all the facts are communicated to the government.

Hon. Sir RICHARD CARTWRIGHT—I see the importance of the point, and it seems to me it might be very well considered by the department.

Hon. Mr. LOUGHEED—It might be pointed out that in the Bill before us, as I presume in all former subsidy Bills, provision is made only for construction. This subsidy is given conditional upon the construction of the road and not upon its operation. It seems to me it would be very reasonable to make it conditional that the road should not only be constructed but operated, so that a railway company having received this subsidy and not having operated the road might be liable to repay the amount.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend probably has looked into that matter a little. Is he not of opinion that the charter is forfeited by non-user ?

Hon. Mr. LOUGHEED—There might be something in that, but to whom will the property revert ? I do not think it will revert to the Crown.

Hon. Sir RICHARD CARTWRIGHT—The general principle is, if there is no other owner, that it reverts to the Crown.

Hon. Mr. LOUGHEED—In this particular case, the company charged with the operation of the road refuses to permit any other person to operate it, so it is like Mahommid's coffin, suspended between heaven and earth.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman is referring to the case which the hon. member from Belleville spoke of. If a railroad charter is not operated, is it not forfeited by the general law? I should think its charter would perish.

Hon. Mr. LOUGHEED—I would not be prepared to say off-hand what the result of that would be. The property would certainly be vested in the owners unless there is express provision to the contrary in the Railway Act.

Hon. Sir RICHARD CARTWRIGHT—The Railway Act is a very long and complicated one, but I rather think some provisions are made in it for forfeiture in the case of non-operation.

Hon. Mr. LOUGHEED—The government would surely have to take some steps to possess itself of the title.

Hon. Sir RICHARD CARTWRIGHT—Probably it would.

Hon. Mr. LOUGHEED—I am not aware of any machinery of that kind in the Act.

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

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (213) An Act to amend the National Transcontinental Railway Act.

(In the Committee.)

Hon. Mr. LOUGHEED—Can my hon. friend give us any further information than we got yesterday as to the nature of the securities to be taken by the government?

Hon. Mr. SCOTT—The Grand Trunk Railway furnished the government with a certificate from the Bank of Montreal that the bank held $5,000,000 security. The certificate lies in the vaults, and no doubt the Grand Trunk Railway is paying a handsome sum annually or monthly for the use of the credit.

Hon. Mr. LOUGHEED—The hon. gentleman now refers to the $5,000,000?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—As I understand the $5,000,000 security now consists of a certificate of the Bank of Montreal?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Referring to the securities to be given in lieu of the $5,000,000, can my hon. friend say what securities the government have in view?

Hon. Mr. SCOTT—The securities proposed, and under consideration now of the Finance Department, are securities of the Grand Trunk Railway up to $5,500,000 value—half a million of a margin above the present value of the securities offered. It is considered quite sufficient.

Hon. Mr. LOUGHEED—Does my hon. friend consider that margin would be sufficient to make provision for the fluctuation in the value of stock?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Surely in the negotiations between the company and the government, the company must have indicated, or the government must have stipulated, what those securities shall be. Will they be bonds, preference stock, or ordinary stock?

Hon. Mr. SCOTT—They will be stocks of the Grand Trunk Railway. I noticed that Mr. Fielding said in another place that the value of the particular stock he quoted was now 104; that is four above par and the deputy minister, who is familiar with it, when I asked him this morning, said the proposition was to deposit with the government Grand Trunk Railway securities up to $5,500,000. As hon. gentlemen know, the Grand Trunk Railway has spent a large sum of money already. The company is at

work on the line building it rapidly from Winnipeg westward, and extending eastward to Lake Superior.

Hon. Mr. LOUGHEED—Then I presume the terms of the contract have not been carried out in the government paying to the Grand Trunk Railway three per cent upon this $5,500,000 ?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LOUGHEED—The contract of 1903 provided that the company should deposit with the government $5,000,000, either in cash or partly in cash, and partly in bonds, and that the government should pay to the company 3 per cent upon the cash deposited, and the dividends upon the bonds or stock or securities which made up the $5,000,000. Now that transaction, as I understand, has not been carried out in that form.

Hon. Mr. SCOTT—No, in no other way than I have stated. They furnished the government with a certificate of deposit from the Bank of Montreal.

Hon. Mr. LOUGHEED—So the government has taken the Bank of Montreal for it ?

Hon. Mr. SCOTT—Yes. The Grand Trunk Pacific wants to save so much a year that the company is now paying to the Bank of Montreal.

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

Hon. Mr. SCOTT moved that the Bill be now read the third time.

Hon. Mr. POWER—There is one point as to which I should like to be clear. Under the contract, the government are obliged to pay interest on this deposit. When the bonds or stock of the Grand Trunk Pacific are deposited and accepted instead of the money, they would assume no interest.

Hon. Mr. SCOTT—Certainly not.

Hon. Mr. POWER—I think that during the period of construction there probably would not be any dividends to pay on the stock either.

Hon. Mr. SCOTT—It is not stock of the Grand Trunk Pacific. It is existing stock of the Grand Trunk Railway.

Hon. Mr. LOUGHEED—I apprehend the government would have to pay back to the company all dividends collected on the stock and bonds. That was the provision in the original contract, and it should apply under this arrangement.

Hon. Mr. POWER—Yes, if it is to be stock of the Grand Trunk Railway, but if it is to be stock of the Grand Trunk Pacific—

Hon. Mr. SCOTT—It is to be stock of the Grand Trunk Railway.

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

HARBOUR COMMISSIONERS OF MONTREAL BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (222) An Act to provide for further advances to the Harbour Commissioners of Montreal.

(In the Committee.)

Hon. Mr. LOUGHEED—What is the indebtedness of the Harbour Commissioners to the government now ?

Hon. Mr. SCOTT—I think the authority ran up to $2,000,000.

Hon. Mr. LOUGHEED—What would be the total liabilities of the commission ? I suppose there are liabilities outside of what may be owing to the government ?

Hon. Mr. SCOTT—I have not heard of any. In the last 20 or 25 years the government have practically cashed their debentures. The debentures have been deposited with the Finance Minister and they have paid interest on them and the government has given the Harbour Commissioners the benefit of the credit of the Dominion.

Hon. Mr. LOUGHEED—I was under the impression that it was a very much larger sum than $2,000,000.

Hon. Mr. SCOTT—The Act passed in 1896 authorized a loan to be taken up from time to time by the Montreal Harbour Commissioners to the extent of $2,000,000 and this Bill refers to that in the last clause.

Hon. Mr. LOUGHEED—Can the hon. gentleman say what is the revenue of the commission ?

Hon. Mr. SCOTT—They have never been in default to the government of Canada. They have always paid up promptly and punctually.

Hon. Sir MACKENZIE BOWELL—The hon. senator from Calgary would be correct in his estimate of the amount due were it not that the government some years ago had relieved the harbour commissioners of a large portion of the indebtedness incurred in deepening the channel below Montreal. That ran up into the millions. But this must be said of the Montreal harbour commission, that they have never been in default in paying interest on the money advanced to them to be expended in the improvement of the harbour, I think it is the only harbour commission that has paid the interest upon the money invested. At Three Rivers, Que., and other places the money has been expended, but nothing has ever been paid in return.

Hon. Mr. ELLIS—The Bill itself seems, as it were, to endorse or create a policy on the part of the government, which probably was created before, of endorsing expenditures in reference to harbours. The question has been asked as to how it is in St. John. We have never, so far as I can remember, had any dealings with the government in that way, but it opens up a very good scheme by which the corporation of St. John, which itself owns the harbour, there being no intervening board, can deal with the government in this way. The government is very liberal, and they have done work which is not charged against the harbour, but the harbour is under no obligation to the government in the matter of bonds. I think it would be a fair thing for the city of St. John to come to the government and say : 'Do the same with our debentures', $700,000 or $800,000 or what ever it is ; 'endorse them in the same way as you are endorsing these bonds and we will be certain to pay the money, but the effect will be to give us the interest at a much lower rate than we can get it in the market.' I shall have much pleasure in calling the attention of the people of St. John to this measure.

Hon. Sir MACKENZIE BOWELL—I have no doubt if the attention of the government is called to it they will accede to the request of the hon. gentleman from St. John. The growing importance of the port will justify it. The great advantage would be that with the government guaranteeing the interest upon the bonds the city would save a considerable amount, and, giving my own opinion, I see no reason why important ports like St. John should not be aided in that way. It would be carrying out to a certain extent the recommendation made by the transportation committee. They have recommended making all these ports free, but the government might very well aid them in the way suggested.

The clause was adopted.

On clause 2,

2. The corporation shall, upon any advance being made, deposit with the Minister of Finance and Receiver General debentures of the corporation equal in par value to the advance so made (which debentures the corporation are hereby authorized to issue), and such debentures so issued shall be of such amounts as the Minister of Finance and Receiver General determines, and shall bear date on the day when such advance is made, and shall be payable within twenty-five years from the date of their issue, and in the meantime shall bear interest at the rate of three per cent per annum, such interest to be payable half-yearly, on the first day of July and the first day of January in each year.

Hon. Mr. LOUGHEED—Can the government negotiate a loan at 3 per cent ? Of course the preliminary expenses of negotiating these loans are considerable. It seems to me the government cannot borrow money at that rate.

Hon. Sir RICHARD CARTWRIGHT—I would not like to say that the government can borrow money to-day at that rate, but it is to be hoped that in the course of a few months, when the money market eases up, they will be able to do so. I think our three per cent are at par or very nearly so.

Hon. Mr. LOUGHEED—It seems to me that, in the discussion in the Commons the other day, the Minister of Finance expressed some doubt as to being able to negotiate a loan at three per cent.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is quite right. He spoke of the state of things at this moment. I do not think he could to-day make a loan at that rate; but the hon. gentleman knows there have been circumstances affecting the money market for a considerable time back, which will now be eased up.

Hon. Mr. LOUGHEED—It would not be unreasonable to make this a larger amount, so that the government would be reimbursed for all the expenses incident in the case of such a loan. It would not be unreasonable to say that the commissioners should pay at least 3½ per cent.

Hon. Mr. SCOTT—They have always paid promptly in the past.

The clause was adopted.

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

The Bill was then read the third time and passed.

THIRD READING.

Bill (223) An Act to amend the Fisheries Act.—(Hon. Mr. Scott.)

LOAN COMPANIES ACT.

SECOND READING.

Hon. Mr. KERR (Toronto) moved the second reading of Bill (40), An Act respecting certain Loan Companies. He said: After the statement which was made by the chairman of the Banking and Commerce Committee to-day of what took place before them, it will not be necessary for me to go into any explanation of the matter further than what I gave last night.

Hon. Sir MACKENZIE BOWELL—Before the Bill is read the second time, I would suggest, although I do not know that there is any precedent for it, that if this Bill is a counter part of one which was passed two or three years ago and not assented to, why should not the Governor assent to it now? If the facts are ascertained that it was passed, as I believe there is no doubt now of the fact, since the investigation has been made, is it not as much an Act of both branches of parliament as if we passed this Bill? There is no question that, on investigation, it has been proved that the Bill was passed by the Commons and also by this House. Its title was changed in the Senate and it was sent back to the Commons for approval. The records show that the Premier, Sir Wilfrid Laurier, moved concurrence in the amendment which was made by this House to the title of the Bill, and after the amendment was made, whatever was necessary was done, and it became de facto an Act of both branches of parliament. There it stands. The only difficulty that I see in the way is finding the Bill as it passed. As I understand, the Bill has been lost or mislaid, and cannot be obtained.

Hon. Sir RICHARD CARTWRIGHT—As I understand the hon. gentleman, it has never received the Governor's signature?

Hon. Sir MACKENZIE BOWELL—No, that is what I am calling attention to; but it passed both branches of parliament. The records show that fact, and if it passed both branches of parliament why could not the Governor sanction it now?

Hon. Sir RICHARD CARTWRIGHT—It is a nice constitutional question.

Hon. Mr. KERR (Toronto)—I suppose there are two or three reasons why it could not be done. First, because the Governor General is the third part of the parliament of Canada, and that the Governor General not having given his assent during that session, the Bill fell, just as if any other branch of parliament had failed to give its assent. In the second place, it is a different Governor General from the one that was here then. How would it be possible for the Governor General now to give his asesnt to a Bill, which was passed by both Houses prior to his being Governor General? I think there are so many difficulties about it, that the best thing is to pass the Bill in the regular way. The parliament had expired; there was a new election, and this is a different Bill.

Hon. Sir MACKENZIE BOWELL—That makes no difference.

Hon. Mr. POWER—An Act must be an Act of a particular session, and this was not an Act of a particular session.

Hon. Sir MACKENZIE BOWELL—I understand all that; still it does not make it

any less true that both Houses of parliament passed it. I merely call attention to the fact.

Hon. Sir RICHARD CARTWRIGHT—I do not think there is any precedent to meet the case.

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

The Bill was then read a third time and passed, under a suspension of the rules.

CONSTITUTION OF THE SENATE.

DEBATE CONCLUDED.

The Order of the Day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. David : That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all petitions, resolutions or documents concerning the abolition or reorganization of the Senate.

Hon. Mr. MACDONALD (B.C.)—My remarks on this occasion will be very short indeed, for the reason that the subject is worn threadbare after having been before the House for a number of weeks. Another reason is that, I do not think the resolution calls for the propounding of any scheme for re-organization of the Senate at all. The resolution simply calls for the expressions of any one outside the Senate that may have been sent to the Governor General for consideration, and not that we should formulate any scheme for the abolition or reorganization of the Senate. The resolution does not hold within its four corners any invitation for any member of the Senate to cast a reflection of a partisan character on any other members of the House. That, unfortunately, has been done, and I shall allude to it hereafter. The hon. gentleman who moved the resolution very carefully and very wisely confined himself entirely to a historical account of the first organization of the Senate and its usefulness before and after he joined it, and he expressed himself in a very appropriate and commendable way, and I appreciate entirely all that he said. The hon. gentleman, in part of his remarks said:

I do not think it necessary to remind this honourable House of every important act which the Senate has done, but nobody will deny that it has accomplished the object which the makers of confederation had in view when they established it, and speaking especially of what I have seen since I became a member of this House.

The hon. gentleman's whole speech is in that same strain, approving of what the Senate has done and what it is doing. Other hon. gentlemen made excellent speeches, that contained a great deal of information, and if they are not necessary at this stage in the history of the Senate at all events they afforded an opportunity for hon. gentlemen to look into and deal with historical events which strengthen the position of the Senate to-day. The House of Lords, in England, has been attacked continually and its abolition, not its reformation chiefly, but total abolition has been suggested, but that House never took upon themselves, never thought it worth while, to listen to public clamour outside, or to public opinion, but went on with their work year after year, paying no heed to such agitation, and I think that should be the policy of the Canadian Senate. Newspaper reporters and discontented politicians may find fault with this House, but our duty, so long as we do it honestly and faithfully, is to neglect all those outside opinions. If we were to-morrow to be influenced by public clamour in the performance of our duties we would receive no thanks for it, and all we have to do is to continue as we have in the past. Some hon. gentlemen have suggested various schemes for the reorganization or reformation of the Senate. I entirely oppose anything in the way of an election. If you adopt the elective system, you destroy the independence of the Senate, and you will have a mixed representation, some nominated by the government of the day and some elected, and even those members would clash. One class would say : ' We have been elected and you have to give in to our opinion because we represent the people,' and such a clash would not be of any advantage to an Upper Chamber. The Senate should be composed of members who are independent, neither autocratic nor radically democratic, who will do their duty faithfully and honestly. Elected members we know, in other parts of parliament, not only in this parliament but many other parliaments, are entirely slaves to party, and we have an evidence of that from a gentleman

who has been a long time in the House of Commons, the right hon. Minister of Trade and Commerce. He says that he knows perfectly well that many members in that House did not at all times express their real opinion. They voted with their party, and they were in hopes while doing so that the objectionable Bills they passed would be thrown out by the Senate. Now it is a very miserable condition of things when men go to parliament without the courage or manliness to express their opinions, suffer who may. But unfortunately under party government that is the case, and I suppose it will continue to be so. All the speeches we have heard, eloquent as they were, and replete with information have been entirely premature and not necessary at this stage in our history. They would be quite proper at the proper time, but our institutions have not been attacked seriously or systematically.

As regards any self-praise which these speeches may contain will any one tell me that they will elevate the opinion which the public may entertain of this House. Will it place this House on a higher pinacle in public estimation than it is now? I do not think so ; it will not make the slightest difference. Any praise we may shower upon ourselves will have very little influence.

If I were selecting any speeches to embrace my own opinions, I would select those of the gentleman from Smith's Falls (Hon. Mr. Frost) and the hon. gentleman from Rideau (Hon. Mr. Edwards). They were excellent speeches. Neither of these gentlemen saw any necessity for any reformation. They are perfectly satisfied, comparing our system with the American system. The hon. gentleman from Halifax (Hon. Mr. Power) made an excellent speech, but he marred it by suggesting that the Senate should be elective or partly so. I entirely disapprove of anything of that kind. The hon. gentleman from Repentigny (Hon. Mr. Legris) made an excellent speech as did the hon. gentleman from Cobourg (Hon. Mr. Kerr), the senator from Cape Breton (Hon. Mr. Ross) and others. The hon. gentleman from Kingston (Hon. Mr. Sullivan) is not here just now, but he made a very instructive address and one which was highly moral, advocating that there should be no partisan spirit known in this House ; but I am afraid that advice cannot be taken. Under responsible government there must be party. The government could never rely on carrying their measures through if every member was independent. A certain number of members must give the government a following. It need not be a servile following. They could discuss matters and point out the rocks and shoals to the government. I fear that the advice of the hon. gentleman from Kingston cannot be followed in this era of parliamentary history. I am sorry the hon. Minister of Trade and Commerce has left the room as I had a few words to say to him, but he will be able to read them afterwards, perhaps. That hon. gentleman took occasion to make partisan remarks entirely uncalled for by the resolution now before the House. He said :

> The Liberal party had been in possession of office since confederation for fifteen years. Of those fifteen years ten were passed with a hostile partisan majority in the Senate and in my judgment, although I admit that it is a matter of dispute, very considerable injury to the public interests resulted therefrom.

I deny that entirely. I have selected four Bills which the Senate rejected and in rejecting which, in my judgment, the Senate, instead of doing an injury, conferred a benefit upon the country. First I take the Drummond County Railway. We were asked to ratify an immoral and extravagant contract. We refused to do so, and saved the country a million dollars. The Bill came up afterwards, modified, and with the amount to be paid reduced, and we passed it. The road had been bought for immoral purposes, to pay for election work done at the election before the contract was made. Another Bill was the Stickeen-Teslin Railway. We threw it out and saved the Yukon to the country. That Bill was the most stupid, senseless measure that ever came before any parliament. To reach the southern end of the railway you had to pass through United States waters for 30 miles, up a rapid stream, which was closed by ice more than half the year. Then a narrow gauge road was to have been built from the Stickeen to Teslin lake, and to reach Dawson it was necessary to travel some 600 miles further by lakes and streams which

were open for only a portion of the year. For this work the government were giving away the whole Yukon country, all the water-powers, timber and nearly all the mines of the country. The company had power to go where they pleased and take blocks of land, and in that way could have become possessed of all the best mining lands in the Yukon. Was it an injury to the country to throw out such a measure? Of what use would the Yukon have been to Canada, if we had handed over that country to a private company? Then we have the case of the Soulanges canal. A Bill was introduced to deprive a contractor of his rights, and we threw out the Bill. The contractor had a quarry which the government expropriated, and, after getting the stone they required, as they could not agree upon the price, they wanted to throw the land on the contractors hands. It was like sucking an orange and giving the skin. The government tried to amend the plea in the Exchequer Court, but the court decided that the government, having taken the man's property, must pay him the fair value for it. The fourth case to which I shall refer was that of Mr. Burland, the bank note contract. His contract had been taken from him and given to a United States company. The government ordered Mr. Burland to deliver up certain plates and dies, and he refused to do so, and this Bill was introduced to make his refusal a criminal act. All that Mr. Burland demanded was a fair trial of the case in the courts in order that his rights might be determined, but the government would not consent to that. How the case was settled I do not know. These four Bills were thrown out, and it cannot be said that in any one instance the Senate injured the country by the course they pursued, and certainly in two cases they compelled the government to deal fairly with two men with whom they had differences. I would have told the hon. Minister of Trade and Commerce, if he had been here, that the Conservative members of this House, when in a majority, never even called a caucus at any time to discuss what government Bills they should approve of and what Bills they should reject. They merely threw out Bills that they thought were injurious to the public interest. They dealt with every measure on its merits. Speaking personally, I never experienced any feeling or had any feeling or had any intention to thwart the government or injure any government measure that I thought was in the public interest. The hon. Minister of Trade and Commerce said he thought that the Catholics in Ontario had not proper representation in parliament. Now, I am entirely opposel to any church being represented in parliament. There are very few ecclesiastical questions coming before parliament, and I am sure the large body of Catholics and Protestants will be able to take their own part in the future as they have done in the past. It is absurd that any consideration of that kind should be entertained, or that there should be any representation for any denomination. The Senate has done its duty—is doing it and will do it.

Hon. Mr. ROBERTSON—Did I understand the hon. gentleman to say that if the Bill to construct the Stickeen-Teslin Railway had passed the company would have had the Yukon?

Hon. Mr. MACDONALD (B.C.)—Pretty well the whole thing—the very best lands in the Yukon. There was no limit.

Hon. Mr. ROBERTSON—When I was speaking on this subject, the hon. senator from Belleville contradicted me to this effect: that the Bill did not propose to give one single acre of land to the company in the section through which the line was to run. I do not know which hon. gentleman is right.

Hon. Sir MACKENZIE BOWELL—It is quite evident that the hon. gentleman has not studied the question. The section of the country through which the railway was to run was between Stickeen river and Teslin lake. That is not the territory in which gold mines have been developed. You have after reaching the terminus of the railway at Teslin lake to go five or six hundred miles through the different lakes and rivers before you reach Dawson. After reaching the northern end of the proposed railway you have to cross Teslin lake then descend to Hootalinqua river, which is navigable only in portions. That river empties into the other rivers which you have to

descend to the Yukon, then you have to go some distance down the Yukon before reaching Dawson. From the Yukon you have to go southward before reaching the Bonanza, the Hunker and other creeks to reach the gold mines. The portion of the country through which the tramway was to be built was from the Stickeen river to Teslin lake. To reach the southern end of the railway, it was necessary to ascend the Stickeen for some 30 miles through United States territory where you would be stopped by a United States officer to see that you had nothing contraband, and then ascend still further up the river to Glenora or Telegraph creek, and then to cross almost a peninsula until you reach Teslin lake; so that I was quite correct, the land that was to be given to the road was in the territory in which the gold is found and not through that portion of the country through which the road was to run.

Hon. Mr. MACDONALD (B.C.)—The road is entirely in British Columbia while the grant is in the Yukon.

Sir MACKENIE BOWELL—A number of members have asked me to give my opinion on this question generally. I have no desire to enter into the discussion further than to say that I am totally opposed to any change in the present system. I am quite in accord with the remarks of my hon. friend (Hon. Dr. Robertson), less that portion in which he referred to past actions of the Senate. It is a subject on which I think I could occupy the attention of the House for some little time, but I do not propose to do so. The suggestions which have been made as to reforming the Senate, speaking for myself, I am opposed to, except, perhaps, the suggestion made by the hon. gentleman who spoke last night (Hon. Mr. Power). If a change is to take place, I would give my best support to a system somewhat analogous to that which was suggested by him. In looking back to the time before confederation I hesitate not to say that we had as fine a body of men who constituted the old legislative council as could be selected in the whole Dominion. They were elected. The objection I would have taken to the suggestion—I am only dealing with this question parenthetically—is this: I do not propose, nor would I support a system which would place the power to elect Senators in the hands of the same electors who elect the members of the House of Commons. I think those voters should have a stake in the country, and that the gentlemen who become candidates should also be men of prominence having a stake in the country. By that means, if the system were to be changed, to my mind we would have the best system which could be adopted. Whether the term of office should be for life or for eight, ten, or twelve years is a question I am not going to discuss now. I am strongly of the opinion that the present system is better than any of the new fangled notions which have been brought forward. It is not very often I am in accord with the editorials of the Toronto 'Globe.' But I am fully in accord with that editorial ridiculing the new fangled ideas which have been put forth. The proposition of my hon. friend from Marshfield, my colleague for a great many years, would be, to my mind, a direct violation of the principle of responsible government. In a country governed as we are, the whole responsibility must be with the government of the day; and to divide that responsibility with the leader of the opposition would be, to my mind, an abnegation of the principles which govern us. The remarks made by my hon. friend to my left (Hon. Mr. Macdonald, B.C.) I think were pertinent and to the point. The House of Lords has been in existence for centuries. It has been condemned and reviled by almost every radical politician. My hon. friend from Cape Breton (Hon. Mr. Ross) quoted some language uttered some years ago by Mr. Chamberlain. That was when he was an ardent young radical. As he got older, like most Liberals, he has become a little more Conservative and I question very much whether he would give utterence to the same sentiments to-day. I have no sympathy with the remarks made by some hon. gentleman, particularly the hon. gentleman from Kingston (Hon. Mr. Sullivan) in their condemnation of the House of Lords, because they are not always in accord with what is termed public sentiment. We have known them to reject Bills that have been passed by the House of Commons in England, although the subject had been sub-

mitted, but not the details, to the people of England, and on an appeal to the people afterwards when the details were laid before them, the Lords have been sustained and the Commons condemned, and the government had to resign. I could instance a number of cases of that kind, which shows that while it may be contended that the House of Lords has not always been in accord with the sentiments of the electorate, in every instance where they have rejected what was supposed to be the will of the populace at the time, after consideration and after the electors had had ample time to consider the question and then re-affirmed their decision, the House of Lords has always given way; and that is the position of this Senate and will, I have no doubt, continue to be such. My hon. friend who spoke from the seat in which I am now standing (Hon. Mr. Miller) suggested other schemes. He looked forward to the time when all the Conservative members would have died off and when there would be a large majority of Liberals—when the Senate would be in the same position as the Liberal party found it when they came into power. I have no such fear as that which was expressed by the hon. gentleman from Richmond. I take it for granted there is sufficient patriotism in the incoming senators whoever they may be, that they would not obstruct legislation even if a Conservative government was in power, to the extent which has been indicated. I feel, however, that if a Conservative government came into power and found as large a Liberal majority in the Senate as the Conservative majority was a few years ago, and that government should introduce Bills of the character which were introduced by the Liberal government, they would be lacking in their duty if they did not reject them. My hon. friend has given a number of instances in which the Dominion was saved large expenditure by the rejection of a policy which we believed, and I still believe, would be detrimental to the best interests of the country. I have never had cause to regret that. I had a little conversation with the premier on one occasion, and I told him then, when it was supposed he was going to the Yukon Territory, that if on his visit to the Yukon he could find a single citizen, public or private, who would justify the action of the Liberal government in entering into a contract with McKenzie & Mann and giving away the territory which that contract provided for, I would apologize for anything I had said and withdraw it. I only refer to this matter now because it has been mentioned by others. My experience was, after some little time spent in that country in conversation with men in all ranks of life, politicians, miners and others, that I never found a single individual who approved of the scheme which the Senate rejected at that time. Beyond that I do not desire to go. I may express my regret, however, at the introduction of what I may call irrelevant matters in connection with a question of this kind. I think this matter is of sufficient importance without dragging in political controversial questions which, as my hon. friend said, were unduly introduced into this discussion by the Minister of Trade and Commerce. Otherwise his speech would have been unexceptionable though we might differ from him as to his proposition for reforming the Senate. To that I have a decided objection. I have been trying to puzzle my head ever since as to how the reform of the Senate, if I may use that expression, or the changing of our constitution, was going to affect the electorate in the province of Ontario. The people of Ontario have the right to elect whom they please, and it matters not how you change the constitution of this body, it would not change the opinions of those who vote. If we change the constitution of the Senate whether they will elect more Roman Catholics then than they have in the past is a very problematical matter to my mind. They would do in the future just as they have done in the past. My hon. friend from St. John referred to the fact that there was no one of that creed appointed to the Senate at the inauguration of the confederacy. I think he was correct, but he will remember that two of the Senators who were appointed for New Brunswick, Messrs. Chandler and Robertson, were both members of the legislative council. That accounts for the fact of their having been selected as senators. In the scheme propounded at that time, the senators were to be selected from the two parties, Ontario was to have

24. Twelve Conservatives were selected and twelve Liberals, from those who were legislative councillors at the time of confederation, and I presume that the smaller number of legislative councillors in the province of New Brunswick may account for the fact of the selections having been made to which I refer. Whether there were any of that creed in the legislative council of New Brunswick, I am not prepared to say. However that wrong, if it was a wrong, was rectified immediately afterwards. The two gentlemen to whom I refer declined the honour of a seat in the Senate. Mr. Chandler, for the reason that he was appointed a commissioner in connection with the construction of the Intercolonial Railway. In the appointments which were made to fill their places, one was Mr. Dever, whom you all know. He was a member of the Roman Catholic church. I merely make this explanation because the matter has been referred to. Appeals to questions of that kind I think are very much to be regretted and partake more of the spirit of the demagogue than of the statesman. Referring to the composition of the Senate, I think my late leader had regard to every class of the people of Ontario. Commencing at the eastern end of the province, we find there is a representative for almost every class or section found in connection with the Roman Catholic church. In Glengarry we have our hon. friend (Hon. Mr. McMillan) who represents the Scotch. Coming from Kingston we have a representative (Hon. Mr. Sullivan) of the Conservative element among the Irish Roman Catholics. Coming from Toronto we had a gentleman of the standing and ability of Sir Frank Smith. Then on the other hand Sir John Macdonald appointed Hon. John O'Donoghue, who was a Liberal. Going further west we have our friend Hon. Mr. Casgrain (Windsor) who represents the French element, so that in the appointments made to the Senate by Sir John Macdonald, every element, if I may use that expression, was represented.

I should not have referred to that, except in justification of the party to which I belong, and have belonged during my whole life. I do not desire to continue this discussion further than to compliment the hon. gentleman, if I may be permitted to do so, who introduced this subject, particularly on the speech that he made. The hon. gentleman from Victoria (Hon. Mr. Macdonald) referred to the remarks made by the hon. gentleman from Rideau, the hon. gentleman from Smith Falls, and other hon. senators, and I would recommend any of those hon. gentlemen who desire to inform themselves fully as to the benefit to this country of a second Chamber, to read a little pamphlet issued some years ago by the hon. gentleman who sits opposite me, the senior member for Halifax, in which he dealt with this subject, not only in an exhaustive, but a logical and statesmanlike way. I read that address once or twice some time ago with a great deal of interest; and in addition to that let them read the speech delivered by Mr. Powell, who represented this city for one term in the Ontario legislature, when this question came up before that body, at the instance, I have no doubt, of the present government, when they desired an expression of opinion from the different local legislatures. It will be remembered that the Hon. Sir Charles Tupper, in the lower House, called attention to the necessity of a second Chamber in order to protect the interests of the smaller provinces. Immediately after that, a scheme was put in motion, and the different legislatures in the Dominion were incited to pass resolutions, asking for some change in or amendments to the constitution of the Senate, and it was upon that occasion that Mr. Powell delivered that admirable speech. There are statements in that speech that I doubt not my Liberal friends would not concur in, but so far as he dealt with the question of the efficiency and the benefit to the country in its legislation, it must convince any one of the necessity of a second Chamber. I did give expression of opinion on an occasion in replying to a very violent attack which had been made by the hon. gentleman from Wellington upon myself in particular, that in future no matter what he might say in reference to my conduct in connection with what he termed the Gerrymander Bill that I should never refer to it again. I convicted him then of making a statement which was utterly incorrect, where he accused me of doing something 'villainous,' I think he said at the time, when it was actually the action of one of

his own friends, and a member of the present government. The agitation for reformation in the Senate was not begun at the period to which that hon. gentleman called attention. The first agitation for a change in the composition of the Senate commenced after the rejection of the Nanaimo Railway Bill, when the late Hon. Alexander Mackenzie, then premier of the country, applied to the imperial government for power to increase the number of senators, under the provisions of the Constitutional Act. That is the time the first agitation began, and it continued to a greater or less extent until the change of government. It suggested itself to me, when I heard the gentlemen speak who in the past condemned the Senate and called for its reform or abolition, that they might have condensed their speeches into a few words indeed; that if they had added after a few remarks, that the Senate was amply reformed, and had become eminently respectable from that fact, that 'I am here,' that would have been an answer to the whole matter.

It has been somewhat amusing to me, I must confess, after watching events for the past few years and listening to the utterances in condemnation of the Senate to find every hon. gentlemen who of recent years has come into the Senate, now quite satisfied that it is a very valuable body, and I can only account for it from the fact that they are here. I compliment them on their reformation and their conversion, and I have no doubt that if they stop here long enough they will become quite as Conservative in the maintenance of the rights of the Senate as I possibly can be, and I have been denominated an old Tory fogy. However, we had better take the advice given by the hon. gentleman from British Columbia. Let people out of doors say just what they please about the senators, but let the senators not forget what their duty to the country and themselves is, and act in the future as they have done in the past, and I have no doubt people will learn e'er long to appreciate the actions of the Senate. I am merely referring to what has been said outside. I differ in toto from the sentiments expressed by the hon. gentleman from St. John—whose speeches are always listened to with a great deal of attention, and on my part with a great deal of pleasure—in his views as to the ultimate destiny of this colony, but this has nothing to do particularly with the Senate. I notice the English press has been referring to the hon. gentleman's remarks, that the tendency of the age, and the desire of the leading politicians of this country is toward independence. I hope the day may never come when we shall be placed in that position. I look forward to the time when the union between the mother country and the outlying portions of the empire may be still closer than it is to-day; that our commercial intercourse may be increased, as it can be increased, by a proper policy. Protectionist as I am, I am prepared to go a long way towards meeting the policy of the empire, in order to bring together the different outlying portions of the empire in connection with the mother country. That is what I look forward to, and I hope the day will never come when the severance will take place as expressed by the premier, that this country will become as the ripe apple of the tree and fall of itself peacefully from the parent stem. I do not see any reason for that. We cannot be a greater people by any such policy. There is no greater boast, to my mind, that a British subject can have than the fact that he belongs to the greatest empire in the world, and the closer we are knitted together the stronger we will become in the advancement of civil and religious liberty, when we can dictate to the whole world what that liberty shall be. I have given utterance to this view, because it was suggested on reading the comments upon my hon. friend's speech in which he indicated that the time was approaching when a change must take place. I do not think this is necessary. I hope it will never occur, and in discussing this question I do not desire to go into the merits or demerits of it further than to say that as the honourable House of Lords which has withstood all the calumny which has been thrown at it and has remained the bulwark of freedom to a very great extent in the old country, so can the Senate of this country be. We want to see no change. If any change is attempted while I have power of utterance and maintain the position I now hold, I shall have to change my mind materially if ever I

give my consent and vote for any change whatever. I have a better opinion of human nature than some of my colleagues. I have no confidence in the present government. I need not have told hon. gentleman that, but, notwithstanding that fact, I think that many of the appointments that have been made have been a credit to the premier and his cabinet.

I notice this also, that the longer members sit in this Senate the less partisan they become; and they soon begin to forget party differences, as all of us do as we emerge from the active political arena in which we have moved, fighting elections continually. The longer we are in the atmosphere of this Senate, the more moderate, and may I say the more conservative do we become. Even my old friend opposite (Sir Richard Cartwright), who was a Conservative in his earlier days, is modifying his views of some ten or fifteen years ago. The older we become, the more we mingle with our fellow men, and the further we are removed from the political atmosphere of the lower House and of the elections, the less likely we are to consider questions purely from a political standpoint. I want the hon. senator from St. John to understand that my reason for desiring another gentleman to occupy the position I have held for the last ten years are not the reasons which he suggested. I thought it was quite time, after forty years of public life, some seventeen or eighteen of them spent in the government, and ten leading the opposition in this House, that some younger man with more ability and tact than I possess should lead the opposition in the Senate in the future. I do not desire it to be understood that I would like to see what we call an opposition leader in this House, occupying exactly the same position in relation to the government and to government measures as the leader of the opposition in the lower House. My hon. friend will give me credit for having attended to my business tolerably well during the time he has been here, and he surely will not grudge me some little rest in the future. I am as firm in my convictions as to how the country should be governed as I ever was. Since my boyhood I have always believed that a country like ours should have protection almost to its fullest extent, and I congratulate the present government on having violated the pledges they made when in opposition. I thank my hon. friend from St. John for having admitted that the party to which he belongs have not carried out their promises, that in direct contradiction of the assurances that are constantly made, even by members of the present government not only on the stump but in the House of Commons, they have not abandoned the policy they advocated in opposition, and some of them assert that they have carried out all the public pledges they have ever made. My hon. friend is a very good witness, and he has placed himself in the witness box to assert the contrary. In that, as in other matters, he is frank and honest in the expression of his opinions. Let him continue so, and he will become an ornament to his party and, ultimately, I have no doubt, will join the moderate party on this side of the House.

Hon. Mr. ELLIS—With regard to the remarks which I made on the non-appointment of Catholic representatives to the first Senate, from New Brunswick, they appear to me to be necessary, because of statements made by the hon. gentleman from Woolsley (Hon. Mr. Perley), who, criticising the action of the present administration in regard to the Senate, sought to convey the idea that under former administrations there was a perfect system. With reference to my observations on the independence of Canada, I do not see how, holding the views I do, it is possible for Canada to enter into the alliance which the member for Belleville suggests, and which I hope for also, unless Canada is an independent country. That would be an absolute necessity, according to my view. With regard to the hon. gentleman himself, I hope he will long continue to be here, whether as leader—he will always be a leader in one sense of the term—or as a private member of the Senate.

Hon. Mr. DAVID—I have taken some notes, but I shall not use them. Enough has been said, and so well said, that I do not want to spoil the good that has been done. What is left to me is to thank the hon. members of the Senate for having done so much honour and given so much attention to the motion which I put before them. I

thank those who have been so kind to me and bestowed on me praises which I do not deserve. I do not regret that I made this motion and raised such a discussion, because I think that the discussion which has taken place has been a good illustration of the debating power of the Senate. It has proved that in the Senate there are many members who are able to make strong and interesting speeches. I am pleased to see that those speeches have been appreciated generally by the public. This discussion confirms me in the belief that the Senate is necessary. I am more confident of that than ever, and that this second chamber must be maintained in the interest of Canada. I admit that I am confidently convinced it is useless to speak of reform, and I think it proper to mention one of the reasons which induced me to make this motion. It is because I have recently believed that in the conference which is to take place in the course of the year between representatives of the federal government and representatives of the different local governments, that the question of the Senate will be raised, and I thought proper to have an expression from this House on the subject. I do not regret that I was the cause of that expression of views. I think it will be very useful to those who may read the speeches and suggestions that have been made. I think hon. gentlemen have furnished enough material, not only to reform the Senate but to construct three or four senates, and good senates. The discussion, and the able speeches which have been made by some hon. members, have not convinced me that no reform is necessary. It is wise and prudent sometimes to forestall events and make certain reforms before it is too late. The best of governments have perished because they have not foreseen future events and done at the proper time what they attempted to do afterwards when it was too late. Reform of the Senate must come, and that is one of the reasons which induced me to make this motion. If I could sum up in a few words the complaints which have been expressed by hon. members of this House, I could reduce them to two. The principal one is that the Senate, as at present constituted, is liable to be too Liberal or too Conservative. There is some foundation for that complaint. It is a grievance which deserves consideration. The second complaint is that the Senate is not enough in touch with public opinion. Public opinion and governments change, but the Senate does not change. The senators are elected for life. Many remedies have been suggested. I do not intend to speak of all those remedies, but one which has been proposed is to make the Senate elective. In spite of the talent of the hon. gentlemen who have advocated that view, they have not been able to convince me. I am more confident than ever that an elected Senate will not fulfil its mission, that it will be but a duplicate of the House of Commons, subject to the same influences and unable to do what the Senate must do to accomplish the objects for which it was established. Going over all the different systems of the world, the one which I am inclined to appreciate most is the system which prevails in Denmark, which is a very well governed country. That system is as follows; one half the number are appointed for life by the Government or the King, and the other half are elected. If a reform is necessary, I would be prepared to accept that principle but with a modification. What I would advocate, if a reform was necessary, would be to have a great part of the Senate appointed by the government for life, and the remainder by the provincial legislatures and for these reasons: first, because that system would give to the government the protection which it requires. The government must not be at the mercy of a Senate composed of opponents. With this system, the government would have nothing to fear in that way. Second, because that system would give to the provincial legislatures the protection they are entitled to have. If the Senate is to be reformed, we must take into consideration the object for which the Senate was established. It was established specially for the protection of provincial autonomy, and if a reform is to be effected, the provincial legislatures should have their share in the appointment of a part of the senators. Thirdly, because it would remove one of the principal complaints, which is, that the Senate, constituted as it is now, is liable to be too Liberal

or too Conservative. There is no doubt that on this point there is a real grievance which must be remedied one way or an other. I say that the appointment of a portion of the senators by provincial governments would be a remedy. Why? Because there is no doubt that out of eight provincial governments there will be at least two or three if not four opposed to the federal government of the day, so that we could rely upon this, that those appointed by the provincial governments would include some opponents of the government of the day. It has been said that the present system is good, and that the responsibility rests upon the Prime Minister; but the premier, even when he is the ablest of men, is not always able to withstand the prsssure brought to bear upon him, when he has to make a choice of members of the Senate. It has been said that certain important men of the Conservative party should be appointed. I do not share that opinion. I think it would be good and useful to appoint such men, but do you think a Premier of Canada, whether Conservative or Liberal, would set aside the claims of able men in his own following to appoint an opponent? It is asking too much. I hope that this debate will have a very good effect. As to those who, during this discussion, have written and spoken unkindly of the Senate, I have only this remark to make; I am confident they will, before long, make application to be appointed to the Senate, and some of those who have spoken and written most unkindly of the Senate, will be among the first to seek appointment to the Upper House. I hope they will not be admitted before being obliged to cover themselves with sackcloth and ashes, and wait at the bar of the House long enough to confess their errors and expiate their crime.

Hon. Mr. ROSS (Halifax)—In my remarks yesterday I found I was too narrow in confining my compliments to the hon. members from Kingston and Cobourg. I should have extended them to the hon. member from Smith Falls, the junior member from Prince Edward Island, who made an excellent speech on the subject under consideration, and the hon. member for Wellington (Hon. Mr. McMullen). I must apologize to those gentlemen that I did not extend my congratulations to them. I had some notes, but I do not see very well, and I dropped them and depended on my memory for what I said, and I have just risen to make this explanation, and this apology to those gentlemen for not mentioning them and praising the speeches they made on this subject.

Hon. Sir MACKENZIE BOWELL—Before the motion is put, I might suggest to the government that they have now an opportunity of carrying out the suggestion of the hon. Minister of Trade and Commerce, and also of the hon. gentleman who has just sat down. There are four vacancies in the Senate at the present time; let us see if the government can act in accordance with their utterances here and select some three or four good Conservatives for appointment to the Senate.

The motion was agreed to.

THE LORD'S DAY BILL.

INQUIRY.

Hon. Mr. LOUGHEED—May I ask my hon. friend what progress is being made with the Lord's Day Bill? There is considerable curiosity seemingly in the public mind as to when parliament will prorogue, and certainly the government seems to be dealing very leisurely with this Bill. If it is expected that the Senate will give it the same consideration which it has received in the House of Commons, and extend their deliberations over a corresponding length of time, I fear the public expectations as to the date of prorogation will scarcely be realized.

Hon. Mr. SCOTT—I am sorry I cannot gratify my hon. friend. I presume the House of Commons will have made the Bill so perfect that the Senate will be ready to pass it at once.

VACANCIES IN THE SENATE.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—As the question of the vacancies in the Senate has been referred to, might I ask my hon. friend if there is any prospect of their being filled? I recollect that there used to be a good deal of complaint made because vacancies were allowed to exist. There has

been a vacancy in New Brunswick for over two years. Let me thank the hon. Minister of Trade and Commerce for paying me the compliment when in Commons of saying that when I was at the head of the government, as soon as I got control I filled the vacancies in the Senate. There was only one seat which was not filled, and that was because a suggestion made by a colleague of mine was entertained. Will my hon. friend tell us how long the government intend to keep these appointments in abeyance, particularly those in New Brunswick ? Is there a lack of applications, or is it possible the government cannot find people to fill the position ?

Hon. Mr. SCOTT—The hon. gentleman knows that the aspirations of the people in the maritime provinces are not very strong. Some time ago we appointed a gentleman from there and he declined to take the seat. We have to make sure the next appointee will be ready to accept the position offered to him. I hope before next session action will be taken ; there is no object in making the appointments at the very end of the sesson.

The Senate adjourned until to-morrow afternoon at three o'clock.

THE SENATE

OTTAWA, Friday, July 6, 1906.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PRACTICE REGARDING PRIVATE BILLS.

Hon. Mr. YOUNG—Before the orders of the day are called, I desire to direct the attention of the House to certain proposed changes in the private Bills practice of the House of Commons. I have before me a draft of the report of the committee of that House on their rules and proceedings, and in this draft I observe there is a radical departure in private Bills practice in so far as regards fees. They have a scale of fees and a scale of fines also. As hon. gentlemen know, we have adopted a new set of rules which will come into force next session. Up to the present we have had a uniform practice as between the two Houses, which, as you will recollect was brought about some two or three years ago, and it was found to be a very desirable and proper way of regulating the charges relating to private Bills. I simply desire to call attention to the matter, I do not know what we can do, at this late stage of the session, to bring about uniformity for next year, but, possibly, before the House rises it may be thought advisable to reconsider our rules in regard to private Bills. The copy of the report has only come into my hands a short while ago, but glancing over it there are some very good changes made, to my mind, in the way of punishing a delinquent applicant for private legislation. They also take care that the delinquents shall not escape by commencing legislation in the Senate, because in one of their clauses here they say :—

> That the additional charges provided for in section 3 of this rule shall also apply to private Bills originating in the Senate, provided, however, that if the petition for any such Bill has been received for this House within the first six weeks of this session the additional charges provided for under sections (c) and (d) shall not be levied thereon.

Sections (c) and (d) refer to Bills being presented later than the rules provide for. So that with the exception of the presentation of Bills which may originate in the Senate, all the other fines and penalties which they propose to impose will be enforced against any Bill whether it originates in this House or the Commons. The scale of fees increases with the amount of capital proposed by those seeking incorporation as a private company. For instance, where the capital is $250,000 to $500,000 the additional fee to be paid is $100, and from $500,000 to $750,000 it is $150 and from $750,000 to $1,000,000 to $200, and from $1,000,000 to a million and a half three hundred dollars. From $1,500,000 to $2,000,000, four hundred dollars and for every additional million or fractional part of a million an additional one hundred dollars. This is the scale that they have adopted in the House of Commons.

Hon. Mr. SULLIVAN—Is that for the nominal capital or the real capital?

Hon. Mr. YOUNG—I suppose it is for the capital which they will be empowered to employ, provided in their application.

Hon. Mr. De BOUCHERVILLE—Has the report of that committee been approved by the House of Commons ?

Hon. Mr. YOUNG—I think not. My information is that it has not yet been approved, but very likely it will be.

Hon. Sir MACKENZIE BOWELL—It will come up on Monday.

Hon. Mr. YOUNG—I understand it is set down for consideration on Monday next, and I am calling the attention of the House to it so that hon. members can consider the matter.

Hon. Mr. De BOUCHERVILLE—Is the report printed ?

Hon. Mr. YOUNG—Not yet.

Hon. Mr. MACDONALD (B.C.)—Would that scale of charges not require an Act of parliament, to be legal ?

Hon. Mr. YOUNG—No. These rules in the House of Commons are the same as our rules. They are adopted by the House itself.

Hon. Sir MACKENZIE BOWELL—How far will the definition apply to the Senate ? I have not read it but, from what has fallen from the hon. gentleman, the impression was left on my mind that if a Bill be introduced in the Senate and regular fees paid thereon, the additional fee to be imposed by the Commons on the promoters will be added in the House of Commons.

Hon. Mr. YOUNG—The fees which are imposed on delinquents in presenting private Bills will have to be paid.

Hon. Sir MACKENZIE BOWELL—Would not the promoter have to pay the additional fee for the introduction of it in the House of Commons after the fee was paid in the Senate ?

Hon. Mr. YOUNG—I think so.

Hon. Mr. LOUGHEED—Has any proposition been made that the rules of both Houses should correspond in the matter which has been mentioned ?

Hon. Mr. YOUNG—I am very glad my hon. friend has called my attention to that. I omitted to say that, on a former occasion, when the rules were changed in both Houses, they were changed as the result of a conference. I have no knowlede that any conference on this occasion was either sought or desired by hon. gentlemen of the House of Commons, and, as a result, there has been no conference with reference to this proposed change, although on a former occasion a committee was appointed in this House to meet a committee of the other House and between the two they arranged a joint practice.

Hon. Mr. LOUGHEED—But this is departed from very radically in the proposed rules.

Hon. Mr. YOUNG—Yes.

Hon. Mr. LOUGHEED—Is it not desirable that something be done to bring about a common understanding between the two Chambers as to Bills of this character ? It seems very undesirable that each House should have its own set of rules, the one clashing with the other. For the convenience of the public as well as for the harmony which should prevail between the two Houses there should be uniformity.

Hon. Mr. YOUNG—It was thought desirable before. We can consider that on Monday.

Hon. Mr. LOUGHEED—The leader of the government should take some action in reference to this subject. I understand it is proposed to submit the rules to the House of Commons on Monday next, and, if nothing is done in the interim, I apprehend the rules will be sanctioned by the Commons and will go into force, and the consequence will be, we will find two sets of rules, not at all in harmony with each other, and the two Houses in conflict.

Hon. Mr. SCOTT—I would suggest that the chairman of our committee have a conference with the chairman of the Standing Orders Committee of the other House with a view to securing uniformity.

Hon. Mr. LOUGHEED—A resolution to that effect should be moved.

Hon. Mr. SCOTT moved that the chairman of the Standing Orders Committee have authority to confer with the chairman of the Standing Orders Committee of the House of Commons with a view to securing uniformity in practice with respect to the presentation of petitions for and the introduction of private Bills.

Hon. Mr. POWER—My hon. friend might move that the Standing Orders Committee of the Senate be instructed to do what he has suggested.

Hon. Mr. SCOTT—The chairman can call a meeting of the Standing Orders Committee, and they can have authority.

Hon. Mr. YOUNG—In the House of Commons they had a special committee to prepare their rules, as we had here. To my mind the chairman of our committee should consult with the chairman of their special committee because it is not the Standing Orders Committee of the other House that is dealing with the matter. Of course the matter has passed out of the committee stage there. If they are going to consider these rules on Monday, there will be no opportunity of getting our committee together to consider the matter.

Hon. Mr. POWER—I do not suppose that any action we may take will effect the action of the House of Commons. My suggestion is that we should instruct our Standing Orders Committee who have to deal with this very matter of the payment of fees and notices for petitions for private Bills, to consider the matter and report to us a scheme to harmonize the rules of the two Houses upon these points. Then the committee can present their report as soon as the Commons has acted on the report which has been presented there. The reason I say that the committee should be instructed is, that our Committee on Standing Orders has no power, unless the House gives it power, to consider the matter.

Hon. Mr. YOUNG—I would be much more in favour of reviving for the time being our committee which have had charge of the work all along.

Hon. Mr. LOUGHEED—Has not that committee passed out of existence? You cannot very well revive it.

Hon. Mr. YOUNG—You can revive it just as easily as you can give power to the Standing Orders Committee.

The motion was agreed to.

RAILWAY SUBSIDIES BILL.

THIRD READING.

The order of the day being called :

Third reading (Bill 214) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

Hon. Mr. SCOTT—Some information was asked in reference to an item which has appeared frequently in the Bills submitting railway subsidies, in regard to the railway between Aylmer and Hull. On inquiry, I find that although the subsidy has been renewed from time to time, a part of the mileage has never been paid in consequence of the accounts not having been in such shape that the government could approve of them. It only amounts to about three-fourths of a mile. The sum I find is payable to the company which originally built the road, not the present owner, the Canadian Pacific Railway. It is only a matter of about $8,000 although from the item it would appear that nothing had been paid. I move the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL—The wording of the item is certainly misleading, because it says : 'Towards the construction of a road from Aylmer to Hull.' Probably from the explanation the hon gentleman has made, it relates to a road from the station at Hull to the Interprovincial bridge.

Hon. Mr. SCOTT—It is a part for which the company were not able to submit the accounts at the time the larger sum was paid, and it has been held over from year to year. The balance due relates only to some three-quarters of a mile.

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

THE PRINTING OF PARLIAMENT.

ORDER OF THE DAY POSTPONED.

The order of the day being called :

Consideration of the fifth report of the Joint Committee of both Houses on the Printing of Parliament.

Hon. Mr. ELLIS—I am sorry to have to make so many motions with regard to this report, but the first paragraph of it contains a money item, and the usual proceeding is to allow the House of Commons to deal with it first. I observe in the journals of the House this morning that the House has referred that particular paragraph to the Committee on Internal Economy in that House. Whether the constitution is in danger or not I do not know, but I move that the order of the day be discharged, pending the action of the House of Commons.

The motion was agreed to.

SAFETY OF SHIPS ACT AMEDMENT BILL.

The order of the day being called:

Committee of the Whole House on (Bill 48) An Act to amend the Act respecting the Safety of Ships and the Prevention of Accidents on board thereof.—(Hon. Mr. McGregor.)

Hon. Mr. SCOTT—I would be glad if the hon. member would permit that order to stand. I understand there have been more recent amendments made in the House of Commons in England. I have not been able to see Mr. Sinclair, and I should like to have him communicate with us, as he has been looking into the subject. There is a clause in the Bill which states that it shall go into operation only by proclamation, so that it would be quite safe, but if there is any more recent amendment which should be incorporated——

Hon. Mr. McGREGOR—I have not heard of any, but I am satisfied to let the order stand.

The order of the day was allowed to stand.

SATURDAY SITTING.

Hon. Mr. SCOTT—Two Bills passed the House of Commons last night, one amending the Railway Act and the other authorizing the formation of a new court in New Brunswick. I had given instructions to have them here, but unfortunately they have not arrived yet. Perhaps the House might adjourn during pleasure and I would then ascertain whether the Bills will be here within any reasonable period. I think it would be better if this House were to sit to-morrow as it is possible that an important Bill may pass the Commons to-day. I, therefore, move that when the House adjourns to-day it do stand adjourned until to-morrow at 11 o'clock.

The motion was agreed to.

Hon. Mr. SCOTT—We will not pass any measure finally to-morrow so that if any hon. gentlemen who left this afternoon under the impression that the House would not sit on Saturday will not be prejudiced. If it is a question of any great importance we will not take all the stages until Monday.

Hon. Sir MACKENZIE BOWELL—Are there many very important amendments to the Railway Act?

Hon. Mr. SCOTT—I cannot say that they are important. The general gist of them seems to be conferring additional power on the Railway Commission Board, and there are those new clauses in reference to express companies and also to the telephone to a limited extent. These are the only changes. I move now that the House adjourn during pleasure, to meet at 4 o'clock.

The motion was agreed to and the House adjourned during pleasure.

At 4 p.m. the House resumed.

SUPREME COURT OF JUDICATURE OF NEW BRUNSWICK BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (224) An Act relating to the Supreme Court of Judicature in the province of New Brunswick.

Hon. Mr. SCOTT—At the last session of the New Brunswick legislature, held in the month of March, an Act was passed remodelling their judicature system. Clause 3 of the Act provides that the Supreme Court, Circuit Court, all courts of Oyer and Terminer and general jail delivery and the Supreme Court of Equity shall be abolished, and provides that there shall be created one Supreme Court of Judicature for the province, to consist of two divisions, the Court of Appeal and the Trial division. The Act only comes into force on a proclamation issued by the Lieutenant Governor. In consequence of the passage of that Act, it

becomes necessary to pass an Act here relegating to the new court, whenever it is established, those particular classes of subjects, for instance, relating to the criminal law, that are now under the jurisdiction of the parliament of Canada. That is the object of this Bill. I move the second reading of the Bill, under suspension of rule 41. I think perhaps it would suit the convenience of the House, in regard to these three Bills, if we were to have the second reading today and let them come up for consideration in committee to-morrow morning.

Hon. Mr. LOUGHEED—Will my hon. friend say what effect this will have upon the present judges of the Court of Appeal with reference to the preservation of their status and their seniority ?

Hon. Mr. SCOTT—I am not able to say, because the subject has come under my notice now for the first time. It has not been brought up in council, and I was not really aware of it until I saw the discussion of the Bill in the other House. The announcement made there by the Minister of Justice was that of course the judges would be reappointed. He was asked in reference to their position as to seniority, and if the chief justice was to be made the judge of either court. He was unable to answer, for the reason that the subject had never been considered and he was quite unable to say. The Act simply provides for the new condition that is created by the legislature of New Brunswick over which we have no control.

Hon. Mr. LOUGHEED—It seems to me this was a peculiarly fitting case for the government to give proper consideration to before the introduction of this Bill. I will not say that the effect of the Bill is to wipe out that court, but the effect of the provincial legislature is to wipe out the existing court. The government, by this Bill, proposes to give effect to that legislation, thus practically leaving the judges of the present court without a court. Surely the government must have given some consideration to the matter of the reappointment of the present judges to the new courts or that new judges would be appointed. Either one thing or the other must be done by this government.

Hon. Mr. SCOTT—I have had no opportunity of discussing it with the Minister of Justice. The House of Commons has been sitting in the morning, but I noted that he said in the House of Commons, when that question arose, that of course the judges would be reappointed. Then the question was asked as to their relative positions as to seniority. His answer was that the subject had never been considered, and until it had been considered by council he was not in a position to make any statement. I am much less in such a position, because so much rests in a case of that kind with the report of the Minister of Justice. If he is not able to give an answer I am not.

Hon. Mr. LOUGHEED—One branch of the court would take precedence over the other. There is an appellate court and a trial court ; it is divided into two divisions, so that the one court, I would assume, would take precedence over the other, and, consequently, the question would arise as to the precedence of the judges. One would suppose that they would naturally follow in the order of seniority.

Hon. Mr. SCOTT—I have not been able in the time at my disposal to master the New Brunswick Act. It is a pretty long one. The court will consist of a chief justice and five other judges, the chief justice and two other judges to be appointed in the manner hereinafter provided, shall form the Court of Appeal, and the three remaining judges to be appointed in the manner hereafter provided shall form the trial division.

Hon. Mr. LOUGHEED—What is the provision in that legislation about the chief justice ?

Hon. Mr. SCOTT—It is in the most general terms. As I looked over it first, I thought that the judges did not permanently remain in the Court of Appeal, but I think I am mistaken in that. The reading of that clause would convey the opinion that it was intended that the chief justice of the Court of Appeal should remain there and should not be interchangeable.

Hon. Mr. LOUGHEED—Yes. that is what I understood. He is not to be chief justice of the Appeal Court. His title will be chief

justice of the Supreme Court of judicature. It may be that they are interchangeable. My hon. friend might make further inquiry so that when we go into committee to-morrow we may have additional information on the subject.

Hon. Mr. SCOTT—If I can. I am afraid I cannot.

Hon. Mr. LOUGHEED—I would suggest that the hon. Secretary of State should not get the information from the government because on reading the debate in the House of Commons I cannot see that the government knows anything more than my hon. friend on the subject.

Hon. Mr. SCOTT—That is the embarrassment I feel. If he is not able to give answers I am not. Speaking personally, I should certainly regret that any tampering with the seniority would occur, but the Minister of Justice having been unable to answer the question in the House of Commons I am quite unable to answer it here, because if he gave the House of Commons no further information I do not expect to be able to furnish any further information myself.

Hon. Mr. MACDONALD (B.C.)—Who is responsible for the change?

Hon. Mr. SCOTT—The legislature of New Brunswick. They abolish the court, and we then have to provide judges for the new court. No doubt we will appoint the same judges. I should hope so at least. I should be sorry if it were different. A similar transition has taken place in the other provinces. It has taken place in Ontario twice, but there has been no affliction whatever. What was right and proper should be done before anything like criticism of the court. The relative position of the judges in the way of seniority has not been disturbed. It would be regrettable if it were so.

Hon. Mr. ELLIS—I would like to say that I do not favour this legislation. I did not care to interpose any objection to the Bill taking its stage, because I suppose it should go on its merits. The position in New Brunswick is this: There are six judges; five of them are circuit judges and one is an equity judge. All of them are trial judges with the exception of the equity judge, whose jurisdiction was in the equity court, and I think he did not go out on circuit, although he did hold court at more places than the capital. The Act which has been passed reduces the number of trial judges from five to three, and that is the objection. These judges will be overworked, while the appeal judges will have comparatively little to do. No person will suspect me of any particular leaning towards the chief justice of New Brunswick, but at the same time I have the ordinary feelings of a man; and I may say that the general impression in the province of New Brunswick, is that the legislation of the province has been aimed at the chief justice to get him out of the way. The hon. Secretary of State has stated clearly what was said in the House of Commons by the Minister of Justice, but it is very easy to imagine that a condition might arise when it would be impossible for the chief justice of New Brunswick to accept a reappointment, if he were to be placed in a lower position than he occupies now. The proper plan and the fairest plan would have been to get the chief justice to give way, and then this arrangement, if it is a better arrangement than the present one—which may be doubted—could have been brought into effect. It seems rather strange that the parliament of Canada is compelled to submit to whatever may be done by the provinces with regard to courts of this kind. The local authorities may be influenced by particular feelings or particular motives, but apparently they have the power to sweep the whole Supreme Court of New Brunswick out of existence, if not for the absolutely avowed purpose of getting the chief justice out of the way, still that is generally believed to be the purpose. I can see that this Act is prepared for the purpose of enabling representatives of clients to stand as effectively before the new courts as they did before the old courts of New Brunswick and, to that extent, I think the Act can be justified; but as to the general principle which underlies the legislation it is abhorrent.

The motion was agreed to.

SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (97) An Act to amend the Act respecting the Senate and the House of Commons.

The Bill was read the first time.

Hon. Mr. SCOTT moved the suspension of the rule. He said the Bill is very short and speaks for itself. As hon. gentlemen know, in the Bill of last year there was a deduction of $15 a day for each day a member was absent from the sittings of the House. This Bill contains the following proviso :

Provided that each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day, or on which the member is in the place where the session is held but is by reason of his illness unable to attend any such session, for the purposes of such indemnity ; and a member shall, for the said purposes, be held to be in the place where the session is held whenever he is within ten miles of such place.

That disposes of the question which arose in reference to the payment at the end of the month. The days will be counted on which the House does not sit.

Hon. Mr. BAIRD—Then a member is to receive $15 a day when he is not present ?

Hon. Mr. SCOTT—He is to be docked $15 a day for every day on which the House sits that he does not attend.

Hon. Mr. LOUGHEED—My hon. friend will perceive from the reading of this clause that two classes of cases are dealt with.

Provided that each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day.

That is one case ; that is where there is an adjournment of the House. The other case is :

Or on which the member is in the place where the session is held but is by reason of his illness unable to atend any such sitting as aforesaid, shall be reckoned as a day of attendance at such session, for the purposes of such indemnity, and a member shall for the said purpose be held to be in the place where the session is held whenever he is within ten miles of such place.

Hon. Mr. ELLIS.

That would necessitate, during an adjournment, that a member should be within ten miles of Ottawa. That certainly was never intended.

Hon. Mr. SCOTT—No, it is intended to apply to a case of sickness.

Hon. Mr. LOUGHEED—It should be amended this way :—'And a member shall for the said latter purpose'. My hon. friend will observe that the ten miles applies to the two purposes, which was never intended. It is not necessary to be within ten miles of Ottawa when the Senate is adjourned.

Hon. Mr. SCOTT—You can make the change in committee.

Hon. Mr. LOUGHEED—I would direct the attention of my hon. friend from Halifax, who has an analytical mind, to that point.

Hon. Mr. MACDONALD (B.C.)—Is that intended to apply only to persons who are ill and unable to attend ? According to my reading of this clause, it applies only to members who are absent through illness, and not on account of adjournments.

Hon. Mr. SCOTT—The illness clause is to cover the cases of gentlemen who are ill in Ottawa or within ten miles of Ottawa. Their time is to count, so long as they are ill and unable to attend. That is the object, whether the clause expresses it or not.

Hon. Mr. POWER—I wish to suggest a doubt as to whether the House has a right to amend this Bill.

Hon. Mr. SCOTT—We can give ourselves the benefit of the doubt.

Hon. Mr. POWER—The necessity for this has arisen in this way ; the original Act, as it appears in the revised statutes, contains the same provision which we find in the proviso to this first clause. That is contained in section 26 of the old Act. Under that, there was very great abuse, because the proviso in section 26 allowed a member to count for his attendance every non-sitting day if he had attended once. The provision in the Bill before the House is different, and I think it is reasonable. It provides that no deduction shall be made at the rate of $15 a day for any day on which there has been no sitting of the House. I do not

think there could be a deduction at any rate for a day on which there was no sitting. But it goes on and provides that, if a member is prevented by reason of illness from being here, there shall be no deduction. Those are both very reasonable propositions.

Hon. Sir MACKENZIE BOWELL—I do not think my hon. friend met the point raised by the hon. senator from Calgary. To what two cases—because it is in the plural—do the words 'said purposes' apply, except it be to both cases as pointed out by the hon. senator from Calgary? My information is that in the codifications of the laws the commissioners gave an interpretation to the old Act which would prevent the payment of any indemnity to a member during an adjournment, who was more than ten miles away from the place of sitting.

Hon. Mr. MACDONALD (B.C.)—That is during adjournments?

Hon. Sir MACKENZIE BOWELL—Yes, during adjournments. The chief justice of the Supreme Court was the chairman of that Codification Committee, and I understand he gave that interpretation to the law. That could be ascertained, I presume, by reference of the provision of this Act to the commission, and it is just as well that we should know whether that be correct or not. There are a number of incongruities in this Bill. A senator or a member of the House of Commons, if his residence is within 10 miles of the parliament buildings, will be entitled to draw his whole indemnity, provided he is ill, without ever being in his seat at all; but if he live 11 miles beyond the parliament buildings he will not receive a cent. It is very singular that members of the profession, so eminent as the present Minister of Justice, could not draft a clause in an Act that an ordinary mortal could understand, and which could not be interpreted in a dozen ways. The hon. member from Halifax thinks that this being a money Bill we cannot very well amend it. Not very long ago we had a money Bill before the Senate, and objection was taken to one of its clauses affecting the payment of money to retired judges. The Senate threw it out. The House of Commons accepted the amendment which we made. Whether they acted on constitutional grounds, or were influenced by political considerations, I am not prepared to say. My own impression was then, that we transgressed the constitution. A majority in the Senate thought differently and the House of Commons acquiesced in our decision. Surely in a little matter of this kind, where it does not interfere in any way with the expenditure of money, but merely makes the law plain, there can be no objection. These are matters which can be discussed more freely in committee. There is another amendment to the Act which it would be difficult for any one to reconcile logically. If a man travels 400 miles he is to be treated differently from the man who travels 399 miles. I should like to call the attention of the hon. Secretary of State to a promise he made last session when a Bill similar to this was under consideration. I pointed out to him that, under the latter clause, a senator and a member of the House of Commons has to make an affidavit if he desires to draw his travelling and living expenses, while an ordinary civil servant, if he is sent out on business, has merely to make out his account and say it is correct. My recollection is that the hon. gentleman promised to have that amended this session, so that a senator or member of the House of Commons would not be placed in a more humiliating position than a civil servant.

Hon. Mr. SCOTT—The Bill meets my hon. friend's point.

Hon. Sir MACKENZIE BOWELL—'Upon the said statement being certified to by the clerk and sworn to by the member'. Read the last clause.

Hon. Mr. SCOTT—That was not in it when I last saw it.

Hon. Sir MACKENZIE BOWELL—It is there now.

The Bill was read the second time under suspension of rule 41.

RAILWAY ACT, 1903, AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (62) An Act to amend the Railway Act, 1903.

The Bill was read the first time.

Hon. Mr. SCOTT—As I have already mentioned, the greater part of this Bill consists of amendments to particular clauses of the Railway Act. In many cases it is simply a change in the phraseology ; in other cases there is a substitution which I shall be happy to point out to the House at another stage. The new points in the Bill are, giving the Board of Railway Commissioners jurisdiction over the express companies and their charges, and also to a certain extent meeting that feeling which was expressed pretty generally in the newspapers that the telephone systems should give connections to individual lines. It is only to a certain degree, as hon. gentlemen will see when they read the Bill. It was felt that the government had gone quite as far in that direction as was justifiable.

Hon. Mr. LOUGHEED—It will be understood that we may discuss the principle of the Bill in committee, because it is certainly a radical departure and introduces a principle almost equivalent to confiscation in some respects.

Hon. Mr. SCOTT—Yes.

The Bill was read the second time under suspension of the rules.

SITTINGS.

Hon. Mr. SCOTT—I think I intimated, if the House would concur, that we might meet to-morrow at 11, and that we might have two sittings, one at 11 a.m. and the other at 3 p.m., so that Bills that came up might be given a stage.

Hon. Sir MACKENZIE BOWELL—What is to be gained by two sittings ? All the difficulties are overcome in the usual way by suspending the rules.

Hon. Mr. SCOTT—The same idea occurred to me, but I was rather acting on the suggestion of a friend of mine. I move that hereafter the House meet at eleven a.m. and three p.m. each day for the remainder of the session, each meeting to be a distinct sitting of the House.

The motion was agreed to.

The Senate adjourned till Eleven a.m. to-morrow.

THE SENATE

OTTAWA, Saturday, July 7, 1906.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

CHANGE OF HOUSE OF COMMONS RULES.

Hon. Mr. YOUNG—According to the instructions of the House yesterday with reference to the change of rules in the House of Commons, the Standing Orders Committee met this morning and looked over the situation, and have asked me to report to the House that at this stage of the proceedings in the other House they did not like to make any recommendation to the Senate at the present time. They notice the difference in the scale of fees and the other differences proposed by the new rules in the House of Commons, but they failed to note that there would be any deadlock or any inconvenience to the public in the matter of legislation if the rules were adopted in the House of Commons as proposed. Therefore, as far as this is concerned, while we had only a short time to glance over the matter, the committee failed to note that there was anything to interfere with the legislation of the coming session if these rules were in force, with the exception, of course, that it will be far more expensive in future to obtain private legislation than it has been in the past so far as the Commons are concerned. As the session is drawing so near a close, the House can see that it was impossible for us to make any recommendation, and we will have to govern ourselves in future according to the course the House of Commons pursued. I think I am reflecting the opinions of the committee in making this statement ; if not, they will speak for themselves.

Hon. Mr. LOUGHEED—Did my hon. friend ascertain whether those rules would be promulgated during the present session so as to come into force at the beginning of next session ?

Hon. Mr. YOUNG—That is the intention. I understand the question will be brought up on Monday in the House of Commons, and if the rules are adopted then, it is pro-

posed they shall come into force at the beginning of next session.

Hon. Mr. MACDONALD (B.C.)—My own opinion is that the House of Commons, as a whole, will never adopt those rules, because they are extortionate. There is a most fearful Shylock at the bottom of the whole business; the charges are exhorbitant, and hon. gentlemen will find the House of Commons will never adopt them, so that we need not be the least afraid about it.

MUTUAL RESERVE COMMITTEE.

INQUIRY.

Hon. Mr. McMULLEN—I beg to inquire of the government:

1. Was the account of James Thompson Patterson, an expert actuary from the city of New York, summoned to attend the investigation regarding the New York Mutual Reserve Life, on or about June, 1904, submitted to the Department of Justice for their opinion as to the payment of the amount demanded, in all $1,090?
2. What was the report of the Department of Justice?
3. He was paid in all $240.
4. Is it the government's intention to pay him any further sum in addition to the last stated amount? And if not, why not?

In putting this question I may state that Mr. Thompson Patterson, when in Ottawa, showed me a letter from one of the southwestern states, I forget which one it was, offering him $20 a day and expenses if he would go there and discharge the duties of an expert accountant in connection with the accounts of the state. He could not leave here because he was here under summons and had to remain in Ottawa. I deeply regret our treating a man of his distinguished ability in the parsimonious way we have been doing, putting him off with some $6 a day in lieu of an account of $1,090. That committee received very curt treatment at the hands of this House; but I felt it my duty to do my work faithfully as a member of it, and I think the committee, as a whole, rendered admirable service in exposing the rotten condition of the New York Mutual Reserve Company. I am not saying that the committee was composed of the best members of the House who might have been chosen to act upon it, but at all events they were the choice of the House and they did their work. I regret to think that the Senate of Canada should refuse to pay a man, after his being subpœnaed to attend here and brought all the way from New York. Mr. Thompson Patterson rendered admirable service; he kept a typewriter at his own expense all the time he was here, and he received the paltry sum of $6 a day, out of which to pay his board, for the services of his typewriter and for his own services. He got altogether $240 out of a claim for $1,090. If the rules of the Department of Justice preclude the possibility of paying that expert what is justly due him I would like to know why?

Hon. Sir MACKENZIE BOWELL—Was he summoned as a witness or as an expert?

Hon. Mr. McMULLEN—He was summoned as an expert, as a necessity, in order that the investigation might be carried on and the facts probed to the bottom. He was brought here for that purpose.

Hon. Sir MACKENZIE BOWELL—In order that we may carry out the rules hereafter, I wish to call attention to the fact that no question put to the government is in order if it makes a positive statement, as this third paragraph does.

Hon. Mr. McMULLEN—I apologize for putting the question in that shape. I am not accustomed to putting questions, and did not know that I was violating any rule.

Hon. Sir MACKENZIE BOWELL—I am not accusing the hon. gentleman; I am merely pointing out that it is contrary to the rules of parliament.

Hon. Mr. SCOTT—I do not desire to take advantage of any technicality on this question, but I do dissent from the statement of my hon. friend, that Mr. Patterson was obliged to come here. He came here of his own free will, and was free to go at any time he liked; there was no power to compel him to remain. Had he not been a party to the investigation he would not have been here. What his motives were I do not propose to inquire into. The rule in those cases is laid down in Bourinot, page 561:

> Under this rule it is the practice to pay witnesses a travelling and hotel expenses, but nothing is necessarily allowed for loss of time even in the case of professional men.

The accounts were referred to the Department of Justice, and that department taxed the costs, and the taxation of Mr. Patterson was the sum which was paid. This House, for reasons of its own, overruled some portions of the decision of the Department of Justice, but so far as Mr. Patterson's account was concerned, no change was proposed to be made in it, and it would be idle to talk of making a change in it now. Certainly it would not be done with the approval of the Minister of Justice.

Hon. Mr. McMULLEN—I am not in a position to challenge the statement of the hon. Secretary of State with regard to Mr. Patterson's coming here and not being subpœnaed. I am only trusting to the statement put in my hands. It may be incorrect, but if I am spared to return here next session, we shall hear more of this matter.

Hon. Mr. LOUGHEED—This witness can scarcely be said to be an expert. An expert witness is one who is disinterested, and will give evidence on the science of any subject on which he undertakes to speak. This witness was a person who had been in litigation with the company and one of the most active opponents of the company, ;and it would certainly be doing violence to one's sense of justice to conceive of Mr. Patterson coming here as an expert, speaking disinterestedly as to the operations of the company.

Hon. Mr. McMULLEN—Mr. Patterson keeps an office in New York, and is an expert accountant. He also is employed by the largest firms in New York and throughout the United States as an expert, and he left the company simply because he could not conscientiously swallow their transactions. That is why he tendered his resignation.

Hon. Mr. SCOTT—The hon. gentleman surely knows that no process that we could issue could compel Mr. Patterson to come here from New York ?

Hon. Mr. McMULLEN—That may be true.

Hon. Mr. SCOTT—He came at the instance of those who were conspiring with him.

Hon. Sir MACKENZIE BOWELL—I should like to point out the danger of recognizing witnesses as experts. I think I succeeded in incurring the eternal enmity of a gentleman in Toronto who was subpœnaed as a witness in the Cook case.

Hon. Mr. WATSON—Was he an expert ?

Hon. Sir MACKENZIE BOWELL—I am just going to state the facts. He was a lawyer, and as a lawyer I suppose would be considered an expert in law. The committee ordered him to be paid in accordance with the rule which the hon. Secretary of State has laid down, and which is confirmed by Bourinot. He claimed $50 a day, not as an expert, but as a legal gentleman.

Hon. Mr. SCOTT—Professional.

Hon. Sir MACKENZIE BOWELL—Yes, a professional gentleman. My answer to him was, as chairman of the committee, 'You were summoned here as a witness to tell this committee what you knew of this transaction, in reference to an effort which was alleged to have been made to get Mr. Cook to pay $10,000 for a seat in the Senate.' He gave his evidence, but he claimed the $50 a day and, not many months ago, when I was in Toronto, we happened to be in the same street car, and he cooly told me he could live without it, and I told him I was very glad of it, and he said that he considered it an insult ; he had never taken the amount which was allowed him, and did not intend to do so. I would advise my hon. friend to let his client, if I may so call him, or Mr. Patterson, assume the same position.

SAFETY OF SHIPS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (48) An Act to amend the Act respecting the Safety of Ships and the Prevention of Accidents on board thereof.

(In the Committee.)

Hon. Mr. LOUGHEED—Has my hon. friend the Secretary of State satisfied himself on the point he mentioned yesterday ?

Hon. Mr. SCOTT—Yes ; I am advised that it is in accordance with the Imperial Act. However, I think it only goes into operation on the proclamation of the Governor in Council, and further care will be taken.

On subclause (b) of clause 1,

(b) any more than five spare spars, or store spars made, dressed and finally prepared for use, or not so dressed and prepared.

Hon. Mr. MACDONALD (B.C.)—I would call the attention of the hon. gentleman in charge of this Bill to the fact that a ship was allowed to carry five spars or store spars made, dressed and finally prepared for use. but they are not allowed to carry any other quality of heavy timber on the deck. Is that it ?

Hon. Mr. POWER—There is no change in the existing law in this respect.

Hon. Mr. MACDONALD (B.C.)—Then we have subsection (c) where a ship is allowed to carry a certain amount of deck load, and in addition to that it is allowed to carry over the poop three extra feet in height of light timber. Is that not so ?

Hon. Mr. McGREGOR—Yes.

Hon. Mr. MACDONALD (B.C.)—Is that not too much ?

Hon. Mr. SCOTT—Here is a diagram which the hon. gentleman can look at. They can fill up to a height of three feet according to the present law, and it is proposed to allow them to fill up the space between that three feet and the hurricane deck. They can put deals or spars in there.

Hon. Mr. MACDONALD (B.C.)—I think they can put over the height of the poop or deck house three extra feet of light stuff. I think the clause reads like that.

The clause was adopted.

On the question : Shall the Bill be reported ?

Hon. Mr. ELLIS—Perhaps I ought to say, since my hon. friend was good enough to hold the Bill over until to-day so that I might communicate with a firm in St. John, who are large ship-owners, that I have heard from them. and they have expressed themselves as satisfied with its provisions.

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

The Bill was then read the third time and passed.

SUPREME COURT OF JUDICATURE OF NEW BRUNSWICK BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (224) An Act relating to the Supreme Court of Judicature of the province of New Brunswick.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—Has the hon. Secretary of State any further information to give the House than that which he gave the other day ?

Hon. Mr. SCOTT—No, I have not.

Hon. Sir MACKENZIE BOWELL—I notice by the newspaper reports that this Bill has caused a good deal of discussion on account of want of information which was asked from the government in reference to their action in connection with those who are now judges in the province of New Brunswick. It has been intimated that this whole scheme was for the purpose of getting rid of a certain judge. Whether that be the case or not, outsiders cannot say; but I was under the impression that the Constitutional Act provided that a judge could not be removed from the position he held except he was impeached before parliament. As I understand the case before the House—and if I am not right I would like to be set right—that is a provision of the constitution. Could the government, under this Bill, dispense with the services of the present judges of New Brunswick ? Presuming that they cannot do so under the constitution, unless the judges resign at a certain age, is it the intention to get rid of the active work of the present judges who are on the bench in that province by appointing others to supersede them, and thereby duplicate the number of judges, or a certain portion of the number in that province ?

Hon. Mr. SCOTT—The question is a very natural one, and I can quite appreciate that the discussion which took place in the other House would have created a natural inquiry as to the object to be attained. I never heard of this Bill personally until I saw it introduced in the other Chamber by Hon. Mr. Aylesworth, either yesterday or the day before. It has never been brought

up in council, and although I asked my colleague from New Brunswick if he could give me any information, he did not seem to be able to do so. The hon. gentleman is quite correct in reference to the action ordinarily taken where a judge because of misbehaviour or misconduct has to be got rid of. It is done by impeachment in parliament.

Fortunately, in this country we have had very few such cases. I think two only within my recollection have arisen, and it was not necessary to pursue the effort to get rid of the judge. When it became known that public opinion was so strongly pronounced as to justify the House of Commons in taking action, the judge, I think, withdrew of his own mere motion. In reference to the constitutional question, I will read the clause in which powers of appointment to provincial courts are given. It is subsection 14 of the section 92, and reads as follows :

In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say—

And the 14 subsection reads in this way :

The administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those courts.

So that their powers were absolute. They can sweep away their courts there, and apparently need not inaugurate other courts. It is to be presumed the good sense of the community would not allow any such action. This morning I endeavoured to get the information from the journals to find how this question came up, and I do not find there was a division in the House on it. There were two pages, I think, of the proceedings of the House which I have not been able to get, which had not been sent. When the order for the second reading of the Bill came up, it was discharged, and the Bill was referred to a special committee of five members, consisting of Messrs. Tweedie, Pugsley, Allan, Hane and Clarke. Then the House went into committee, and there is no indication in the Votes and Proceedings. I have looked over them——

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is speaking of the Votes and Proceedings of the legislature of New Brunswick ?

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—Yes ; I want to find out what the popular opinion down there was. One would naturally suppose there would be a strong protest, and public opinion would be aroused if improper action was being taken by the legislature. That body is certainly amenable to public feeling, and the people of New Brunswick are certainly up to the highest level of any people in the world. I failed, however, to find any protest. The committee reported the Bill, and it was read a third time without any division. Two pages of the report are missing, and it is possible that on the adoption of the report of the committee there was a division. However, I could not find that there was.

Hon. Mr. POWER—Some of the New Brunswick members of the House of Commons, perhaps, had taken those two pages to read ?

Hon. Mr. SCOTT—No, they were taken from the Secretary of State's office. I asked the official in charge of them, and he said they had never come to the office. Therefore, the entire responsibility for this action rests with the government and legislature of New Brunswick. We could do no more and could do no less than to pass a Bill of this kind dealing with matters over which we have no jurisdiction. In the formation of the new court it becomes necessary to refer the laws enacted by the parliament of Canada to the new court just as they stood before the former court. I am unable to give any further explanation of this Bill. When the responsibility arises, the government of Canada must assume it in dealing with the question if it should arise. The Act is not yet in force. It only comes in force by proclamation of the executive council of the province.

Hon. Mr. BAIRD—It is within the power of the Dominion government to appoint all those men if they see fit or to appoint any of them.

Hon. Mr. SCOTT—Yes.

Hon. Mr. THOMPSON—I do not understand that this Bill displaces any of the judges of the New Brunswick courts. The judges get their appointment from the Dominion government, and the only thing the local government can do in this case,

even if they are disposed to do it, is not to assign to some of the judges the work of the court. The judges could only be removed by impeachment, and the bench of New Brunswick will remain as at present until vacancies occur.

Hon. Mr. SCOTT—I do not know that my hon. friend's conclusions are quite in accord with constitutional law, because I find they have abolished the courts for which those gentlemen were judges, and they provide in their Act who shall take their places—the chief justice and others judges of the court will be appointed. The Act of the legislature of New Brunswick provides that the persons to be appointed judges of the court shall be barristers-at-law of at least ten years standing at the bar of New Brunswick. So it would indicate that they had in view displacing entirely the present judges. It absolutely ignores, as far as the legislature could possibly do it, the existence of any judges in New Brunswick.

Hon. Mr. THOMPSON—The provincial legislature has no right in respect to the appointment of the chief justice. That is entirely in the hands of the Dominion government.

Hon. Mr. SCOTT—As far as the legislature of New Brunswick are concerned they have simply abolished the courts of which the present judges were heads. Under their law, new persons could be appointed, persons not on the bench now, because they distinctly say that persons to be appointed judges of the court they are now forming shall be barristers-at-law of at least ten years standing at the bar of New Brunswick. Then in reference to priority, it provides that, 'The chief justice shall have rank and precedence over all other judges.'

Hon. Mr. THOMPSON—As I understand it, the local authorities cannot make the appointments. The appointments have to be made by the Dominion government.

Hon. Mr. BAIRD—That does not alter the fact that the present judges of New Brunswick are out of business.

Hon. Mr. SCOTT—Yes. The hon. gentleman puts it in a very pointed way. The judges have to be reappointed to courts which do not exist. The courts over which they have presided are swept away.

Hon. Mr. THOMPSON—I do not understand that the judges of the Supreme Court of New Brunswick will be out of office as judges. I understand that, under this Act, they will be assigned to new duties by virtue of the provisions of the British North America Act, that the local legislature have the right to assign the duties. But they will be judges still ; there will be no vacancies to fill up unless the number of judges is increased. I do not understand that the present judges vacate their positions as judges ; they still retain their position as judges, but if the local legislature establishes no courts they will have nothing to do. This Act does not cancel their appointment.

Hon. Mr. SCOTT—It does, for the reason if the courts are organized these judges could not act at once ; they must all be reappointed.

Hon. Mr. THOMPSON—By the Dominion government ?

Hon. Mr. SCOTT—Yes ; and even the oath of office is prescribed.

Hon. Mr. ELLIS—There are six judges now in the province of New Brunswick. If the government does not appoint them, but appoints new men those six judges would be judges at large drawing salaries. That cannot be touched, but if the government of Canada reappoint these six judges, and they do not choose to accept the offices, they will still be judges at large with their salaries. That I think is clear.

Hon. Mr. SCOTT—No, they would be superannuated.

Hon. Mr. ELLIS—That would be the position, and there might be twelve judges in New Brunswick.

Hon. Mr. SCOTT—That anomaly could not arise. Naturally, if the local legislature sweep away a court that had been in existence, and the federal government, under the authority of parliament, appoint judges and the provincial legislature displaces them, our duty would be to superannuate them. But to show how thoroughly the legislature dealt with this subject, they require the judges, when appointed, to come under new commissions, and to take an oath, the form of which is here prescribed. So it is absolutely within the con-

templation of the legislature that the judges have to be appointed, and they have provided, as I have read from a section of the Act, of whom the court is to be composed—barristers of at least ten years' standing. The form of oath shows that the present judges are absolutely, under the statute, wiped out as far as the legislature of New Brunswick could do it. They throw the entire responsibility on the government of the Dominion as to who shall be appointed. Neither the legislature nor the government of the province has any right to dictate to this government who shall be appointed as judges. That rests entirely with the federal power, and this government must take the responsibility of it.

Hon. Mr. LOUGHEED—I was about to observe that my hon. friend can scarcely divest his government of the responsibility which they really assume in bringing down this legislation. There is nothing objectionable, so far as I can ascertain, in what has been done by the New Brunswick legislature. That legislation has been duplicated in many of the other provinces. The procedure there has become somewhat antequated, and, through the necessity for the adoption of a more modern procedure, they have of necessity to wipe out the existing courts. That throws upon this government the responsibility of meeting that condition of affairs by proper legislation, which I submit to the House has not been done. It seems to me that before this Bill was introduced by this government, before they assumed the responsibility of acting under the New Brunswick statute, they should have brought down to parliament this session legislation to meet the peculiar condition of affairs which has arisen, and that has not been done. In the first place, some principle should have been indicated to the House as to the reappointment of the present judges. There is no doubt that through the abolition of the courts in New Brunswick, that is of the civil courts, these judges, as my hon. friend has very aptly said, are out of business. There is no doubt that the government of the day would, therefore, be at liberty to appoint new judges to discharge the judicial duties of that province; but I fancy that this government will scarcely take the responsibility upon itself of leaving the present judges without anything to do and appointing new judges. That would be a very objectionable precedent—especially, as my hon. friend from St. John pointed out yesterday, to appoint a new chief justice of the province. Yet this government has the right to do it. The government has never announced to parliament in any way the principle which it will adopt in reference to the appointment of the judges. There can only be one conclusion—that is, that these judges should be reappointed. The government has refused, not only in the other House but also in the Senate, to state on what principle they intend to act in this connection. I contend that this legislation should have been supplemented by a provision declaring that the government should have authority to appoint the present judges to the new judicial positions which have been created under the provincial statute, and in the absence of that legislation I am at a loss to understand—if as my hon. friend from St. John has suggested the judges refuse to accept office under the provincial Act, what the consequence will be. I do not think that we have any machinery under the Act at present to meet this condition of affairs by which the government can compel the present judges, notwithstanding the non-expiration of their time for superannuation, to take office—at least to accept the judicial position—under the provincial statute, and yet at the same time my hon. friend the Secretary of State seems to labour under the opinion that these judges can now be superannuated. With all due deference, I beg to express dissent from that proposition, because the present Act will not permit of the superannuation of a judge except, as I understand, under two conditions, namely, that of illness or that of the expiration of his time for superannuation. This condition of affairs is certainly not provided for in the Dominion Act. Therefore, I think the Act is certainly wanting in the respect which I have pointed out, and it illustrates the fact that was first pointed out by my hon. friend the Secretary of State, as to the unwisdom of introducing legislation without the government having considered it in all its ramifications. My hon. friend is candid enough to say that he as a member of the government was not aware that such legislation was before par-

liament until it was introduced in this House yesterday. It, therefore, must be apparent that the responsibility for this Bill has been avoided by the government though it has been assumed by some one minister without consultation with his associates. It seems to me that this is a condition of affairs that is extremely reprehensible, not only reprehensible with reference to ill-digested legislation being introduced into this House, but possibly involving grave injustice to parties who may be affected by reason of it. This legislation should have been considered in all its phases, and certainly a very much more comprehensive Bill should have been introduced into parliament this session than that contained within the four corners of the present measure.

Hon. Mr. POWER—When I heard the speech made yesterday by the hon. gentleman from St. John (Hon. Mr. Ellis) and the earlier part of the discussion to-day, it struck me that this legislation was of a very peculiar character; but when I come to examine the statute of the province of New Brunswick I find my objections are to a very considerable extent removed. What they are doing down in New Brunswick is not making an effort to get rid of certain judges who are personally obnoxious——

Hon. Mr. LOUGHEED—I have not said that; I do not think any one said that.

Hon. Mr. POWER—I have not intimated that the hon. gentleman has. I am quite aware that he did not, but there was something said to that effect in the course of the discussion yesterday. What they are doing in New Brunswick, where, up to the present time, they have had the old common law practice, is introducing the judicature system, and that necessarily involves the reconstruction of the court. But I rise chiefly for the purpose of calling attention to the closing sentence in subsection 5 of the provincial Act, which reads as follows:—

Provided that nothing in this subsection contained shall be held to apply to or in any manner affect the judges of the existing Supreme Court, who may be appointed as judges of the court hereby created.

These are the qualifications that precede the appointment of the barrister of ten years standing and so on. These provisions do not affect the existing judges who may be appointed as judges of the court hereby created. I am disposed to agree with the leader of the opposition in thinking that the Dominion statute is somewhat defective, inasmuch as it might have provided that the present judges of the existing courts should be appointed to the new courts, but I notice that in the discussion in another place the Minister of Justice said that it was the intention of the government to reappoint the existing judges, and that, of course, in a sense is a pledge. From the general character of the discussion it is apparent that this measure has not probably been as fully considered by the government as it might have been. I suppose that the New Brunswick government brought the matter before the Dominion government only a short time ago, and it occurs to me that we would be doing excellent work in this House if we were to add a clause to this effect:

This Act shall only come into force upon a proclamation of the Governor in Council.

So that they will have time to think about it. If we pass this Bill without any suspending clause of that kind, as soon as the Act is assented to, the local government of New Brunswick will issue their proclamation and the Act will come into operation at once; but it will be better that the government here should have time to consider, even after we have enacted the legislation.

Hon. Sir MACKENZIE BOWELL—I fail to have read the statement made by the hon. gentleman just now, that the Minister of Justice or any other minister made a declaration that he intended to reappoint or to assign the duties to these judges under the New Brunswick law. On the contrary, the statement was made repeatedly by ministers of the Crown in the lower House that they were not in a position to say what they would do, and, in the last discussion in the House upon that question, the Minister of Finance stated distinctly that they were not in a position to answer the question which was put to them as to what they propose to do under the circumstances. He then added that the matter would be considered by the government when it was necessary to allot the duties of the judges, or to appoint new ones, and that they would

take the responsibility of their action and leave it to the judgment of the House. That was the declaration made by the Minister of Finance, in answer to the question which has been put in this House in relation to what the government propose to do in reference to the present judges. The Commons are still in the dark, and my hon. friend the Secretary of State has just made the same declaration here, but he did not go quite as far. This is another illustration of the irresponsible manner in which the present government conduct the affairs of the country. This is not the first time that I have called attention to the fact as hon. gentleman know. This loose administration of affairs, more particularly upon questions which affect the administration of justice of the whole province is open to condemnation. The Secretary of State tells us that he, as a member of the cabinet, and as a minister equally responsible with the Minister of Justice who introduced this Bill knew nothing about it, never discussed it in council, and, until it was laid before parliament, he was in utter ignorance of what they intended to do. Is it possible, under responsible government, where every member of the government is responsible for what is done by the cabinet, and for every Bill that is laid before parliament by a member of the government, that one member, let him be Minister of Justice if you please, can draft a Bill affecting the whole jurisprudence of a province, without the consent and knowledge of his colleagues? Does he do it upon his own individual responsibility, or has he consulted the Premier or any other of his colleagues? One thing is certain and that is that he did not consult the whole of them. It is not laid before council and hence one of his colleagues, the Secretary of State, one responsible for his act, is placed in the humiliating position as I consider, of informing the Senate that an important government measure which he himself introduced and endeavours to have passed through parliament, knew nothing of it until it was placed in his hands. It is another evidence of the impropriety of the manner in which the present government are conducting the affairs of the country. If one minister likes to assume the responsibility of everything his colleagues do without knowing anything about it until it is done, that is their business and they assume the responsibility.

Hon. Mr. SCOTT—Basing my judgment on constitutional law, I must dissent entirely from the doctrine laid down by the hon. leader of the opposition and the hon. gentleman from Belleville. There was no action to be taken by the government; there was no course to be adopted other than the production of this Bill. We have no control over the maintenance or organization of the courts of New Brunswick. That is a matter resting entirely with the province. They have not chosen to pass a law putting this system into force and therefore this Government has nothing to consider. It was purely a matter for the Department of Justice; there was no constitutional point involved. No government is wise or prudent in foreshadowing what its policy is going to be in the future. The Department of Justice found that the organization of the courts in New Brunswick was liable to be displaced, and probably would be displaced at a time when parliament was not sitting. Therefore, it was their duty to bring in a Bill simply covering the technical question, providing that the subject-matters which this parliament has jurisdiction over shall be subject to the new courts when the law is changed by the action of the New Brunswick government. That is all this Act provides for; it could go no further; it ought to go no further. When the contingency arises of the new courts coming into existence, this government will then have to take action and it will be responsible to the people of Canada to discharge that duty in a manner to meet approval; but I never heard of any legislation anticipating a measure of this kind being placed on the statute-book.

Hon. Mr. LOUGHEED—My hon. friend entirely misapprehends the position which I have taken. I took no exception to the provincial legislation, or to this government giving force and effect to it. What I did say was that, in view of the provincial legislation coming into force, this government should have given due consideration to all the possibilities which would occur. This government has not considered in all its phases the effect of the provincial legislation. The Bill which has been introduced

should have been very much more comprehensive. It should have taken power to reappoint the present judges.

Hon. Mr. SCOTT—They do not need authority to do that. They can appoint them all.

Hon. Mr. LOUGHEED—Will my hon. friend say, if these judges refuse a reappointment to the new courts, what will be the position of the government? You would have six judges in New Brunswick not doing anything except administering criminal law, and six judges appointed by this government to carry out the duties assigned to them uner the new provincial legislation. The legislation of New Brunswick has certainly not in it anything objectionable; but I do take objection to the paucity of the legislation brought down by this government.

Hon. Mr. THOMPSON—I observe in the debates of the other House, if it is permissible to refer to them, that an inquiry was made by one gentleman who said:

I understand we have the pledge of the government that if this legislation is carried out the present judges will be appointed.

The Minister of Justice in answer to this said:

I have said that it is the intention to appoint the judges of the new court from the judges who are now in office under the present law.

That is an official statement made by the Minister of Justice.

Hon. Sir MACKENZIE BOWELL—That is only another evidence of the members of the government not acting in concert. The Minister of Finance stated that he knew nothing about it and would not take the responsibility of answering.

The clause was adopted.

Hon. Mr. POWER—In order that the various members of the government may have a chance to inform themselves on the subject-matter of these appointments, I move that the following clause be added to the Bill:

This Act shall only come into force upon proclamation of the Governor in Council.

The Supreme Court of New Brunswick has been in existence now, since, I think, the year 1784; and the judicial business of the province has been fairly well conducted. Although it is a good thing to introduce the judicature system, they could get on there for another month or so while the government was making inquiries as to what action had better be taken with respect to filling the vacant places on the bench. In Nova Scotia, I do not remember what the exact wording of the enactment was, but all the judges of the Supreme Court were constituted judges of the new court as a matter of course, and that has been the practice adopted everywhere.

Hon. Mr. SCOTT—I cannot accept the amendment; it is an imputation on the government that they are going to act unwisely or imprudently. There was nothing for them to do to provide for bringing the law into force at the earliest possible moment, so as to be prepared for any emergency. If this law receives its assent in the early part of next week, and the government of New Brunswick choose to issue their proclamation, this government would then be instantly in a position to make the appointment. We require no information; we are fully informed of all the conditions and circumstances which exist, as far as they can be known. It would not be proper to wait and make inquiry. We shall act according to the responsibilities which the constitution imposes upon us, when the time comes to consider the subject.

Hon. Mr. POWER—The hon. gentleman told us a few moments ago that he knew nothing whatever about this matter until the Bill was introduced in the House.

Hon. Mr. SCOTT—I did not need to know anything more.

Hon. Mr. POWER—If the hon. gentleman is prepared to legislate with his eyes shut, he cannot expect his colleagues in the Senate to do so. I think it is the duty of the government to take time and, not as the hon. gentleman suggests, to have these appointments made at the earliest possible moment. As soon as you are sure that you are doing right, then go ahead as soon as possible. I have the greatest respect for the Supreme Court of New Brunswick. That court has been in operation for 120 years now, and has administered justice, on the whole, in a very satisfactory way, and they

can get along for a week or two beyond the prorogation of this parliament so as to give the government time to consider what they will do. There is a condition of things existing in New Brunswick of which some hon. gentlemen have spoken, and I think it would be regrettable if the government of Canada, influenced by the feeling against one or two of the judges should fail to reappoint them. There is a saying that hard cases make bad law, and I should be very sorry that any member of the Supreme Court should not be reappointed unless he is guilty of some substantial misconduct which would disqualify him. Otherwise, even if a gentleman's temper may not be very good or his manner may not be all that it ought to be, I should be very sorry that any judge should fail of reappointment on any ground of that kind. I think that my amendment instead of indicating want of confidence in the government, points in the other direction.

Hon. Mr. SCOTT—It was not necessary that this should be brought before council. We do not take cognizance of it until the proper time comes. The Department of Justice felt that legislation should be passed in order to enable the government to take it up when it arose. The sooner the law is brought into operation the better, because it must be dealt with promptly. They may bring that law into operation on Wednesday next, and we are not going to issue another proclamation.

Hon. Mr. POWER—But surely the government of New Brunswick will not bring their law into operation until some provision is made for the judges? We have a statement made here by one member of the government who is supposed to represent his colleagues, that he knows nothing about this measure and has not inquired into it. Is it not a right thing that the whole council should have an opportunity to consider this matter. If for instance one member of the government wishes this measure put through, it is just barely possible that that member of the government may be in error and that when his colleagues come to consider the matter they will think that they had better not take the line which he has indicated. This Bill has been read the second time; the principle is adopted. The amendment proposes simply that this Bill shall not go into operation until the proclamation is issued by the Governor in Council. How on earth a member of the government can say that that indicates want of confidence in the government, I cannot imagine. It is not moved in that sense, and I hope the government will accept it.

Hon. Mr. SCOTT—We have not been consulted at all.

Hon. Mr. ELLIS—I will not be charged with any lack of confidence in the government, but the hon. Secretary of State must have heard during this debate sufficient reasons to justify the asking for a little more time in the matter, or at any rate to give the government an opportunity and for him to have a chance to consult with his colleagues and cover the whole ground. It is not an unusual request which the amendment carries, and I beg leave to second it.

Hon. Mr. McMULLEN—This is a matter which applies exclusively to the province of New Brunswick, but I must confess my amazement at the announcement made by the hon. Secretary of State, that where a local government choose to recast their courts, the judges who have occupied the position of judges in previous courts are virtually out of office. I have no idea that a local legislature has the power of doing that. When Sir Oliver Mowat, for instance, consolidated the courts, the Court of Chancery, as a court, was abolished, and several other courts were abolished, but I never heard that all the judges were virtually deprived of their positions by the action of the Ontario legislature. It appears they must have been, and that they were reappointed.

Hon. Mr. SCOTT—They were reappointed the same day that the amendment to the Act passed.

Hon. Mr. McMULLEN—It is a very singular thing if a province has that power.

Hon. Mr. SCOTT—Oh, yes, they have the power.

The committee divided on the amendment, which was declared lost, contents 7; no count of non-contents.

Hon. Sir JOHN CARLING, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

The Senate adjourned until Three p.m. to-day.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (97) An Act to amend the Act respecting the Senate and House of Commons.

(In the Committee.)

On clause 1,

Hon. Sir MACKENZIE BOWELL—This clause says that:

For each session of parliament hereafter held a deduction at the rate of fifteen dollars per day shall be made from such sessional allowance for every day on which the member does not attend a sitting of the House of which he is a member if the House sits on such day.

Hon. Mr. SCOTT—That is the law now.

Hon. Sir MACKENZIE BOWELL—It is not the law now, exactly. This clause repeals the Act of 1905 in part, and substitutes the clause which I have read. What I want to call attention to is the proviso. It says:

Provided that each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day.

That is one provision. Then it goes on:

Or on which the member is in the place where the session is held, but is by reason of his illness unable to attend any such sitting as aforesaid.

That is a provision to re-enact the law as it existed last year, simply providing for the payment of the sessional indemnity to a gentleman who is ill within ten miles of Ottawa and not able to be present. Then it says that his time shall be reckoned as a day of attendance at such session—that is while he is sick—'for the purposes of such indemnity, and a member shall for the said purposes'—that is the two purposes—'be held to be in the place where the session is held whenever he is within ten miles of such place.' It is quite clear, on the reading of it, that during an illness or an adjournment of the House, unless the senator or member of the House of Commons is within ten miles of the place where parliament is sitting, he would not be entitled to the per diem allowance. Now, let me read it by eliminating a portion of it, this way:

Provided that each day during the session on which there has been no sitting of such House in consequence of its having adjourned over such day, shall be reckoned as a day of attendance at such session, for the purposes of such indemnity; and a member shall, for the said purposes, be held to be in the place where the session is held whenever he is within ten miles of such place.

Then the other provision is, in case he is ill within ten miles of the place where parliament is in session. If the suggestion made by the leader of the opposition were adopted, it would carry out what I think the intention of the government was in framing this measure, by introducing in the third line from the bottom the words: 'And a member shall for the said latter purpose.' Then it would only apply to the case of absence from the city by a senator who was ill and could not attend. Again, I find in the next section that for each session of parliament hereafter held there shall be allowed to each member of the Senate and House of Commons the actual living or transportation expenses and 'reasonable living expenses.' I should like to ask why the word reasonable is inserted there? If you were going into court, living expenses would be held to be reasonable expenses. There is no other inference to be drawn from this sentence, and that is, that a member's living expenses would be unreasonable.

Hon. Mr. MACDONALD (B.C.)—If he drank champagne, for instance?

Hon. Sir MACKENZIE BOWELL—One senator might be satisfied with a little porridge and a cup of coffee for breakfast; another one might want coffee, boiled eggs, mutton chops and tenderloin, which would cost five times as much. Would that be considered unreasonable? Reasonable liv-

ing expenses would, I take it to be, the expenses incident to the position a man occupied and the manner in which he had been living during his life. Then subsection 2 reads :

2. Any member residing at a greater distance than four hundred miles from Ottawa may commute such allowance for travelling and living expenses, receiving in lieu thereof an allowance of fifteen dollars per day for each day necessarily occupied in the journey between his place of residence and Ottawa, going and coming, once each way, the day of departure and the day of arrival being counted each as a full day.

I do not know whether any hon. gentleman has taken the trouble to see what the practical working of that clause would be. Let me give one or two illustrations. A gentleman lives in Sarnia. The distance from his place of abode to Ottawa is 425 miles. He would take two days to reach Ottawa, and two days to return. Under the present Bill he would receive $60, which would be $15 a day for four days. A gentleman living in London, which is only 54 miles less distance than Sarnia, it being 371 miles. The most probably that he could collect, though it takes him two days to reach the city, would be $15, so that the senator living 54 miles further west would draw $60 for coming and returning, while the senator living 54 miles east of Sarnia would receive only $15, and they would take the same time precisely to reach this city. Take another case. From Windsor to Ottawa is 474 miles. That also takes two days. He would receive $60. The senator living in London, which is 371 miles, being about 100 miles less, though it takes him just as long to reach the capital as the man who lives in Windsor would receive $15, while his neighbour living westward, taking no longer time to reach Ottawa, would receive $60. That does not seem to me to be reasonable. Then let me refer to the senator from the Yukon. There are no travelling expenses allowed—that is, no passes. From Dawson by boat to Whitehorse is 400 or 500 miles ; he could have no pass, under the law, on the steamer. He would have to pay his expenses. Then he would have to take the railway at Whitehorse and travel until he reached the summit of the mountain, where he would strike a United States railway on which he would have to pay his fare until he reaches Skagway ; then from Skagway by boat it takes about two days to reach Vancouver, and he would have to pay his fare on the steamer. Reaching Vancouver, he would then travel on his pass eastward. That is an exceptional case, but just one of the cases that is not provided for by this Act.

Hon. Mr. MACDONALD (B.C.)—Twelve days from Dawson to Ottawa.

Hon. Sir MACKENZIE BOWELL—I am talking about the effect of it—not the time it would take. You can make the calculation in that way. I do not know whether the hon. Secretary of State has noticed this provision of the proposed law. In the first place, in the present Act the following sentence is not enacted :

After the first day on which the member attends as aforesaid.

Then his time shall be counted for the payment of the indemnity from that time. That is, he would have to be present 31 days after the first day that he sits. This Act makes no such provision, and a close reading of it I think will lead you to the conclusion as it has myself, that you are allowed the $15 per day for every day that there is no sitting and for adjournments. That is Saturdays and Sundays and for an adjournment of a week or two. I venture the opinion that, under this Act, a man who never attends a sitting at all during a four months session, would be enabled under the wording of this Act to draw his fifteen dollars a day for every Saturday, every Sunday and every day of an adjournment, because there is no provision for his taking his seat. There is a provision, however, for paying $15 per diem for every day that the House does not sit, through adjournment or Sundays, &c. Consequently the question is—and I do not know whether the attention of the hon. Secretary of State was called to it or not—whether, under the wording of this Act, a senator would not be enabled to draw pay for every day the Senate did not sit from the time of its opening until its close, less than the 31 days. It is a point that I would suggest to my hon. friend for his consideration before finally passing this Bill. One of the principal difficulties that I should like to see removed could be remedied by adding after subsec-

tion 2 a few words, to make it read in this way :

2. Any member residing at a greater distance than four hundred miles from Ottawa may commute such allowance for travelling and living expenses, receiving in lieu thereof an allowance of fifteen dollars per day for each day and the members of the Senate at the rate of —— dollars per day.

I do not say what it should be. That would place them on an equal footing. Take the hon. gentleman from Toronto. He takes a whole day. He is not allowed for that day under this law, but the hon. gentleman who lives 400 miles from Ottawa draws his $15 for that day. Now, in order to put them all on an equal footing, I submit that these few words would accomplish the object which I have in view. I am not finding fault with the repeal—I wish that distinctly understood—of that portion of the old Act which enabled a man to charge for railway fares that he never paid. I think that is quite legitimate, but when we come to that clause, having made these remarks, I will submit a short amendment which I think will be an improvement, and make it a little more equitable than it is. I apologize to the House for having occupied so much time, but, having looked into this matter, I may say that as it presents itself to me it is exceedingly illogical, not fair to some and a little too fair to others ; therefore, I have taken the liberty of making these suggestions to the House.

Hon. Mr. McMULLEN—It appears to be a difficult matter to arrange the travelling expenses. Very much depends upon the decency and the honesty of the member, under present conditions, whether he draws exactly what is right or whether he makes an effort to draw more than what is honestly due him. There may be men who, perhaps, would be guilty of doing that. I do not say that there are. However, there appears to be a great difficulty in settling the question as to what travelling allowance should be made, whether it should be so much a mile.

Hon. Mr. LOUGHEED—I think it would be more in order if we discussed that point when we came to it.

Hon. Mr. SCOTT—Yes, and there are some other amendments to be moved.

Hon. Mr. McMULLEN—There is another point. I think the fifteen days absence which is now allowed to members under the ample allowance that is paid to senators should be wiped out.

Hon. Sir MACKENZIE BOWELL—I agree with the hon. gentleman.

Hon. Mr. McMULLEN—Look at the empty seats in this Chamber. What is the reason of it ? The reason is, because members are absent and are taking advantage of that fifteen days. They should be here to attend to the public duties as senators of this Dominion. We will not have a regular attendance in this Chamber or in the House of Commons until we wipe out that fifteen days allowance, and I say that it should be wiped out here and now, and let every member understand that there are certain duties which he owes to the country. When he accepts the commission of a senator he pledges himself to discharge his duties faithfully. In view of that, when a man absents himself, unless he is sick and unable to attend, there should be no allowance of ten days or fifteen days. Wipe it out and deduct from every man's sessional indemnity the days he is absent. We ought to be honest with the country as well as honest with ourselves. I am prepared now, if the government accept the suggestion, to move that the allowance be wiped out. At the commencement of the session there was a general feeling that there was to be no more ten days or fifteen days reduction, and there was a fairly good attendance, until now, near the end, a number of gentlemen having put in the thirty-one days will draw their full sessional indemnity allowing the fifteen days. They have gone home, and a few of us are left here to finish up the public business.

Hon. Mr. SCOTT—We cannot introduce it in this Bill. It has no connection with this measure.

Hon. Mr. LOUGHEED moved that the nineteenth line, between the word 'said' and the word 'purposes' the word 'latter' be inserted, and the letter 's' be stricken out of the word 'purposes.' He said this amendment will make this clause read in this way :

Or on which the member is in the place where the session is held but is by reason of

his illness unable to attend any such sitting as aforesaid, shall be reckoned as a day of attendance at such session, for the purposes of such indemnity; and a member shall, for the said latter purpose be held to be in the place where the session is held whenever he is within ten miles of such place.

My hon. friend will observe, if he reads the latter section, that there are two conditions there. If the Bill passes as it is at present, it would necessitate members remaining within ten miles of Ottawa during an adjournment or lose their indemnity. That is quite obvious.

Hon. Mr. SCOTT—That was not intended.

Hon. Mr. LOUGHEED—The ten-mile limit is only intended to apply to those who are sick while the House is sitting, and if my hon. friend will make the change I have proposed, it will remedy the defect.

Hon. Mr. SCOTT—There can be no harm in the amendment.

Hon. Mr. JONES—It will make it perfectly clear. It is doubtful now.

The amendment was agreed to.

Hon. Mr. CLORAN—The leader of the opposition has pointed out that the limit of ten miles should apply only to the latter part of the clause. Does the sickness depend on the limit or the limit on the sickness? Supposing a man in Kingston is at death's door during a session of parliament, he cannot get his indemnity, but if he is within ten miles of Ottawa he can. Do you not think that is improper? Because you happen to be laid up in the hospital here instead of at home more than ten miles from the capital, you get your indemnity, while if you live eleven miles from here you may be stricken down and get no indemnity. What is the difference between the two cases? Just one mile?

Hon. Mr. LOUGHEED—I will point out the objection. That paragraph was the old law previous to 1905. The difficulty I see is that if a member is allowed an indemnity when sick at home, I, with all due deference to the conscientiousness of senators, will undertake to say that there will be slim attendance of senators here.

Hon. Mr. SULLIVAN—I was sick sixteen days this session, and also the number of days allowed; consequently I have attended very industriously up to the last. I do not see why a gentleman fit to be a member of this Senate should be put down as a man whose veracity cannot be depended upon. Make the law as stringent as you like; require positive proof of a gentleman's allowance by a doctor's certificate, or by his own statement on oath, but to provide that a man who is taken ill at the capital or within ten miles of the capital is more truthful than one who is a hundred miles away from the capital, is an aspersion on the character of the Senate. I differ from the hon. gentleman from Calgary; I think that the standard of the Senate with regard to truth is higher. Any man who would be mean enough to make a statement here on oath that he was ill and unable to attend, when he was not ill, is not a man who should occupy a seat in this House, and I do not believe that there is such a man in the Senate.

Hon. Mr. LOUGHEED—The House of Commons has voted the indemnity where the member has been sick and unable to come here.

Hon. Mr. POWER—I do not think that this discussion is calculated to raise the Senate in the estimation of the public. We have no right to amend a money Bill and this is a money Bill. Why should we talk about it in the way we are doing? The hon. gentleman from Kingston objects to this provision, with respect to the ten-mile limit. I call attention to the fact that that limit has been in our legislation since 1867.

Hon. Mr. CLORAN—It should not be any longer.

Hon. Mr. POWER—I suppose some pains were taken when this Act was originally framed, with a view to getting something which would be fair and reasonable, and there has not been any change since, and why we should, after nearly forty years, now be squabbling over it is something I cannot understand. Let us accept the decision of the past and of the other Chamber.

Hon. Mr. SULLIVAN—Forty years does not make any difference. I dare say the hon. gentleman's lynx's eye did not bear upon it or it would have been removed long ago. I only judge on the face of the matter. I say that the statement of a man of honour is just as good if he is sick

a hundred miles from here, as if he were within ten miles of the city, and you cast a stigma on the honour and veracity of the Senate when you fix a limit of ten miles. I say if the hon. gentleman was party to such legislation he did not do his duty.

Hon. Mr. POWER—I was not in parliament then.

Hon. Mr. CLORAN—The hon. senator from Halifax is great on small matters, great on a ten-mile limit. Under this clause a senator living in Carleton county is entitled to his indemnity if he happens to be sick and unable to attend, but a senator from Vancouver or the Yukon who happens to be sick while parliament is in session and unable to come to the capital is not entitled to anything. Does the hon. senator from Halifax mean to say that the difference in distance should make any difference in the way the two cases should be looked at? What is the principle at stake? A man who happens to be sick in his own home, whether it is here in Ottawa or at Halifax or Vancouver, should be treated in the same way. The difference, if any, should be in favour of the man who is far away from Ottawa, and would be glad to be here. If I can get support in this House I shall move this amendment to line 21, to make it read: 'be held to be in the place where the session is held whenever he is sick, at home or abroad.'

Hon. Mr. POWER—That resolution is out of order. The passing of that amendment would increase the charge on the public treasury, and we have no right to make such an amendment.

Hon. Mr. CLORAN—Does the chairman rule that my amendment would increase the charge on the public treasury?

The CHAIRMAN—I do not know that that is out of order.

Hon. Mr. SCOTT—Yes, because the effect of it is to add to the public burden.

Hon. Mr. CLORAN—How would it do that?

Hon. Mr. SCOTT—Two-thirds of the members might state that they were sick at home and be drawing their allowance if this amendment were admitted. However, that subject was thoroughly discussed by the members of the government and the clause was adopted by the House of Commons.

The CHAIRMAN—I rule the amendment out of order.

The clause as amended was adopted.

On subsection 2 of clause 2,

2. Any member residing at a greater distance than four hundred miles from Ottawa may commute such allowance for travelling and living expenses receiving in lieu thereof an allowance of fifteen dollars per day for each day necessarily occupied in the journey between his place of residence and Ottawa, going and coming, once each way, the day of departure and the day of arrival being counted each as a full day.

Hon. Sir MACKENZIE BOWELL—I move that this clause be amended by adding the following words after 'day' in the 36th line—'And to all other members at the rate of per day.' In order that the chairman may not be called to rule this out of order, I propose to leave the blank to be filled in by the House of Commons when the Bill is returned to that House. The hon. senator from Halifax knows, from his long parliamentary experience, that many Bills have been introduced in this House dealing with salaries and the expenditure of money, but while we affirm the principle we leave the amount in blank and let the House of Commons fill it in.

Hon. Mr. SCOTT—The words 'other members' would have to be qualified, because that would take in the members living in Ottawa, and the rate ought to be fixed at say $5. I see no great objection to the amendment. This is not adding to the public burden, because this is an alternative. It is to be assumed that the expenses would be quite equal, if not more than the $5. Probably the House of Commons would accept it with that limit. It does not interfere with the amount. Supposing a member would get more than $5 he would charge his account. Five dollars is taken as a sum that would probably meet many of the cases; of course it will not cover all the cases.

Hon. Sir MACKENZIE BOWELL—Does the hon. member think that $5 would be sufficient?

Hon. Mr. SCOTT—I think $5 would be a reasonable sum. The objection I heard urged to this was that members would be

obliged to swear to the account, and in the case of a small account of that kind that would seem to be very unreasonable. I think that in the drafting of the Bill it was not intended that members should be obliged to make an oath on it. I do not know how that clause got in, but, certainly, it was not intended when the Bill was first discussed, because particular reference was made to this, that a member's word, a member's own certificate in reference to his own travelling expenses, ought to be accepted, that no man ought to be called upon to swear in a small matter of five or six or ten dollars, whatever it might be. That was so stated and expressed, and it was evidently inadvertently, that this clause was made to apply to the travelling expenses.

Hon. Sir MACKENZIE BOWELL—Living three hundred miles away, the hon. gentlemen will, if he reflects a moment, find that he will have to take a sleeping car if he comes at night. Young people, like the hon. Secretary of State and myself, like to have a little air, and when a member comes to pay for his breakfast, dinner and supper——

Hon. Mr. SCOTT—Then make it six or seven dollars.

Hon. Mr. CLORAN—You will have to provide for an additional sum when they raise the cost of berths on sleeping cars.

Hon. Mr. McGREGOR—Strike out the 'four hundred miles,' and make it apply to all outside of Ottawa.

Hon. Sir MACKENZIE BOWELL—I am fully in accord with the hon. gentleman, but I am afraid we would not be able to carry that.

Hon. Mr. POWER—If that change were made, the travelling expenses would be raised probably almost to what the old mileage came to, and surely we have no right to take a step which is likely to increase the charge on the public treasury to that extent.

Hon. Mr. CLORAN—Do I understand that the government accept the suggestion of the hon. leader of the opposition as increasing in no manner whatever the public expenditure in this matter ?

Hon. Mr. SCOTT—No, it is an alternative. A member has a right either to a fixed sum, or to a statement of account. In putting it down at $5 in nine cases out of ten it would be less than a detailed statement would show. He has to pay four dollars for his berth for instance.

Hon. Mr. CLORAN—Does not the suggestion of the hon. leader of the opposition involve the same objection ?

The CHAIRMAN—No, he did not mention any money.

Hon. Mr. CLORAN—I did not mention any money.

Hon. Mr. SCOTT—In the hon. gentleman's case, it was paying parties not provided for in the Bill.

Hon. Mr. CLORAN—He is paying them also.

Hon. Mr. SCOTT—No.

Hon. Mr. CLORAN—They are splitting hairs on this question, and it is a small business. A senator who leaves Toronto by train can reach here in ten hours. Supposing he comes here by boat and it takes two days, who is going to pay the expenses ?

Hon. Mr. JONES—He has not that right under the Bill.

Hon. Mr. CLORAN—The shortest route may be by boat.

Hon. Mr. JONES—If it is the most direct route.

Hon. Mr. CLORAN—And by boat it would take two or three days.

Hon. Mr. JONES—I do not see why we have the alternative system. It is a departure for which I have not heard a reason, and I am of the opinion that it will not be on the statute-book any considerable time before the necessity for a change will be apparent. Take two members living 1,500 miles from Ottawa ; one of them comes here for a day. It will cost $45 and if the other comes here on the principle of the first clause of the Bill it would cost twice that. It does not appear to be good legislation. Personally I should like to see—and it would be saving considerable money—the first clause cut out altogether. It would make it materially less, and it would not bring in the accounts from the members varying as they do in the meantime. I think people who live within 300 miles of Ottawa

do not deserve any consideration for their coming, because they can come and go frequently and they are placed at a much less disadvantage than those who live at a distance; but under the conditions that exist it must be admitted that it is rather extraordinary that the difference between London, Sarnia or Chatham will give to one man $60 for coming here, while you give to the other man only $7.50. If this Bill becomes law, a senator will come from London and receive $7.50 and the man from Chatham will receive $60 if he asks for it.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has given utterance to the opinion I expressed, that if you attempt to carry out that suggestion you have to remodel the whole Bill, and I think the easiest way to make it a little more equitable would be to adopt the amendment which I proposed. I should like to call the attention of the hon. gentleman from Halifax to the fact that while this may add a little, not much, it will only cover about the actual expenses, and if the law is left as it was before it would be more equitable. In his own particular case, under the old law, if I understand it, he receives about $15 his actual expenses to come from Halifax here, and $15 to go back. Now he will get $60. I do not see why he should be so particular as to allowing those who do not live a distance of less than two days' travel from Ottawa about $5 a day to pay their expenses instead of having to swear to their actual expenses. It depends a good deal, it seems to me in his case whose ox is gored in discussing these matters.

Hon. Mr. SCOTT—Hon. gentlemen must recognize that it is absolutely impossible to smooth over the inequalities. Last session we passed an Act in which it was provided that each member of the House and Senate should give a detailed statement of expenses. Take the case of members from the coast who travel four or five days; they say it is impossible to keep an accurate account of what they paid, and there was a general protest against it. This alternative provision was put in because of that protest of these people who said 'I would rather take a lump sum per day than put in a detailed statement'.

It is simply to meet the views of the two Houses. It is not logical, but is the best that can be done. I would rather pass the Bill without the change of a word if the House was prepared to agree to it.

Hon. Mr. LOUGHEED—It is agreed that the amount shall be left blank in order that the Commons may take the responsibility of settling it.

The clause was amended and adopted.

Hon. Mr. DAVIS, from the committee, reported the Bill with amendments which were concurred in.

The Bill was then read a third time and passed.

BILL INTRODUCED.

Bill (12) An Act respecting the Lord's Day.—(Hon. Mr. Scott.)

It being six o'clock the Speaker left the Chair.

After Recess.

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (62) An Act to amend the Railway Act, 1903.

(In the Committee).

On clause 6,

6. Subsection 3 of section 122 of the said Act is repealed and the following is substituted therefor:

3. Before approving such map and location the minister may, subject to the Special Act, make such changes and alterations therein as he may deem expedient, and upon being satisfied herewith shall signify his approval upon the map and the duplicate thereof, and when so approved, the map and application shall be filed in the Department of Railways and Canals and the duplicate thereof with the board. The minister in approving any such map and location may approve the whole or any portion thereof, and where he approves only a portion thereof he shall signify his approval upon the map and the duplicate thereof accordingly.

Hon. Mr. SCOTT—The new part there is giving the minister power to approve of the whole or any portion of a location.

Hon. Mr. LOUGHEED—I would point out to my hon. friend what strikes me as an anomaly in the matter of this location. Under this clause the minister has power to approve of the location. Then in the

do not deserve any consideration for their coming, because they can come and go frequently and they are placed at a much less disadvantage than those who live at a distance; but under the conditions that exist it must be admitted that it is rather extraordinary that the difference between London, Sarnia or Chatham will give to one man $60 for coming here, while you give to the other man only $7.50. If this Bill becomes law, a senator will come from London and receive $7.50 and the man from Chatham will receive $60 if he asks for it.

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Hon. Mr. SCOTT—The new part there is giving the minister power to approve of the whole or any portion of a location.

Hon. Mr. LOUGHEED—I would point out to my hon. friend what strikes me as an anomaly in the matter of this location. Under this clause the minister has power to approve of the location. Then in the

possesses or may take under the preceding section, for the convenient accommodation of the public, or the traffic on its railway, or for protection against snowdrifts, or for the diversion of a highway, or for the substitution of one highway for another, or for the construction or taking of any works or measures ordered by the board under any of the provisions of this Act or the Special Act, or to secure the efficient construction, maintenance or operation of the railway, it may apply to the board for authority to take the same, for such purposes, without the consent of the owner.

Hon. Sir MACKENZIE BOWELL—That is materially changed.

Hon. Mr. SCOTT—The change commences with the words 'or for the diversion of a highway, or for the substitution of one highway for another.' 'Or for the construction or taking of any works or measures ordered by the board under any of the provisions of this Act or a special Act, or to secure the efficient construction, maintenance and operation of the railway.'

Hon. Sir MACKENZIE BOWELL—They have to apply to the board under the old Act for authority. It is giving the board the full power. I suppose it is right enough.

The clause was adopted.

On subclause 2,

2. The said section 139 is further amended by adding at the end thereof the following subsection :

7. The board may, upon consent in writing having been first obtained from the minister in that behalf, repeal, rescind, change or vary any certificate of the minister made under section 109 of the Railway Act, chapter 29 of the statutes of 1888.

Hon. Mr. LOUGHEED—I thought we repealed the Railway Act of 1888?

Hon. Mr. POWER—But even in that case the orders which the minister had made while the Act was in force could not be repealed.

Hon. Mr. LOUGHEED—What orders are referred to here?

The CHAIRMAN—The orders which might be passed under section 109 of the Act of 1888.

Hon. Mr. LOUGHEED—There were a couple of the sections of the Act we did not repeal. Let us assume that such an order is repealed or rescinded, what then becomes of the land? It would seem that that is an order made anterior to expropriation, practically.

Hon. Mr. SCOTT—Section 109 reads as follows:

The minister shall inquire into the correctness of the map or plan and book of reference and the truth of the allegations of such application, and if he is satisfied thereof shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the land shown on such map or plan or book of reference or any less quantity should be required by the company, and such certificates shall be in accordance with one of the duplicates of the plan or book of reference, and the other duplicate shall remain in the department.

That must be dealing with some isolated instance.

Hon. Mr. LOUGHEED—If the board could rescind those orders, what would become of those expropriated lands ?

Hon. Mr. POWER—If the order for expropriation was rescinded the land would revert I suppose.

Hon. Mr. LOUGHEED—No, there is nothing in the Railway Act to make it revert. The rescision of the order would not make it revert.

The subclause was adopted.

On clause 10,

10. Section 159 of the said Act is amended by adding thereto the following subsection :

2. If the opposite party is absent from the district or county in which the lands lie or is unknown, service of such six days' notice may be made by advertisement as in the next two preceding sections provided ; provided that the judge may dispense with, or shorten the time or times for, the publication of the notice in any such case in which he deems it proper.

Hon. Mr. LOUGHEED—Ten days is not very long.

On clause 14,

Hon. Mr. DAVIS—Under this clause, as I understand it, if any business was established within six miles of a railway, and they want to get connection with that railway, the people who own the business must pay for the railway, but it is not clear who will own the spur when it is completed.

Hon. Mr. McMULLEN—The company will own it.

Hon. Mr. DAVIS—Why not give the same privilege to a municipality. Subsection 2 provides for a refund by rebates on tolls, and I do not know why the privilege which is given here to an industry or business should not be extended to a municipality.

Hon. Mr. SCOTT—The municipality may be an applicant with the approval of the ratepayers.

Hon. Mr. DAVIS—I know the people of Saskatoon has been trying to get the Grand Trunk Pacific to run a branch into the town but have not succeeded.

Hon. Mr. SCOTT—We are broadening the Act.

Hon. Mr. McMULLEN—This clause simply provides for a branch being built in the case of the establishment of an industry. It does not apply to municipalities.

Hon. Mr. DAVIS—Why should it not apply to municipalities? If Saskatoon is willing to pay for a spur from the main line, why should it not have the same privilege as an industry or a business?

Hon. Mr. SCOTT—Business is a pretty broad word; the business of a town is a matter that would come under the Act.

The clause was adopted.

On subclause 2, of clause 17,

2. Notwithstanding anything in any Act contained, the board, in determining the terms or compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agreement now or hereafter in force by which the company has given or gives any exclusive or other privilege to any company or person, other than the applicant, with respect to any such station or premises.

Hon. Mr. LOUGHEED—Is that to meet such cases as arose some time ago in Ontario in connection with the Bell Telephone Company—for instance at Fort William and Port Arthur?

Hon. Mr. SCOTT—Very likely.

Hon. Mr. LOUGHEED—My recollection is, the matter came before the Railway Commission and the question as to the consideration paid to the railway company by the Bell Telephone Company. As I understand, this is to exclude any such factor entering into the valuation which may be placed on the right.

Hon. Mr. SCOTT—It excludes the agreement made between the telephone company and the railway company.

Hon. Mr. LOUGHEED—This seems to me a rather extraordinary clause. I can understand the propriety of saying that the board shall not be bound to determine the value by reason of those contracts, but to say that the board shall not take the question into consideration at all, I cannot appreciate. It seems to me that every factor should be taken into consideration by the board. For instance, in a court of law the court, in determining the value of any right or franchise, would take into consideration every factor which might enter into the question of value in assessing the value. Here the board seems to be precluded from giving consideration to this particular factor.

Hon. Mr. BAIRD—I think this is a move in the right direction. It makes it much easier for independent lines to get into railway stations. I do not see why the Bell Telephone Company should have the exclusive right to enter stations and keep independent lines out. This is legislation that the people have been fighting to obtain for years. I do not see on what ground the Bell Telephone should be entitled to compensation.

Hon. Mr. LOUGHEED—My hon. friend misapprehends the point I take. I say it is very desirable that those connections be made, but that the board should have all information before it. It certainly should be permitted to take evidence in regard to every factor that might determine valuation. Can my hon. friend say why the board should be prohibited from taking into consideration the factors of value of this kind—why a prohibition should be placed upon it?

Hon. Mr. DAVIS—What is the meaning of the expression 'any Act.' Would that cover provincial as well as federal Acts?

Hon. Mr. LOUGHEED—I do not understand the section, and I ask for information.

Hon. Mr. SCOTT—It is plain enough. In the case to which reference has been made, the Port Arthur case, the Canadian Pacific Railway and the Bell Telephone Company had a contract which covered all the stations where their telephone was used. They gave the telephone company the exclusive right and a consideration was paid for it. When it was ordered that other connections should be made there, naturally the question of con-

tract became an element. If that contract had to be cancelled it was an element of damage. The town objected to that. This cancels, practically, the contract and provides that notwithstanding the existence of that contract other companies shall have the right to go in and that contract shall not be considered in estimating the damages. It is relying on the public sentiment of the age.

Hon. Sir MACKENZIE BOWELL—In Fort William and other places, the quarrel has been between the municipalities which desired to make a connection with the Bell Telephone Company, at the railway station, but the railway company had entered into a contract with the Bell Telephone Company by which they were to have the exclusive right for some time within their station, and they were to give the Bell Telephone Company certain privileges and concessions in the way of freight and carrying their servants over the road.

Hon. Mr. BAIRD—And the company was to give them the use of their 'phones.

Hon. Sir MACKENZIE BOWELL—Yes, and they were to give the railway company the use of the 'phones. This is a provision to allow connection to be made with their stations without regard to the contract into which this railway company had entered ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—It is a question whether that is not a direct interference with vested rights which the Bell Telephone Company had. You might just as well enter a man's private house, or any public building, if the outside world demanded it, without any consideration at all as to what they might lose or suffer by such connection. I know what the scheme is. It is to deprive railway companies and others from entering into any bargain by which they would have exclusive rights.

Hon. Mr. BAIRD—There is a difference between entering a man's private house and entering a railway station. The railway station is built for the use of the public and I can see no reason; as I am allowed to walk into railway station for the purpose of doing business, why I should not have the privelege of communicating with it on any 'phone I please.

Hon. Sir MACKENZIE BOWELL—Providing you pay for it.

Hon. Mr. BAIRD—Yes, and I do not know any reason why the company should make an exclusive contract with any telephone company to give them the exclusive use of their station for their 'phones used by the public.

Hon. Mr. DAVIS—There is no analogy between the cases. A private house is one thing and a railway station is another. Parliament grants a railway company valuable franchises and they do not pay anything for them and the public has some rights as well as the railway companies, and if they enter into an exclusive contract with the Bell Company or any other company I think it is right that parliament should protect the public.

The clause was allowed to stand.

On clause 21,

21. Section 227 of the Railway Act, 1903, is repealed and the following section is substituted therefor :

227. No train shall pass over any highway crossing at rail-level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is properly protected, or unless such crossing is constructed and thereafter duly maintained in accordance with such orders, regulations and directions of the Railway Committee of the Privy Council and the board as may be in force with respect thereto. The board may limit such speed in any case to any rate that it deems expedient.

2. The company shall have until the first day of January, one thousand nine hundred and eight, to comply with the provisions of this section.

Hon. Sir MACKENZIE BOWELL—The passage of this clause would affect these through fast trains. I wish to point out how I thought it would affect the speed of these trains. Take the train running from Belleville to Toronto, 113 miles. It runs that distance in three hours, that is about 35 miles an hour. It stops only at Cobourg and Port Hope. If it is obliged to slow its speed at each crossing between Belleville and Toronto, it would of necessity delay them at least five minutes at each of these crossings.

Hon. Mr. McMULLEN—More than that.

Hon. Sir MACKENZIE BOWELL—There are six or seven stations. There is half an hour lost, and it would be a loss between those two points of at least three-quarters of an hour. I do not know what their calculation is, but this is what suggests itself to me. If the delay in 113 miles was 45 minutes, how long would it delay a train running from Montreal to Toronto, with all the stations and crossings they would have to make. Instead of making the distance in the time between 9 a.m. and 4.30 p.m. I question if they would not lose a couple of hours by the operation of this clause between those distances.

Hon. Mr. McMULLEN—I cannot understand the adoption of a clause of that kind. It is very well to make provision for the protection of life and property. Take West Toronto Junction on the Canadian Pacific Railway to the Union station, I venture to say you could get off the Canadian Pacific Railway at West Toronto and get into the Union station quicker by street car than by railway, if this Bill became law. A good fast trotting horse would go ten miles an hour and you limit a train from Toronto Junction into the city to a rate of ten miles, because you are crossing roads all the way. The speed of a train is not so much the cause of accidents as the neglect of the necessary signals, the whistle and the gong.

Hon. Sir MACKENZIE BOWELL—I am just informed by the solicitor of the Grand Trunk that the calculations they have made, if this provision is put in force, is that there would be a loss of some hours between Toronto and Montreal. Without having gone into the calculation, I had come to the conclusion it would lose three or four hours.

Hon. Mr. DAVIS—Cut out the ten miles, and change the wording at the end of the section and give the board power to regulate it.

The CHAIRMAN—They have that now.

Hon. Mr. LOUGHEED—The board may limit their speed to any rate they may deem expedient. In this case an ordinary automobile will go through the streets at the rate of 20 miles an hour ; that is the ordinary thing. You can stand on Sparks street or any street in the city and watch an automobile pass you by on a thickly populated street where people are not on the look out for danger, at 20 miles an hour. But on a railway track passing through a village or municipality where every precaution is taken against danger, the speed is reduced to 10 miles an hour. It is an inconsistent clause, entirely without sense or reason.

Hon. Mr. POWER—Inasmuch as the clause is to stand, there has been sufficient discussion to enable us to appreciate the objections to it.

Hon. Mr. LOUGHEED—Why not deal with it now ?

Hon. Mr. POWER—Because it is a thin House.

Hon. Sir MACKENZIE BOWELL—It is the duty of members of the Senate to be here, and not, by their absence, to delay those who are here to attend to the public business.

Hon. Mr. POWER—That is all very well, but we went into committee with the distinct understanding that no contentious clauses were to be dealt with at this sitting.

Hon. Sir MACKENZIE BOWELL—And for the reason advanced by the hon. gentleman a minute ago.

Hon. Mr. WATSON—I fully concur in the objection to this clause which prevents freight trains running at a speed of over ten miles an hour over crossings. It is an absurd clause, and should not be in the Bill. There are thousands of crossings in Canada which will be affected by this clause where there is practically no danger at all. If there is a dangerous crossing, the board has the power to limit the speed of trains ; but to fix the limit at ten miles for all railway crossings is going too far. The illustration given by the hon. leader of the opposition shows the inconsistency of such a provision. It just occurred to me the same way that it occurred to him when I read the clause. Automobiles are allowed to run at ten to twenty miles an hour in the streets of a city, and thirty to forty miles an hour in the country on roads where there are no rails to guide them, but this restriction is placed on locomotives which run on steel rails and cannot leave them, and where, so

long as you are off the track you are not in danger. I venture to say that the time of a train running say, between Toronto and Montreal, will be increased by four or five hours if it has to slack up at every crossing. I am informed that the railway companies wish to be heard on this matter before the Bill passes the Senate and they would like to be heard on Monday next.

Hon. Mr. DAVIS—We can deal with it now.

Hon. Mr. WATSON—The clause should be amended in such a way that there would be no doubt as to the power of the commission.

Hon. Mr. LOUGHEED—There is no doubt now as to the power of the commission under the existing Act.

Hon. Mr. WATSON—The railway companies should only be restricted by order of the board, and in the Act as it stands they are restricted unless they get permission from the board to go at a greater speed than ten miles an hour. I submit we should let this clause stand if it is to be amended.

Hon. Mr. JONES—This Bill is not to come into force until January, 1908. Under the law as it stands, the speed at crossings is limited to ten miles an hour, unless the railways get permission from the board to travel at a higher speed. Would it not be better to give a more reasonable speed limit ?

Hon. Mr. LOUGHEED : I fail to understand why the protection afforded by the present Act is not sufficient for all purposes. The restriction now is ten miles an hour, unless the board regulates to the contrary. The board can issue an order permitting trains to run faster than ten miles an hour. The matter is entirely in the hands of the Railway Commission. In every clause of this Bill we have passed to-night the board is given power to regulate railway companies. Why, in this important matter, should the jurisdiction of the board be limited. It seems but reasonable and logical that the whole matter should be left to the board.

Hon. Mr. JONES—The board would not issue an open order for the speed at all the crossings between Montreal and Toronto for instance. They would take each individual crossing and the surrounding circumstances into consideration. There may be places where the speed ought to be ten miles, others fifteen, others twenty and others thirty miles, so no one order would overcome the difficulty.

Hon. Mr. LOUGHEED—The board take into consideration that condition of affairs. They make their regulations in view of the conditions attending each crossing.

The clause was allowed to stand.

On subclause 2 of clause 26,

2. Every person who knowingly or wilfully sells, gives, or barters any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labour for a period not exceeding one month, or to both.

Hon. Mr. SCOTT—The words that are new in this subclause are 'knowingly or wilfully.' From my experience of legislation in which these words occur, it would be very difficult indeed to secure a conviction under the clause as drafted. The use of these words 'knowingly and wilfully' destroys all chances of conviction.

Hon. Mr. DAVIS—Suppose a conductor or telegraph operator, or train despatcher goes into a saloon and orders liquor, and the bartender does not know that he is a railway employee on duty, should that man be punished ?

Hon. Mr. SCOTT—I think he should be.

Hon. Mr. DAVIS—Even if he does not know who the man is ?

Hon. Mr. SCOTT—They always know.

Hon. Mr. LOUGHEED—I do not think any injustice would be done if the Act were left as it is to-day. If a prosecution were attempted under this clause, the defence would be that the man who sold the liquor did not know that the man to whom he sold it was a railway employee on duty, and it will be almost utterly impossible to establish the fact that he had knowledge. I move that these words 'knowingly or wilfully' be struck out.

Hon. Mr. SCOTT—I will not oppose it.

Hon. Mr. LOUGHEED—This Act has been in force, and I certainly am not aware of any case of hardship having arisen under it as it now exists, but I unhesitatingly say that if the responsibility is thrown on the prosecution to show that the liquor seller has a knowledge that a man is on duty, you cannot establish the condition of that man's mind. It means that you have to speak positively as to what was operating in his mind.

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

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again on Monday next.

The Senate then adjourned till Monday, 9th July, at Eleven a.m.

THE SENATE

OTTAWA, Monday, July 9, 1906.

The SPEAKER took the Chair at Eleven a.m.

Prayers and routine proceedings.

LORD'S DAY BILL.

SECOND READING.

The order of the day being called :

Second reading, Bill (129) An Act respecting the Lord's Day.

Hon. Mr. SCOTT—Looking around at the empty benches, I feel a great regret in having to take up so important a Bill as the one on the order paper which has just been called. I think it is a very grave reflection on the Senate that the most important measure of the session, the one which touches the hearts of the people of the country more keenly and tenderly than any other Bill which has been up in a long series of years, should, in the Senate Chamber, receive such scant justice. If we wanted to keep in touch with the people of Canada, and establish a principle which will justify the existence of the Senate, on an occasion of this kind when the interests of the people, their customs, feelings, views and I may say prejudices, are at stake, we should all be in our places. Yet I find that more than half our colleagues have gone away. They have attended at times when Bills not nearly so important were engrossing our attention, but when a Bill which I venture to say touches the home and family sentiment of more people in the Dominion of Canada than any other measure which had been brought forward in the last twenty-five years, they are absent. It throws upon us who remain, a mere minority of the Senate, the responsibility of the action which may be taken in reference to this measure. Certainly no measure has been debated in the House of Commons with greater keenness. The Bill, as originally presented, has been entirely metamorphized from its original form. The exceptions are far more numerous than the clauses. Day after day changes have been made, in the endeavour to meet the diverse sentiments entertained with reference to this important subject. Many questions of necessity, and many changes have been pressed on the attention of parliament by way of exceptions although, in truth, in no part of God's dominion is the Sunday observed better than in Canada. We are a moral and religious people. We need not hesitate to place our conduct in comparison, I would not say with the country to the south of us ; I would not insult the House by doing so, but with any part of the civilized world. We are abreast of all, and it is because this tolerant spirit has, in the past, prevailed that happily, thrown together as two races we have had consideration for each other and have so developed a system of government that is certainly not second to any in the world in securing to the people liberty without license; therefore we ought to show our appreciation of the blessing we enjoy, and I do say that I am sorry that the Senate of Canada should pay so small a compliment to the people of this country as to be absent on an occasion of this kind.

Many persons think that this is a new subject—one of necessity that ought to be now passed into law with a view of securing a homogeneous condition of the people of Canada. Happily, in the past, we in On-

tario, of all the provinces of this Dominion, have had a Sunday law. In the old parliament of Canada, when Upper and Lower Canada were united closely together, more closely certainly than in the confederation which embraced so many other provinces, and having been myself a member of that parliament I can bear witness to the tenderness, to the consideration which was paid by each section of United Canada in all subject-matters that effect the customs, the habits and the sentiments of the two races. I have under my hand here a volume of statutes which are not incorporated in the revised statutes of Canada. They are made up of the statutes that relate to individual provinces. They were passed before those provinces came into confederation. They were passed as the people of those provinces desired they should exist. Those statutes have been preserved, and properly so. They are respected and they are in force to-day. We ought to be very careful if we seek to repeal, or in any way to change those laws, unless with the entire approval of the people who are affected by them.

Now, I open one here, an Act passed in 1845 in United Canada for the better observance of the Lord's Day in Upper Canada. That did not extend to the sister province. That Act is an exact copy of the Act passed in the reign of Charles II., and covers nearly the entire ground, apart from transportation. I will just briefly refer to it. That Act is in force in Ontario to-day :

It is not lawful for any merchant, tradesman, artificer, mechanic, workman, labourer or other person whatsoever, on the Lord's Day to sell or publicly show forth, or expose or offer for sale, or to purchase, any goods, chattels, or other personal property, or any real estate whatsoever, or to do or exercise any worldly labour, business or work of his ordinary calling, (conveying travellers or Her Majesty's mail, by land or by water, selling drugs and medicines, and other works of necessity, and works of charity, only excepted.)

2. It is not lawful for any person on that day to hold, convene or to attend any public political meeting, or to tipple or to allow or permit tippling in any inn, tavern, grocery or house of public entertainment, or to revel, or publicly exhibit himself in a state of intoxication, or to brawl or use profane language in the public streets or open air, so as to create any riot or disturbance, or annoyance to Her Majesty's peaceable subjects.

3. It is not lawful for any person on that day to play at skittles, ball, foot-ball racket, or any other noisy game, or to gamble with dice or otherwise, or to run races on foot, or on horseback, or in carriages, or in vehicles of any sort.

4. Except in defence of his property, from any wolf or other ravenous beast or a bird of prey, it is not lawful for any person on that day to go out hunting or shooting or in quest of, or to take, kill, or destroy, any deer or other game, or any wild animal, or any wild fowl, or bird, or to use any dog, gun, rifle, or other engine, net or trap, for the above mentioned purpose.

5. It is not lawful for any person on that day to go out fishing, or to take, kill or destroy any fish, or to use any gun, fishing rod, net or other engine for that purpose.

6. It is not lawful for any person on that day to bathe in any exposed situation in any water within the limits of any incorporated city or town, or within view of any place of public worship or private residence.

There are also preserved, in the statutes, laws peculiar to the province of Quebec. For instance, the Civil Code, which was never disturbed, which under the treaty of 1760 was continued in the province of Quebec. There is also in this book a statute for the better observance of the Lord's day in British Columbia, passed long before that province came into the union ; and there are also Acts passed by the province of Prince Edward Island relating more particularly to fishing. I may very briefly mention the subjects which are by the laws of the several provinces interdicted. It is just as well we should understand how the question stands at present. I may first refer to the decision of the Privy Council that has led to the necessity for this legislation. The province of Ontario thought proper to re-enact certain clauses of the Act of Charles II., the one which I have just read, practically classing some of the acts as criminal, whether they were against the moral law or not. When the question came to the Privy Council, as gentlemen who were watching the proceedings before that august body will know, that as a rule if they can find a reason for throwing out a case at the start they invariably do. They selected one section of the Ontario Act, and came to the conclusion that the subject was included in the criminal law, and as a consequence the Ontario jurisdiction was ousted, the criminal law being entirely under the jurisdiction of the Parliament of Canada. They said, without going any further, the Act contains clauses which encroach on the domain of the Dominion, and therefore we declare the Bill to be ultra vires.

Hon. Sir MACKENZIE BOWELL—Does the decision interfere in any way with the statute passed years ago ?

Hon. Mr. SCOTT—No. The question arose under the Ontario statute, not under an Act of this parliament. That was an Act of Charles II., incorporated in the laws of Upper Canada in 1845, and continues to this day part of the law of Ontario. Now, as far as sales on the Lord's day are concerned, there are Acts forbidding them in British Columbia, Quebec, Ontario and Prince Edward Island. In British Columbia it is limited to what is known as the old colony, and therefore when speaking of British Columbia I refer to it as that part of the colony before it entered confederation. Servile labour, except acts of charity and necessity, are forbidden in Nova Scotia and New Brunswick. The exercise of worldly business or ordinary calling, excepting works of necessity and charity, which are always excepted, are forbidden in Ontario, British Columbia and Prince Edward Island. Prevention of tippling houses is to be found in the laws of Ontario, Nova Scotia and New Brunswick, and hunting and fishing in Ontario, Nova Scotia, New Brunswick and British Columbia. Fishing is forbidden in Ontario and Prince Edward Island. Horse racing is forbidden in Ontario. The playing of skittles and noisy games is forbidden in Ontario and Prince Edward Island. Public meetings of all kinds are forbidden in Ontario. Gambling is forbidden in Ontario, Nova Scotia and New Brunswick. Bathing in public places is forbidden in Ontario. Sales made on Sunday, of course, are void in nearly all the provinces. Sunday excursions and Sunday cars are forbidden in Ontario. Hiring or employing any one to perform servile labour or allowing any workman to perform servile labour, is forbidden in New Brunswick. The selling of goods on Sunday or doing any worldly business—to which there are a number of exceptions, such as the delivering of milk and ice—are forbidden in New Brunswick. In Manitoba and the Northwest Territories there are numerous provisions of a like character. I have under my hands the laws of these several provinces ; but I will not detain the House by reading them. I simply refer to their existence, so that it cannot be charged that in Canada the people have not, through their representatives, had laws passed for the observance of Sunday—not alike possibly in all the provinces, but still in harmony with the sentiment prevailing in each province. I mention these facts because I think it is only due that the public should be informed of the reasons which so seriously debarred this Bill from making greater progress in the House of Commons. As hon. gentlemen know, it was debated very keenly for weeks. I might almost say months. For nearly three months it has been before the House, and it was, no doubt, because of the existence of the laws to which I have briefly adverted that the people felt that the Act was somewhat of an intrusion.

I quite agree that it would be extremely desirable that we should all be able to harmonize on that particular subject. I should be glad if there was sufficient homogenity exhibited to conform to certain fixed principles in reference to the Lord's day ; whether we can accomplish that by an Act of parliament or not I do not propose now to discuss. From what experience I have had of life, and what I have noted, I have come to the conclusion that Acts of parliament are of very little use where they encroach on the habits and customs of the people. They become repellant and they are practically non-observant. The Act that bears my name is probably as good an illustration as one might quote, where we know. under a rush of influence, parliament passed an Act by a very large majority, and then left it absolutely abortive, making conditions worse than they were before, simply because the Act was in advance of the public sentiment and did not secure the cooperation of the people. This explanation accounts necessarily for the changes that were forced on the government as this Bill proceeded through the House of Commons. The exceptions finally became more numerous than the clauses. The first clause of this Bill is a definition of the Lord's day. It extends from Saturday midnight to Sunday midnight. Clause 2 reads :

2. It shall not be lawful for any person on the Lord's day, except as provided herein or in any provincial Act now or hereafter in force regarding matters coming within the classes of subjects enumerated in section 92 of the British North America Act, 1867, to sell or offer for sale or purchase any goods, chattels, or other personal property, or any real estate, or to carry on or transact any business of his ordinary calling, or in connection with such calling, or for gain to do, or em-

ploy any other person to do, on that day any work, business or labour.

As the Bill was drawn, and as it remained for some weeks, before the House of Commons, the words 'are hereinafter in force' had not been inserted. The effect of the clause, as originally drawn, was that it shall not be lawful for any person on the Lord's day to do any act except where at the time, this Act is passed, a provincial Act allowed the Act to be done. That was so strongly contested in the other House that an amendment was carried which was very far-reaching in its consequences and now provides that, hereafter, if a provincial legislature passes a law which they have authority to do under section 92 of the British North America Act which gives exclusive control to the province in conformity with the powers it possesses under its constitution, although it may be in defiance of this law, the provincial law shall prevail. That is, of course, a concession to provincial rights clearly and absolutely, and makes the Act an extremely different Act from what it was originally, when enforced in the provinces, except where it was in conflict with any existing statute. Now if a province feels that this law encroaches on its domain in any way, it can pass an Act which will override it, in so far as the particular subject is concerned, provided it is a subject-matter contained in section 92 of the British North America Act. These subject-matters, as hon. gentlemen will readily remember, are exclusively under the control of the provinces. Therefore, the provinces have no right to complain of this legislation for the reason that, as far as their powers are concerned, they can reverse it. I must admit there are provisions in this Bill that, no doubt, conflict with the customs of the provinces and for which no law now exists, and it is not likely any law will hereafter be passed, and as we put them in the category of crime they will have to be accepted by the provinces.

Clause 3 reads as follows :—

3. Notwithstanding anything herein contained, any person may on the Lord's day do any work of necessity or mercy, and for greater certainty, but not so as to restrict the ordinary meaning of the expression 'work of necessity or mercy, it is hereby declared that it shall be deemed to include the following classes of work :

In the Bill as introduced to parliament the only exception practically was that works of mercy and of necessity were exempted, but those words were not found sufficient to meet the views of a majority of the House of Commons and so the Bill is loaded down with a series of exceptions that extend alphabetically from (a) to (z).

Hon. Mr. DAVIS—Who is to be the judge of a work of necessity ? What is a work of necessity ?

Hon. Mr. SCOTT—The Act, like any other law, rests with the courts of the land for interpretation. We make it as clear as we can, but judges sometimes have a faculty of interpreting a law differently from what parliament intended.

Hon. Mr. BOLDUC—Who are the judges before whom the cases will have to be taken ?

Hon. Mr. SCOTT—They will be the judges of the ordinary courts. Minor cases will come before a magistrate, with an appeal to higher courts, as provided for in the criminal law. The exemption (a) refers to any necessary or customary work in connection with divine worship. There can be no question on that. The exception (b) refers to work for the relief of sickness and suffering, including the sale of drugs, medicines and surgical appliances by retail. No one can take exception to that. The next exemption relates to receiving, transmitting or delivering telegraphs or telephone messages. It was very generally acknowledged in the conditions that exist to-day in society, we should be lacking something very material in our lives if we were not able to utilize the advantages we have in both telegraph and telephone. Then subsection (d) :

(d) Starting or maintaining fires, making repairs to furnaces and repairs in case of emergency, and doing any other work, when such fires, repairs or work are essential to any industry or industrial process of such a continuous nature that it cannot be stopped without serious injury to such industry or its product or to the plant or property used in such process.

That, I presume, is one of the contentious questions that will no doubt be invoked and the opinion of the court sought. The main

object of it, I presume, is to meet the cases of smelters where the letting down of a fire would involve not only the loss of one day to build it up, but would affect the continuous process which is necessary in the object to be attained through the smelting.

(e) Starting or maintaining fires, and ventilating, pumping out, and inspecting mines, when any such work is essential to the protection of property, life or health.

There can be no objection to that, because it applies only to cases where the protection of life, health or property is involved.

(f) Any work without the doing of which on the Lord's day, electric current, light, heat, cold air, water or gas cannot be continuously supplied for lawful purposes.

I presume that will be pretty universally accepted by the community. All recognize that we require light in our churches in the evening, and therefore must have gas or electric light. We require our houses to be heated, furnaces must be kept up, &c.

(g) The conveying of travellers, and work incidental thereto.

That, I presume, was one of the debatable questions that was discussed in another place with a great deal of interest and keenness.

(h) The continuance to their destination of trains and vessels in transit when the Lord's day begins.

I need not go into the argument that has been used for the preservation of that exception. It has been urged that we are living alongside a very active nation. Lines of communication are running in competition with theirs, and it might be regarded as a serious matter if we were to check absolutely the running of trains on the Lord's day.

(i) Loading and unloading merchandise, at intermediate points, on or from passenger boats or passenger trains.

(j) Keeping railway tracks clear of snow or ice, making repairs in cases of emergency, or doing any other work of a like incidental character without the doing of which on the Lord's day the traffic on any transportation line cannot be safely carried on.

No one would object to that, because it is very well known that we have in the winter time in this country very heavy storms sometimes and the railways are blocked. If all work were stopped on Sunday during the continuance of a storm it might be some days before a train could be dug out. I have had some experience of that kind myself where it was not possible to have appliances to dig out trains, and have been kept on a train for four or five days.

(k) Work before six o'clock in the forenoon and after eight o'clock in the afternoon of yard crews in handling cars in railway yards.

(l) Loading, unloading and operating any ocean-going vessel which otherwise would be unduly delayed after her scheduled date of sailing, or any vessel which otherwise would be in imminent danger of being stopped by the closing of navigation; or loading or unloading before seven o'clock in the morning or after eight o'clock in the afternoon any grain, coal or ore carrying vessel after the fifteenth of September.

The 15th September there is named as a period at which greater liberty may be allowed, because it is well known that our main export, grain, has to be moved in the few weeks before the closing in of the season after the grain reaches maturity. The period when the greater portion of it is moved is between the 15th September and the 1st December.

(m) The caring for milk, cheese, and live animals, and the caring for perishable products arriving at any point during the Lord's day.

(n) The operation of any ferry or boat, authorized by competent authority to carry passengers on the Lord's day.

A ferry may be a necessity in many parts of Canada. The church may be on one side of the river and the parish largely on the other. It would seem only a reasonable proposition that the people should be allowed to cross in a ferry to attend their churches.

(o) The hiring of horses and carriages or small boats for the personal use of the hirer or his family for any purpose not prohibited by this Act.

That is one of the many clauses that have been inserted in deference to pressure used that a family might desire to spend the afternoon in the country, and that they would be very much better off if permitted to hire a conveyance and go into the country than if they were to remain in the city or town. I myself have very strong views on this subject. It has been very well said that God made the country, man made the town. I think the influence on everybody of going into the country on the Sunday

afternoon is good, I care not how they get there. If there is anything which purifies, elavates, I might say sanctifies the mind, it is bringing it into closer contact with nature. The mind is led to look up from nature to nature's God. It is a spiritualizing influence and therefore it is a great mistake to say that people shall not be permitted to go into the country to commune with all that is beautiful. The heart is at once filled with gratitude to the Divine Ruler for beautifying the world. The sight of the mountains, rivers, fields and trees has a purifying and refining influence on the intellect of the observer and, therefore, we should favour a movement of that kind rather than check it.

Hon. Mr. DAVID—Does the hon. Secretary of State say that clause allows that ?

Hon. Mr. SCOTT—This clause would have no reference to excursions, but my observations would equally apply necessarily to any method by which the people could be taken out of the city and brought into the country.

(p) Any unavoidable work after six o'clock in the afternoon of the Lord's day, in the preparation of the regular Monday morning edition of a daily newspaper.
(q) The conveying His Majesty's mails and work incidental thereto.
(r) The delivery of milk for domestic use, and the work of domestic servants and of watchmen.

The last provision is an exception which was not in the original Bill.

(s) The operation by any Canadian electric street railway company, whose line is interprovincial or international, of its cars, for passenger traffic, on the Lord's day or any line or branch now regularly so operated.

That would, of course, leave the electric system of each province to be controlled by the legislature of that province. It would rest entirely with that province. The electric system at Ottawa is an interprovincial one, it extends into the province of Quebec.

(t) Work done by any person in the public service of His Majesty while acting therein under any regulation or direction of any department of the government.
(u) Any unavoidable work by fishermen after six o'clock in the afternoon of the Lord's day in the taking of fish.
(v) All operations connected with the making of maple sugar and maple syrup in the maple grove.

I do not know at whose instance this exemption (v) was introduced. It is an industry which prevails in some parts of Canada, and the flow of sap has to be taken care of.

(w) Any unavoidable work on the Lord's day to save property in cases of emergency or where such property is in imminent danger of destruction or serious injury.

That was, I think, introduced in the last day or two in the House of Commons in order to meet a very strong pressure brought to bear for the preservation of property. The last exception is as follows:—

(x) Any work which the Board of Railway Commissioners for Canada, having regard to the object of this Act, deem necessary to permit in connection with the freight traffic of any railway. The costs of all persons of applications to the board under this paragraph shall be borne by the applicant, and, if more than one, equally. Notice of application, in which the reasons to be relied on shall be fully set out, shall be given to the Department of Railways and Canals. In all other respects the procedure under the Railway Act, 1903, shall, so far as applicable, apply.

One of the great features which I hope will be secured by this Bill will be that the toiler, the man who labours for six days of the week, will have one day of rest. Under the artificial conditions which exist in our lives, when we require so large a number of people to work on Sunday, it is a good thing that the employer shall be bound to give the employee a day in lieu of the Sunday which he has given to his employer. If the Bill did not go any further than that, I think it would be an advance, looking at it on the broad principle of humanity. It is a cruel thing that any man should be forced to work seven days in the week. The day of rest is a sacred day handed down to us for preservation, enshrined with associations which are, I am sorry to say, being rapidly swept away. Sunday in many countries, and in some instances in Canada, is entirely ignored. Travelling by railway trains, the operating of telegraph systems, and electric systems, and all the other manifold means by which our comforts are placed on their present high level, have largely done away with the observance of a day of rest. I say, therefore, that if the Bill contains no other provision than this, it is worthy of the support of this Chamber, giving as it does to

the toiler, the man who is earning his living by the sweat of his brow, one day to rest with his family.

Hon. Mr. CHOQUETTE—The hon. gentleman, a moment ago, read a clause with regard to the hiring of horses and carriages or small boats for the personal use of the hirer or his family, for any purpose not prohibited by this Act. Clause 6 of the Bill says :

6. It shall not be lawful for any person on the Lord's day to run, conduct, or convey by any mode of conveyance any excursion on which passengers are conveyed for hire, and having for its principal or only object the carriage on that day of such passengers for amusement or pleasure, and pasengers so conveyed shall not be deemed to be travellers within the meaning of this Act.

Under this clause will I be allowed, in the city of Quebec, to take a cab with my friends and go out and visit Montmorency Falls ?

Hon. Mr. SCOTT—Yes, I think so. The exceptions are absolutely taken out of the Act. If the hon. gentleman will look at the basis on which the Act is framed, he will find that there are certain things exempted absolutely from the Act. They are the subject-matters which I have been running over cursorily, numbered from (a) to (z). Although presumably by other clauses of the Bill there may be penalties provided for doing certain things, if any of these things are among the exemptions they are outside of the Act altogether. Clause 3 provides for all the various exceptions which I have referred to.

Hon. Mr. CHOQUETTE—I could understand it if the last words were omitted from subclause (o) ' for any purpose not prohibited by this Act,' but if you leave those words in, and leave the clause 6 as it is, I do not think that, under the law, I would be allowed to visit the falls.

Hon. Mr. SCOTT—I cannot agree with my hon. friend. The clauses were discussed probably with more critical eyes than any other Bill that has been before parliament. The exceptions that I have read are absolutely out of the Act. No clause can affect them at all. I was commenting on section 4 and pointing out that the Bill, if for no other reason, ought to be accepted because it protects the labourer, giving him one day of rest in lieu of work he has to do on Sunday. Now we come to clause 5 :

5. It shall not be lawful for any person, on the Lord's day, to engage in any public game or contest for gain, or for any prize or reward, or to be present thereat, or to provide, engage in, or be present at any performance or public meeting at which any fee is charged, directly or indirectly, either for admission to such performance or meeting, or to any place within which the same is provided, or for any service or privilege thereat.

That clause was very much disputed in another place, but in the form in which it comes to us now was finally accepted and passed.

2. When any performance at which an admission fee or any other fee is so charged is provided in any building or place to which persons are conveyed for hire by the proprietors or managers of such performance or by any one acting as their agent or under their control, the charge for such conveyance shall be deemed an indirect payment of such fee within the meaning of this section.

Of course, where a place of amusement is situated at any distance, so that one would have to take a car, if you pay your car fare in the direction of that particular place of amusement and they give you a ticket which will entitle you to enter, that is a fee that would bring the entertainment within the provisions of this clause. Otherwise it might be evaded.

Hon. Mr. CHOQUETTE—Does the hon. Secretary of State prefer that questions should be asked as he proceeds, or that we should wait until he is finished ?

Hon. Mr. SCOTT—It is immaterial to me.

Hon. Mr. CHOQUETTE—If clause 5 remains part of the Bill, we will fight it to the bitter end. There are other clauses which I consider objectionable but this is one which we cannot stand, and I should like to know if the hon. gentleman persists in pressing this clause ?

Hon. Mr. SCOTT—A bill of this kind is full of inconsistencies, I admit. The exceptions are greater than the provisions. It was a Bill, however, that had to meet the good-will of all, as far as possible. There had to be principle of give and take in it, and in framing it one could not expect that all would accept the Bill in its entirety. But

in view of the many exceptions that have been introduced in certain clauses—take the one to which the hon. gentleman has adverted—grating upon the prejudices and feeling of certain classes, it was thought that they might yield for the good that is in the measure. I think that clause is an element of the Bill. It was agreed to as a matter of compromise and, therefore, I hope it will be permitted to stand.

Hon. Mr. CHOQUETTE—There is no compromise in that for me. I shall give my hon. friend an illustration of my reason for so strongly objecting to the clause. Only yesterday I went to a race after having attended church twice.

Some hon. GENTLEMEN—Hear, hear.

Hon. Mr. CHOQUETTE—I do not say that in the way of boasting but merely to illustrate why I object to this clause. I went to church in the morning and again in the afternoon. At 3 o'clock, after afternoon service held in our church, usual in our province, there were races—small races, merely for pleasure.

Hon. Mr. SULLIVAN—What kind? Horse races?

Hon. Mr. CHOQUETTE—Yes, horse races. They are held in nearly every riding in our province in the summer time. One or two farmers in every county will maintain a small race course, just for the pleasure of having good horses there and to show which are the best horses in the riding. On Sunday afternoon, after all the services are over, the people go there and the farmer who maintains the race course charges an admission fee of 10 cents or 25 cents for a carriage containing four or five persons.

Hon. Mr. MACDONALD (B.C.)—Is there any betting at the races?

Hon. Mr. CHOQUETTE—No, it is just to try who has the best horse. It is a pleasure we indulge in in our province. The races begin at three and finish about six. All the farmers go there with their families, and meet and talk about their families, the crops, etc., and smoke a pipe together. They go home after 6 o'clock, and next day attend to their regular business. There is no harm done to any one. I venture to say that not one-tenth of the harm that members who are advocating this Bill do every Sunday. The priests watch over the people. The priest after service says: 'I am told there is to be a race this afternoon; I will allow that if you behave well and no wrong is done.' The people go to mass first and then afterwards to the races. Do you think the people will submit to a law of this kind? They will not; they must have this form of amusement in the province of Quebec. There are a lot of clauses in this Bill that I do not approve of, but I will not stand this clause and at the very outset I warn my hon. friend that, if he proceeds with it as it is, we will be a long time here before that clause passes.

Hon. Mr. SCOTT—I am sorry my hon. friend expresses himself in such positive language before we have got through the Bill, because he must recognize that if we are to live together peacefully and happily in this country, we have to be considerate of each others' prejudices.

Hon. Mr. CHOQUETTE—Then take that clause out of the Bill.

Hon. Mr. SCOTT—We must yield a little to each others' prejudices. This is not exactly a Bill that I approve of, but it contains many excellent features and I recognize it as the best that can be had under the circumstances. Perhaps half the people of Canada think this Bill is a mere skeleton of what they are entitled to. Those people have their conscientious views, which I am bound to respect. I may not concur in all their views, but to this extent whatever I can yield without seriously encroaching on my individual liberty I am prepared to give up to them for the sake of that peace and harmony which makes this the happy country it is. It is on that ground that I appeal to my hon. friend not to be too hasty in deciding on the line of action he is going to take upon this Bill. He must recognize that there is some good in the Bill and that if it is to be passed at all we must each one of us yield something of his views and opinions and judgment in deference to the

larger views of those who differ from us on these questions.

Hon. Mr. BOLDUC—Yes, but the hon. gentleman said a little while ago that in all the provinces they already have all the rights asked for in this Bill.

Hon. Mr. SCOTT—Not all the rights; I especially mentioned one subject-matter, that in reference to transportation. There are a number of questions in connection with transportation in this Bill that may be properly classed as interprovincial, and therefore they come directly under the federal power. What I said was that many of the subject-matters of this Bill are under their control, and that in deference to the provincial view and those who advocate provincial rights, under clause 2 of the Bill, at the very start, provision is made that if a province, when within its rights under the British North America Act, section 92, chooses to legislate on the subject-matters therein set forth, and those subject-matters are referred to here, that the provincial law will override this law. As the Bill was originally drawn it did not go so far as that.

Hon. Mr. BOLDUC—Am I to understand that when in this law you make something a crime, the local legislature will have a right to supersede this law?

Hon. Mr. SCOTT—In any matters relating to property and civil rights. But if you made a certain act a crime which under provincial law is not a crime, under the moral law, as we recognize it, it would be an extension of federal jurisdiction that would be untenable and improper.

2. It shall not be lawful for any person on the Lord's day, except as provided herein or in any provincial Act now or hereafter in force regarding matters coming within the classes of subjects enumerated in section 92 of the British North America Act.

That is very strong. If the subject-matters that we declare here to be crimes are subject-matters under section 92 of the British North America Act relegated to the provinces, then the provincial law must prevail and if it is possible to make the law any stronger I am not opposed to doing so. Clause 6 is one that has been very much debated and discussed, and reads as follows:—

It shall not be lawful for any person on the Lord's day to run, conduct or convey by mode of conveyance any excursion on which passengers are conveyed for hire and having for its principal or only object the carriage on that day of such passengers for amusement or pleasure and passengers so conveyed shall not be deemed to be travellers within the meaning of this Act.

Looking at it fairly and squarely, all of us have had some experience that the privileges to which I have adverted just now of going outside of the city have been abused in regard to excursions. Excursions have taken place both by water and land merely for the purpose of carousal at some distant point, not for the purpose of mere innocent amusement or pleasure, but for the purpose of diversion, either visiting places of amusement for drinking or dancing, or objects of that kind. This is a clause that has been a good deal discussed and debated, and if you could be sure that the privilege was not one that would be abused, one would not be disposed to insist upon its retention, but with the knowledge we all have that the excursions are very often demoralized by going to places where liquor is sold and people misbehave themselves, certainly as they should not do on Sunday, some legislation is necessary. There are, of course, excursions for religious purposes, visiting St. Anne de Beaupré and things of that kind. That would not be forbidden. Excursion parties gong to church would be quite permissible. Very often the church may be some distance away and an excursion of that kind would not come within the purview of the Act.

Clause 7 reads:

7. It shall not be lawful for any person to advertise in any manner whatsoever any performance or other thing prohibited by this Act.

2. It shall not be lawful for any person to advertise in Canada in any manner whatsoever any performance or other thing which if given or done in Canada would be a violation of this Act.

I presume no one would take exception to that clause. The sale of foreign newspapers on Sunday is forbidden. I do not think the Sunday newspapers from the United States are at all elevating in their character. They are generally filled with suicides, sensational stories, many of them grossly exaggerated, and not at all elevating or purifying reading on Sunday.

Hon. Mr. ELLIS—This seems to exclude the sale of foreign newspapers entirely. How with regard to local newspapers? They can be sold on Sunday. There are two or three Sunday papers in Canada.

Hon. Mr. SCOTT—I presume they can be sold. There have been different conditions prevailing in different parts of the Dominion. For instance, there is a Sunday paper in British Columbia, although no Saturday evening paper. They get up a paper on Saturday for Sunday.

Hon. Mr. MACDONALD (B.C.)—One or two papers.

Hon. Mr. BOSTOCK—The regular evening paper is published Saturday evening and the regular Monday morning paper is published on Sunday instead of Monday.

Hon. Mr. SCOTT—No Monday paper?

Hon. Mr. BOSTOCK—No.

Hon. Mr. SCOTT—Clause 11 provides:

11. Every employer who authorizes or directs anything to be done in violation of any provision of this Act, shall for each offence be liable, on summary conviction, to a fine not exceeding one hundred dollars and not less than twenty dollars, in addition to any other penalty prescribed by law for the same offence.

And the next clause affects corporations. Clause 13 reads:

13. Nothing herein shall prevent the operation on the Lord's day for passenger traffic of any railway subject to the legislative authority of any province unless such railway is prohibited by provincial authority from so operating.

2. Nothing herein shall prevent the operation on the Lord's day for passenger traffic by any railway company incorporated by or subject to the legislative authority of the parliament of Canada of its railway where such operation is not otherwise prohibited.

That is another evidence of the desire of parliament not to interfere and encroach upon provincial rights. Clause 14 reads:

14. Nothing herein shall be construed to repeal or in any way affect any provisions of any Act relating in any way to the observance of the Lord's day in force in any province of Canada when this Act is passed; and where any person violates any of the provisions of this Act, and such offence is also a violation of any other Act, the offender may be proceeded against either under the provisions of this Act or under the provisions of any other Act applicable to the offence charged.

It leaves all provincial Acts in force. There is a limitation to the Act, that no prosecution shall take place unless within thirty days, in order to ensure prompt attention. I have cursorily run over the Bill, and I submit it for the approval of this Chamber. Considering the way it has been emasculated in another place, and the multitude of exceptions, I think the Senate should have no hesitation in adopting the Bill. All I can say is that I am extremely sorry that the number of senators in attendance is not larger to-day, and that we shall have to pronounce upon this measure with so small a number of the representatives from the provinces.

Hon. Mr. ELLIS—I rise to make a suggestion. Whether the animadversions of the Secretary of State upon the absence of senators is justifiable or not I will not discuss; but I observe the hon. gentleman's colleague is not here, as it has been quite unusual for the Senate to sit in the morning. We decided to do so lately. I daresay a great many of the absent senators have not the slightest idea that this Bill is being considered in the Senate this morning, and I should suggest that the matter stand until the evening session, when. in the ordinary course, the absent members will have returned.

Hon. Mr. CHOQUETTE—I quite agree with what has been said by the hon. gentleman from St. John. I did not understand that we were to sit this morning, and I think it would be desirable to adjourn the debate on this Bill until the evening sitting, so that we can read the debate in the other House and consider the principles of the Bill.

Hon. Sir MACKENZIE BOWELL—In view of the threat that the hon. gentleman who has just spoken made a few moments ago that unless some amendments were made we would be kept here all summer, I do not think it is advisable to accept the suggestion of the hon. gentleman from St. John. We had better proceed until one o'clock and continue the discussion at the next sitting of the House.

Hon. Mr. LOUGHEED—I would point out to the hon. gentleman from St. John that we are simply discussing the principles

of the Bill, and that the probabilites are against our having a division until a further stage is reached, and the time will be spent pending the arrival of the government cohorts, in discussing the principle of the Bill.

Hon. Mr. DAVIS—I was under the impression on Saturday that this measure was not coming up this morning, and I am quite satisfied that there were a great many other members under this impression also, and I fancy this is the reason why so many members are absent. I think this discussion should be postponed until the evening session.

Hon. Mr. LOUGHEED—When the hon. Secretary of State introduced the Bill and proceeded to make his speech, why did the hon. gentleman not suggest the undesirability of proceeding with it at this stage ?

Hon. Mr. DAVIS—I was not here. I did not think it was coming up.

Hon. Mr. LOUGHEED—The hon. gentleman from St. John was here.

Hon. Mr. CHOQUETTE—I think it is a good thing that we have heard the explanation of the hon. Secretary of State, and now that he has made his explanation we should have time to consider the question and see what objections there are to be made to the Bill. Now that we have the views of the hon. Secretary of State we are in a better position to consider the matter and discuss and dispose of it, and I suggest that we adjourn the discussion until the evening sitting.

Hon. Mr. ROSS (Halifax)—I think we should go on with the Bill just now, and should endeavour to discuss it as calmly and reasonably as possible without any show of temper or antagonism. Concessions have been made in connection with the Bill which hon. gentleman who are opposing the measure should accept with gratitude.

Hon. Mr. McMULLEN—I did not intend to address the House at this stage of the Bill, I was rather disposed to wait until we got into committee, but if it is desirable to continue the debate on the general principle of the Bill, with a view of going into committee at three o'clock, I have no objection. I exceedingly regret the large number of empty chairs upon the occasion of the introduction and the disposal of this exceedingly important Bill, one of the most important, I think, that has been placed before the Senate since confederation. I know of no more important question ; therefore I regret that so many seats are empty. It is a wonder to me that men who have received a commission from the Crown to discharge the duties of senators, have so little regard for the obligations they have taken when they were sworn to perform their duties, that they will attend the sittings of parliament until within ten or fifteen days of prorogation, and then go home, leaving the most important legislation to be dealt with in the dying hours of the session. I think it is greatly to be regretted that that should happen. I have been pleased to listen to the lucid explanation which has been given of the several clauses of the measure by the hon. Secretary of State. I think he has well and ably discharged the duty devolving upon him as leader of the government in this House, in outlining very clearly and distinctly its provisions. It has received extended consideration in the House of Commons. It has been in that House for many weeks. It has been cast and recast. It has been modified and altered both in the Committee of the Whole and in the House, and eventually, after extended criticism from all places and all the opposition that could be brought to the Bill, and suggestions from the side of those who were anxious to frame the best Bill that could be passed, it has been sent up to us. For one I cannot say that I am entirely satisfied with all its provisions. I regret very much some of the amendments that have been made to it in the House of Commons. I have no desire whatever to trample upon the conscientious convictions of any other individual, or any other province, but we must not forget that we claim to be a Christian nation, we are a Christian-professing nation at least, and as such we should respect the laws of God. We generally make our laws in accordance with the provisions of God's law. His law says 'Thou shalt not kill,' and our law says that the man that sheds man's blood by

man shall his blood be shed. God's law says 'Thou shalt not bear false witness against thy neighbour,' and our law says that a man who is guilty of perjury is liable to be punished and imprisoned for a violation of the law.

Hon. Mr. CLORAN—And there is another commandment. 'Thou shalt not covet another man's wife'.

Hon. Mr. McMULLEN—We confirm all these commandments by legislation. Why do we not confirm that commandment which says 'Remember the Sabbath day to keep it holy'?

Hon. Mr. CLORAN—And there are other commandments too.

Hon. Mr. McMULLEN—I cannot understand how my hon. friend from Chicoutimi (Hon. Mr. Choquette) can reconcile his views with regard to Sunday afternoon amusements in horse-racing and in games and entertainments of that kind with God's words that say 'Remember the Sabbath day to keep it holy'. If that is considered to be preserving and honouring of the Lord's day, well and good, but I do not think so. However, I have no desire to trample upon the conscientious convictions of others. Men are not responsible to each other. Members in this House differ from other members. The senators in this House from Ontario are not responsible to the senators from Quebec, nor are the Quebec senators to the Ontario senators. We are responsible to a higher authority. The responsibility is that we should recognize God's law that is established and published in His own word. We love our friends from the province of Quebec, and we ask them to join us in respecting that law. We do not say to them that they shall in any way sacrifice their religious scruples nor do we seek to interfere with their religious rights or privileges. We do not want them to judge themselves by the standard that we set up; we want them to judge themselves by the standard that God has set up. If they can reconcile horse-racing, gambling, sporting and amusement of that kind with the standard of God's laws——

Hon. Mr. CLORAN—I cannot allow that statement to go to the country unchallenged, that we in the province of Quebec reconcile gambling, and horse-racing with God's law.

Hon. Mr. McMULLEN—I do not charge Quebec with being guilty of anything of that kind. I simply say that if they can reconcile any of these things that I have enumerated with the standard of God's law, we simply express surprise. We do not want to force on them our convictions. It is late in the history of this Dominion to be passing a Lord's Day Act. It should have been done years and years ago. I regret that we did not commence earlier in our history to lay down principles along the lines that tend to build up a nation and make it great. Look across the border and see the open desecration of the Lord's day in that country. It did not exist twenty-five years ago to the extent that it now prevails. I can remember the time when there was a fairly decent respect for the Lord's day in the United States; to-day in some of the states there is almost none, and if they keep on the down grade for another twenty-five years there will be no recognition of the Lord's day throughout the length and breadth of the republic. Not very long ago I spent a Sunday in St. Louis. When I woke up on Sunday morning I raised my blind and looked across the street, and there was a large placard advertising an exhibition of the Canadian Wild West to be held Sunday afternoon at three o'clock. I thank Providence from the bottom of my heart—perhaps I am blinded, thank God if I am—that our country would not tolerate that kind of thing. I rejoice to think that we have not descended to that condition of things. I spent some weeks at Old Orchard Beach on one occasion, and saw a number of excursion trains come in on Sunday morning from Boston. The first train which carries the poorer people starts early in the morning, and arrives at Old Orchard at ten. A second starts at eight, arriving about eleven, and a third express which carries the higher grade of society leaves Boston at ten and arrives at twelve. The excursionists bring with them their baskets and liquor, because the state of Maine is supposed to be a prohibition state. I have seen more

drunkenness at Old Orchard Beach between six and seven o'clock in the evening when these Sunday excursionists were taking their train home than I ever saw in any city in Canada at any time, and on Monday morning you could collect a cart load of empty bottles left there by the excursionists from Boston. They had drunk the contents of them and made an exhibition of their own contents as they left the station going home. They had had a day of revelry, drinking, sporting and amusements of every kind. Possibly these people may be able to reconcile their conduct with God's law, but in my humble opinion it was an open violation of that law. It is not remembering the Sabbath day to keep it holy.

I entirely agree with the hon. Secretary of State when he says that we are proud of our history as a country and of the way Canada regards the Lord's day. We have very large numbers of church-going people. Toronto on the Sabbath is a model in itself. I admit you have the street cars there. The people adopted Sunday cars; we are not going to challenge their right to do so. A great many people may go to church in the street cars, and in the absence of Sunday cars they might have to employ men to harness their horses and drive them to and from church. That would be a work of necessity no doubt; but on the other hand mention was made a moment ago of taking a drive into the country in a hired cab with a number of friends,—going out for a jolly ride and enjoying the afternoon in that way. That means labour on the part of the man that drives the hack and labour for hire and gain on the part of the man who cleans the harness and cares for the horse. The law, as outlined by the hon. Secretary of State, permits a man to hire a vehicle for the purpose of taking his wife and family for a drive. That is right. Many men who work all week have no other opportunity to take out their families unless they go on the Lord's day. I have no objection to a man quietly driving out his wife and children, but that is a very different matter. It is an entirely different thing when a crowd of jolly fellows hire a rig and go out for a jolly time, and possibly call at some road-side inn. I do not consider that a religious observance of the Lord's day. It does not comply with the standard that God has set up. That standard should be respected by all, Catholics and Protestants alike. I believe there are as good Christians among Catholics as among Protestants, men who worship God according to their own conscientious convictions. I admire them where they are devout and reverence God's law in accordance with the rules of their church. I admire my hon. friend, the Secretary of State, for his conscientious convictions with regard to those things. Every Catholic should have all the liberty that any other man enjoys. Our Catholic fellow subjects are good citizens, no better, and we want them to join hands with us and set up a good national standard for Christian observance of the Lord's day. It will bring to us the greatest national blessing that possibly can fall upon any counrty. Look at ancient civilization; where have these nations gone to? They are buried in ruins. They have suffered from the curse that follows desecration and irreverent disregard for God's laws. I could point to other nations, which I shall not name, as examples of what results from violating the law of God. Canada has a good record, and it behooves us here and now to legislate in the right direction. If we cannot get all we want in connection with this legislation we surely can get a part. If this Bill does not contain everything to satisfy my conscientious scruples and the conscientious scruples of my hon. friends let us take it as it is, and if experience should show that any of its provisions are harassing or unfair, or that they bear unjustly on any particular class or creed, this I hope is not the last session of this parliament. We have an intimation already that we may meet in November, and if we do, as far as I am concerned, I shall be ever ready to concede to any man who lives in the province of Quebec a fair and reasonable consideration for his conscientious convictions. I do not want to drive the people of that province, by legislation——

Hon. Mr. LOUGHEED—Pardon my interruption. What did I understand my hon. friend to say with reference to the month of November?

Hon. Mr. McMULLEN—We are, I understand, to have another meeting of parlia-

ment in November. If so, and if there is anything in the law that is now to be passed —and I hope it will pass—which trenches seriously upon the convictions——

Hon. Mr. BOLDUC—The present Bill, even if passed now, will not go into operation before March next.

Hon. Mr. McMULLEN—Then we will have another meeting of parliament after that. Surely we will be able to deal with a law of this kind session after session. If there are any features about it which are harassing or unjust towards any class or creed we can easily amend it. I am quite sure that there will be liberality enough on the part of members from Ontario and the other provinces to concede any reasonable and fair relief to the people of Quebec. For my part I shall be ready at all times to listen to what they have to say and sympathetically consider any amendment they may suggest. During the nineteen years I had the privilege of sitting in the House of Commons there were no members in that House whose social intercourse, kindly feeling and courteous treatment I admired and loved more than our French representatives from the province of Quebec. We enjoyed their society and the intimacy which we cultivated with them from year to year, and if there is one thing I regret more than another it is that I am now too old to begin the study of the French language. I regret exceedingly that I have not been blessed with a good French education, because I feel that it would have enabled me to learn a great deal more with regard to the French-Canadian people and their manners and customs.

I now move the adjournment of the debate.

The motion was agreed to.

The Senate adjourned until this afternoon at three o'clock.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock p.m.

Routine proceedings.

RAILWAY ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (62) An Act to amend the Railway Act, 1903.

(In the Committee.)

On subclause 7, of clause 2.

Hon. Mr. SCOTT—There were three clauses in the Bill that were allowed to stand over. The first was subclause 7 of clause 2. It was not postponed on account of any opposition to it, but an explanation was asked. Some one inquired whether there was any change from the existing Act. I find that the clause is exactly the same as the clause in the Act of 1903, except that the words 'upon every question of fact' are left out. The clause in the Act of 1903 reads as follows:

> 7. The decision of the Board upon every question of fact as to whether any company, municipality or person is or not a party interested within the meaning of this section shall be binding and conclusive upon all companies and persons and in all courts.

Under the law as it stood in 1888, as hon. gentlemen will remember, the Railway Committee of the Privy council had the supreme jurisdiction and the clause introduced in the Act of 1903, was simply an enlargement of the powers that they had.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that that is scarcely an answer to the objection taken, that the word 'municipalities' or word 'municipality' is left out. The whole object of this Bill practically is to cure defects in the Act of 1903, and because this clause is taken from the Act of 1903, and that having been taken from the old Railway Act, it does not follow that it will meet the conditions it is proposed to provide against.

Hon. Mr. SCOTT—Yes. The object is that when any matter is litigated, where it is a matter of fact, that they shall name who are the parties to be heard, who are the parties interested, the company and the individual proprietor, and the municipality or any one of them.

Hon. Mr. LOUGHEED—But there is evidently an omission. That is to say, there is no provision for the decision of the board being binding upon a municipality. The word 'municipality' should be there as well as the words 'company and person'.

Hon. Mr. POWER—If the hon. gentleman does not object, I should move, in order to remove any possible doubt, that the word

'municipality' be inserted after the word 'companies' in the last line of the clause.

Hon. Mr. SCOTT—I have no objection.

The amendment was agreed to.

On clause 17,

17. Section 193 of the said Act is amended by inserting after the word 'compensation' in the tenth line the words 'or otherwise,' and also by adding thereto as subsection 2 the following :—

2. Notwithstanding anything in any Act contained, the Board, in determining the terms of compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agreement now or hereafter in force by which the company has given or gives any exclusive or other privilege to any company or person, other than the applicant, with respect to any such station or premises.

Hon. Mr. SCOTT—I understand that the parties most interested in this matter have no desire to move any amendment, and I therefore move the adoption of clause 17.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that the parties who are affected by this clause have withdrawn any opposition ?

Hon. Mr. SCOTT—I was notified that amendments would be offered, but since I have come into the Chamber I have been notified that the amendments will not be moved.

Hon. Sir MACKENZIE BOWELL—If they are satisfied, I am.

The clause was adopted.

On clause 21,

Hon. Mr. SCOTT—This is the clause which limits the speed of trains at crossings to ten miles an hour.

Hon. Mr. DAVIS—I move that this clause be struck out. There is no necessity for it, since it is all covered by section 227 of the old Act. The Act as it stands gives all the protection needed.

Hon. Mr. SCOTT—I may remark here that it leaves it subject to the orders, regulations and directions of the Railway Committee of the Privy Council. It must have been adopted very hastily in the House of Commons, because in the Railway Act of 1903, the Railway Committee of the Privy Council is abolished. There seems to be ample provision made for it in the law as it stands, and why they should have introduced the regulations made by the Railway Committee of the Privy Council, when by the Act of 1903 the Railway Committee is abolished, I cannot understand.

Hon. Mr. POWER—I think I can understand why ; it is in order to provide that regulations which had been made by the Railway Committee of the Privy Council before the passing of the Act of 1903 should continue in force until repealed by this Act.

Hon. Mr. SCOTT—I am not aware there were any regulations.

Hon. Mr. POWER—There must have been, because the question about crossings had come up before the Railway Committee of the Privy Council on various occasions, and that committee had come to decisions, and I assume that these words are inserted in order to keep those decisions in force until properly abrogated.

Hon. Mr. McMULLEN—I cannot see any just ground why we should depart from the old regulations. The matter was well provided for in the previous Act when it was put under the charge of the Railway Commission. If there is any special danger in trains moving over crossings in cities, the people who run the risk have nothing to do but to bring the question before the Railway Commission, and no doubt they will give it their attention and see that proper precautions are taken for the protection of life. If we should fix the limit at ten miles under all circumstances it would seriously affect the running of express trains, and interfere with public traffic.

The motion was agreed to.

Hon. Mr. YOUNG, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read a third time and passed.

LORD'S DAY BILL.

DEBATE CONTINUED.

The order of the day being called,

Resuming the adjourned debate on motion for second reading of Bill (12) An Act respecting the Lord's Day.

Hon. Mr. McMULLEN—Permit me to reply to an interrogation of the hon. leader of the opposition, who drew my attention

to the fact that the law does not come into force until March, 1907, I suggested that in the meantime after a full consideration of the Bill, if there were any objectionable features in it, features that were looked upon as irksome, we could amend it at the next session of parliament. I do not think there is anything to prevent us dealing with the Bill by an amendment even supposing it did not come into force until March, 1907. I can see no difficulty in our dealing with it, even supposing we decided to do so at the next meeting of parliament. I endeavoured to point out what I conceived to be the lines within which we should endeavour to lay the foundation of this great country of ours. We hope and believe that we are at the birth of a great country. It is well that we should lay its foundation along the lines as outlined by the Supreme Ruler who rules all things in heaven and on earth. On one occasion, when Queen Victoria was asked what was the origin and basis of the prosperity, the greatness and the grandeur of the empire over which she presided, the greatest empire the world had ever seen, she is said to have held up a copy of the Old and New Testament, the Bible, as we call it, in her hand and said that within the covers of the book was the explanation of England's greatness, its stability, its progress, its loyalty and its devotion to the Crown under which we live.

We on our part should learn a lesson from a declaration such as that. Queen Victoria was one of the greatest sovereigns who ever ruled in the history of the world. There never was one who received such unlimited devotion and respect from her people from one end of her empire to the other. Queen Victoria was a woman of pronounced religious views, which she never hesitated to make known upon all occasions, and when the question of the greatness of her empire was put to her she did not hesitate for a moment to say that it was based upon Christian principles and Christian doctrine. I think we should imitate that example and endeavour to lay the lines of our great Dominion on principles which will endure and which will be creditable to us, as well as a decided advantage to those who may follow us. We know that in the past ages of the world, where nations sinned as nations, they were punished as nations. That is a rule that has held good all down the ages, and I think it will hold good to the end of time. In view of that, we ought if possible, to shape our course as a country along the lines which we believe are those which will procure success, peace and harmony and that measure of development and prosperity which we all hope our country will attain. As I have already said, I respect our friends in the province of Quebec. I do not want to be understood as attempting for one moment to interfere with any rights of conscience which they may claim, but we should be united, and we should take those great principles as our guiding star. They should have as much regard, and I have no doubt they have, as their fellow-citizens have to those great principles which will be an honour to any nation if adopted and carried out. They should be just as willing as we are to adopt that high standard which is laid down by the Ruler of the universe, and I hope they are. They may look at the matter in a different light, but I earnestly hope that we will act as Christian people and agree to what is believed to be for the best interests of the country and that we shall be willing to bury in one grave any difficulties, any feeling of bitterness which might possibly grow out of sectarian difference, and as united Canadians lay the foundations of this country in a manner that will be creditable to ourselves and of advantage to our descendants. I hope that in dealing with the provisions in this Bill a spirit of conciliation will characterize the utterances of every member of this House.

We are here to perform a very grave and important duty. The House of Commons has devoted an immense amount of time to the consideration of this Bill, and their best energies in preparing and sending us a measure with clauses that apparently, to a large extent, meet the objections that have been raised. Let us deal with it in a spirit of consideration for each other's prejudices, and see if we cannot pass the Bill and give to the country the benefit that will accrue from the adoption of such legislation. If, afterwards, we find that any of its provisions seriously interfere with the rights or the convictions of any province or any section,

it is the duty and the high privilege of parliament to amend it where amendment is really necessary. I hope that spirit of conciliation, reason and consideration will characterize every word that is said and every effort that is put forth to put this Bill on the statute-book.

Hon. Mr. BOSTOCK—This is a question which affects the whole Dominion in various ways. I am strongly in favour of strict Sunday observance. I want to see the people of this country observing the Sabbath in line with the principles they were taught as children; but I do not think that the Bill before us is one that will commend itself to the country as a whole. We are trying to legislate for the whole of the provinces. The Bill as it stands is drawn as broadly as possible to meet the conditions of the country from one end to the other, a country with as varied and diversified conditions as any other on the face of the globe. As the hon. Secretary of State pointed out to-day when he was speaking on this matter, we have at the present time in the province of British Columbia an Act dealing with the question of Sunday observance, but curiously enough that Act is confined to only one portion of the province. It was enacted some years ago, when there was a part of British Columbia then known as the Colony of British Columbia, and that Act provides that the Sunday observance laws in force in British Columbia shall apply only to that territory then known as the colony of British Columbia. The effect of that is that in the rest of British Columbia there is practically no Sunday observance law at the present time, but it has not, so far, made any difference to the people of British Columbia. As far as I know—and I think my hon. friends from British Columbia in this House will bear me out in this statement—Sunday observance is maintained as strictly and as properly in the parts of British Columbia that that Act is not supposed to effect, as it is in that part of the province that it is specially provided that that Act shall effect, and I strongly maintain that this question of Sunday observance is not so much a matter of legislation as it is a matter of the training of the children and of public opinion. I may safely say that in the province of British Columbia a Sunday is much better observed than it was ten or even five years ago, and that condition of things has been brought about by public opinion by the people themselves realizing that they should better observe the sanctity of the Sabbath day, and it is only right that they should do so. But when you come to the passing of a law such as this Bill now before us, you are going to materially affect the conditions of things, not only in British Columbia but in several parts of the Dominion. I might refer for a few minutes to some of the difficulties that present themselves to me. In the province of British Columbia we have been for instance, in the habit of having the daily papers published on six days of the week. The morning paper is published on Sunday morning, but no paper is published on Monday morning. I would ask hon. gentlemen to bear with me a few minutes while I show what the effect of this Bill, if it becomes law, is going to be. The work necessary to publish the papers issued on Sunday morning is nearly all done on Saturday, and the only men connected with the business of those papers who were brought out on Sunday are probably two reporters, the press man and his assistant, and the two men who attend to the distribution of the papers. The result is that at the most you have about six men who have to work from twelve o'clock on Saturday night to three o'clock on Sunday morning, and all the rest of the staff of the paper are able to go home about from twelve to twelve thirty on Saturday night. They get the whole of their Sunday to themselves, and they get a part of Monday as well. Subclause (p) of clause 3 reads as follows:

> (p) Any unavoidable work after six o'clock in the afternoon of the Lord's day, in the preparation of the regular Monday morning edition of a daily newspaper.

That means that, as the Bill stands at present, no other work can be done on Sunday for a newspaper except as provided in this subclause, and, consequently, to be within the Act, the morning papers would have to discontinue their Sunday morning publication and they would naturally take up the publication of a Monday morning paper. What would the result of that be? The result would be that the reporters for these papers would probably be working most of

Sunday. It would be a very difficult thing indeed for anybody interested in putting this Bill into force to prevent a newspaper reporter going to church and reporting the sermons that are preached on Sunday. It would probably be a difficult thing to prevent others of the staff of the newspaper going down to the office and working on Sunday, in order to bring out this Monday morning paper and then at six o'clock in the afternoon you would have to bring the rest of the staff together and everybody practically, with the exception of the pressman and his helper, would have to begin work at or about six o'clock on Sunday afternoon. So that in place of having, as you have at the present time in British Columbia, about six men doing three hours work in the early hours of Sunday morning, we would have somewhere about twenty or thirty men on one of these papers working some of them pretty nearly all Sunday and some of them working from six o'clock in the evening until midnight on Sunday. That would be six hours in place of three, and in this way as any one interested in seeing that as little work as possible is done on Sunday, in which number I class myself, by voting for this clause is practically voting that these people shall be forced to work on Sundays instead of being able, as they are at the present time, to get the whole of their Sunday to themselves and to make it a thorough day of rest.

Now I quite admit that it would not be right to make the other provinces come into line with British Columbia and not have Monday morning papers. That really would be a clause more in line with the real principle of this Act than the clause we have in the Bill, allowing work to be done from six o'clock on Sunday afternoon. I think that shows the difficulty of drafting in this Dominion parliament an Act that shall be fair and reasonable as regards all the provinces of the Dominion. I would like to take another question which affects British Columbia. Subclause (u), of clause 3 of this Bill, which was inserted at the special request of the fishermen in the Fraser river of British Columbia provides that any unavoidable work may be done by fishermen after six o'clock on Sunday afternoon in the taking of fish. That subclause was inserted in order to meet a condition of things which existed in British Columbia. The fishermen on the Fraser river, when the salmon are running in the fall of the year, are allowed to start from the Fraser river with their boats and put out into the bay and begin the catching of fish after six o'clock on Sunday afternoon. That only occurs during six or eight weeks at most throughout the year; but in order to provide for that condition of things we have to declare in this Act, that any man, practically, can fish after six o'clock on Sunday in any part of the Dominion. I am, of course, in favour of the fishermen in British Columbia being allowed to continue the methods of work which they have followed up to the present time. They get their rest on Saturday and Sunday and I do not think it does them any harm to be allowed to start out at six o'clock on Sunday afternoon. They have practically had the whole of Sunday to themselves, and the fact of sailing down the river and letting out their nets I do not think makes any difference to them as far as the observance of Sunday is concerned. But it is a bad thing that we should be legislating in this way making a law for the whole Dominion that fishermen shall fish after six o'clock on Sunday, when it is only necessary to meet the conditions in one particular province. That is a point which I think should appeal to every gentleman who is anxious for the observance of Sunday, and I draw attention to it because it seems to me one of the unfortunate features of trying to deal in this parliament with such a diversified subject. I would take this opportunity of giving notice, in order that the matter may not be sprung upon the House in a way that would not give hon. gentlemen time to fully consider it, that when the House goes into Committee of the Whole on this Bill I shall move that clause one and all the following clauses be struck out and repealed, and the following two clauses be substituted therefor:

1. Any Act of the legislature of a province dealing with the question of the observance of the first day of the week, commonly called Sunday, which is in force at the time of the passing of this Act, is hereby confirmed and ratified and made as valid and effectual as if it had been duly enacted by the parliament of Canada.

2. The Governor in Council may at any time, and from time to time, by proclamation, con-

firm any Act of the legislature of any province passed after the passing of this Act, dealing with the question of the observance of the first day of the week, commonly called Sunday; and from and after the date of any such proclamation the Act shall be thereby confirmed and ratified and made as valid and effectual as if it had been enacted by the parliament of Canada.

The wording of these clauses might probably be improved, but I have drafted them for the purpose of meeting a condition of things that I think would be more in line with the interests of this country to-day. Provinces can deal with this question a great deal better than we can here. It is useless to pass a law that we cannot enforce, and we cannot enforce this law if the people are not in accord with it. This is a law which we should be very careful about passing until we can do so with the sanction of the people. I might almost venture to say that should this Bill go into force as it is at present drafted, it would be a very difficult law to enforce with regard to that particular subject the Sunday papers. I am inclined to think that any body taking action under this law would find it difficult to get a jury in any town in British Columbia to find a man guilty of breaking the law in connection with this work on a Sunday morning paper. It is most undesirable that we should have on the statute-book a law that cannot be enforced. With regard to these clauses, of which I have given notice, there is some justification for an enactment of that kind. Similar clauses to those I have read here were made part of the General Railway Act in 1904. This legislation would be quite in line on that account. I have given this notice, not because it is necessary, but because I thought it well to do so, and I shall move the amendment when the Bill is before the Committee of the Whole.

Hon. Mr. CLORAN—I agree very much with my hon. friend from Wellington that this is a question of great importance, not only to our own honourable body, but to the people of Canada. I am in accord with him probably more than he imagines in the demand of our people for respect for divine law always, everywhere and all the time, not only on one point, but upon all; not only where it suits man's convenience, but where it suits the Divine will against man's convenience. The hon. senator from Wellington appealed to me to-day when he said there was no greater measure before the parliament of Canada than this Bill. I agree with him as far as the principle of the measure goes, because it is a recognition of the Supreme Ruler of the universe. We admit on the floor of this Senate to-day the right of the Divine Being to rule, and that is a great thing for our young country, the Benjamin of the human race, to admit, that God through his laws has a right to appear on this floor and have them endorsed and enforced. The principle is undeniable. Nobody will dispute it. The enforcement is a question of human wisdom and foresight, in demanding obedience to what the Divine Being wants. This law is a recognition by the Dominion of Canada, as distinguished from many other countries, that there is a Supreme Being. The hon. senator from Wellington asks the Senate to endorse and support this Bill because it is a supplementary effort of man to enforce the Divine will. There are few countries on the face of the earth to-day, not France or Germany, or even England that would demand from the representatives of a democracy the enforcement of human or civil law because its origin is divine, and I thank the hon. senator from Wellington to-day for having put before the country that idea, that Canada is not dominated merely by human or selfish conceptions, but that its destinies must be controlled by the Divine idea.

We are called upon by the government of the day, and especially by the House of Commons—much more by the House of Commons than by the government—to accept a certain Bill. Under these circumstances, I feel myself at perfect liberty to discuss the whole question in its principle and in its details. It is supposed to be a ministerial measure, but there is as much of opposition in it as of government effort. It is supposed to be a measure introduced by the Liberal party, but there is as much of the Conservative party in it as of the Liberal party. The House of Commons have joined on common issues. Have they joined on grounds which can appeal to the whole people of Canada? That is the question for the Senate to decide. The lower House was given this

measure by an ex-Minister of Justice. It was supposed to be perfect. It came from the hands of men who pretend, and legitimately pretend, to hold the morals of this country in their hands; to hold the virtue of Canada in their hands, to direct the conscientious convictions of the people. They handed that Bill to the ex-Minister of Justice, Mr. Fitzpatrick. It was supposed to be perfect. But the House of Commons has placed before the Senate a Bill coming from people whom I admire and respect, because they wish the uplifting of this country along moral, virtuous, spiritual and religious lines. But because they want such a Bill, it does not necessarily mean that they are always right. They must remember that this Canada of ours is composed not of one class or one religion alone, but of several classes and several religions, and what may suit the hon. gentleman from Wellington may not suit me at all, although we agree on the fundamental principles of christianity. When it got through the House of Commons we find that Bill of the Lord's Day Alliance cut to pieces. There is not a word of Divinity in the Bill. Here is the Lord's Day Alliance Bill without one provision for the sanctification of the Lord's day, for which they are working, and for which I think they are working thoroughly and honestly—not one provision in the law to say that the Lord shall be adored, that the Lord shall be served and loved. The clauses of this Bill refer to transportation companies, railway companies, golf clubs and other such things. Where is there a clause in this Bill asking the people of Canada to respect the day and to respect the Divine Being by going to church? There is not one mention of it in the whole Bill. It is a commercial Bill, an industrial Bill, a golf Bill, a baseball Bill, but there is no clause in it to direct me or my children to attend church on Sunday.

Hon. Mr. SULLIVAN—Put it in.

Hon. Mr. CLORAN—We will put a lot in or we will put them all out. I believe in the observance of a law which commands our respect for Him who made us, who keeps us in this life and who makes our destinies. I have all respect and love for Him, and yet this Bill says nothing about the Creator; it is the Lord's Day Alliance Bill. The Lord, in his commandments, said: 'The Lord's day you shall keep holy.' But what does the parliament of Canada say? On the Lord's day you shall work, you shall play baseball, you shall run your trains, your steamboats, your pulp mills, and you shall run anything else you like.

This Bill will give rise to petty persecution. I have had an instance of that in Hawkesbury, not later than three weeks ago. My boy goes out to play baseball and football on Sunday afternoon, and I am glad he does, and he is fined $2.86 for doing it? Why? Because there happens to be, I will not say a spy, an informer, but a man so built up in the love of the Lord that he cannot see a poor little boy kick a football, or throw a ball on Sunday and he has the whole team of twenty-four up, and they are fined $2.80 each—poor little boys, instead of knocking around hotels, they were out in the field kicking a ball, and on Monday morning they are fined. Is that Sunday observance?

Hon. Mr. MACDONALD (B.C.)—Under what law?

Hon. Mr. CLORAN—Under the provincial law—the law of Ontario. The law in Quebec is more liberal and has more regard for the needs of human nature. There is one of the principles of our religion which is not understood, even by the hon. member for Wellington, nor by others like him. Under the Christian law—I know the high church will admit and agree with this at once—under the Christian law there is one act which distinguishes the Christian from the atheist, and that is the reverence and the respect he pays to a sacrifice. Under the law of Moses, he who attended the sacrifice of a lamb performed his duty on the Sabbath. By every branch of the human race sacrifice is regarded as the great prayer to the Almighty. You will find this the case in Egypt, in India—all over the world. Let me tell you here to-day that there still exists, after 6,000 years, a sacrifice on earth, and that is in the Catholic branch of the Christian religion, the holy sacrifice of the mass. Any Christian who attends that sacrifice has performed his essential duty. I do not say he has per-

formed his whole duty, but he has performed his essential duty towards his Creator by attending that sacrifice, whether he takes half an hour at early mass or two hours at high mass makes no difference; once he has accomplished that duty he has done all that is essential in the eyes of the Christian church from the Catholic point of view, because I am not going to exclude from the Church of Christ either Baptists, Presbyterians or Episcopalians. We are all on the same footing, some higher, some lower, and the only difference between the Catholic and the other sects of the Christian religion is that we Catholics have to accept the whole gospel, while the other sects only accept what suits them. We have to go to confession; we have to believe everything, while the Baptist and Episcopalian takes what suits him. We benighted Catholics are the slaves of the gospel, while the others are more or less the masters of the gospel; and that is why we are such rigid observers of the Sabbath. Do hon. gentlemen know what it means to a Catholic to miss mass on Sunday? It means if he does it wilfully and knowingly, his damnation; and what more can you put on the statute law, with that conviction in the heart of a man, that when he misses the observance of the Sabbath he is eternally damned? What does the law give us? The law says, if you fail to observe the Sabbath you are subject to a fine of $1.

Hon. Mr. MACDONALD (B.C.)—You do not find that in the Scripture?

Hon. Mr. CLORAN—You find in the Scripture that what the Church teaches you must submit to.

Hon. Mr. ROSS (Halifax)—What about horse racing on Sunday?

Hon. Mr. CLORAN—That does not pertain to the doctrines of the Church. When Roman Catholics are charged by certain people with not observing the Sabbath, I reply that we do, though it may not be according to their ideas.

The principle of Sabbath observance dwells deep in our hearts. We have much more than some of our hon. gentlemen's friends imagine, because we are under constraint and they are not. If we are called upon to do a certain thing and fail to do it, the punishment is not a one dollar fine but eternal damnation. Don't you think that is enough? When we have attended to the divine act of sacrifice as between God and man through the Saviour, don't you think we are entitled to a little leisure afterwards, and if we take it in one way or another, whether I go on horse back, or you run an automobile or a bicycle or drive a buggy, what difference is there in principle? Absolutely none. Yet we have clauses in this Bill trying to regulate that act of the family. A man who engages a rig for his family is not liable to a fine, but suppose I have strangers as guests, and I wish to take them for a drive, what will happen me under this Act? I am liable to a fine. The provisions of this Bill are most absurd and childish. Take the first clause. Are hon. gentlemen aware that they are called upon to fabricate and create a new Sabbath? From my reading of history and theology, I know of but two authorities who were entitled to the right of creating the Sabbath, that is Moses and Christ. Moses created the Jewish Sabbath. Christ created the Christian Sunday, but now, owing to the influence of the Lord's Day Alliance, parliament has assumed the right of creating a third Sunday. I do not think the Lord's Day Alliance meant what they set out in the first clause of the Bill. Either that or they do not know the English language. The Lord's day according to subsection (a) of clause 1 is defined as follows:—

(a) 'The Lord's day' means the period of time which begins at twelve o'clock on Saturday afternoon and ends at twelve o'clock on the following afternoon.

Moses made the Sabbath for the Jews on Saturday; Christ made it for the Christians on Sunday, and the House of Commons comes in now and splits the difference and makes the Lord's day a compromise between the two, half Jewish and half Christian. It so surprised me that I consulted the highest authorities in parliament on the other side and what do they say? 'You had better amend it.' Now, what constitutes the afternoon? Here is the New England dictionary, giving all the leading interpretations of words, and I shall quote from it the definition of afternoon:

Afternoon means the time from mid-day to evening.

Hon. Mr. LANDRY—That is in England.

Hon. Mr. CLORAN—That is everywhere throughout the world, and I have this compliment to pay to our fellow-citizens of the province of Quebec, that in the French translaton of the Bill it is properly stated. Our French Canadian citizens, who are supposed to be against the Bill, are not opposed to the principle of the observance of the Lord's day, and I deny the right of any man to say so, but they are against certain provisions of the Bill. The French Bill reads as follows:

(a) "Le dimanche" signifie la période de temps qui commence à minuit le samedi soir et finit à minuit le soir suivant;

In English it is nonsense. They say the Sabbath begins at twelve o'clock on Saturday afternoon and ends Sunday at twelve o'clock on the following afternoon. I admire our French friends for having a little more knowledge of the necessity of the case than we have.

Hon. Mr. LANDRY—If the hon. gentleman will permit me, I will call the attention of the hon. Speaker to the fact that there is no quorum in this House.

The SPEAKER—There is a quorum in the House now and the hon. gentleman may proceed.

Hon. Mr. CLORAN—I am gratified that the hon. gentleman from Stadacona has in this way called attention to the slim attendance in the House. I do not wish to base my remarks simply on my own conception of the English language, although if I had been asked personally I think I was pretty sure of what I would have said, but in order to corroborate what I say I shall now quote another authority, which is probably one of the strongest in the world of English literature and on English decisions. 'Words and Phrases,' judically defined, volume 1. It was put before the courts of England as to what the word 'afternoon' meant, and the judges decided as follows:

Afternoon may mean the whole time from noon to midnight, or it may mean the earlier part of that time as distinguished from the evening. It was used in this latter sense in a state prohibiting the opening of a public house during the usual hours of afternoon divine service and did not include the service at six p.m. The Queen vs. Knapp, second volume, pages 447-451.

Though accurately and properly speaking afternoon signifies from noon until evening, an indictment charging the violation of sessional law 81, page 251, prohibiting saloons from keeping open after nine o'clock at night, which alleges that the saloon was kept open at eleven o'clock in the afternoon, will be construed as sufficiently alleging the keeping open of a saloon after nine o'clock at night.

Now, here we have the highest English authorities from the bench and on literature deciding what the afternoon means. It means from 12 noon until 12 at midnight, and our entire Dominion parliament, the lower House from top to bottom, did not know that such was the case. In case the English definition was astray I thought we might consult the French literary world which is also supposed to know something of the value of language. What does the Frenchmen of letters, the French word of science say?:

Après-midi est la période de temps qui commence à midi et finit à minuit.

This, translated into English, reads as follows:

Sunday shall signify the period of time which commences at midnight on Saturday and finishes at midnight on Sunday.

The French coincides with the English sense, as found in the dictionaries. So that when the time comes, if the Lord's Day Alliance people will allow me, I would suggest to them that they prepare an amendment in that sense because otherwise it would be most obnoxious to most of our people to have all our sports cut off on Saturday afternoon. It would not be fair to us who like a little life. I will not make the motion myself, but I suggest to them to prepare an amendment to make the day coincide either with the Jewish day or the Christian day but not to mix up the two. Our people in Canada will not stand to have their Saturday afternoon holiday turned into a Sabbath. I do not know what they will stand on Sunday, but know that they will not permit Saturday afternoon to be taken from them. I see that the Bill goes on to define the word 'railway' and also the word 'vessel.' Has the government been asleep; have the minister and the Lord's Day Alliance been asleep? Are they not aware that there are to-day other modes of conveyance than tramways, street railways, &c. Are they not aware that in commercial

competition to-day there are balloons? Have they forgotten the balloons? Why did they not include them in the clause, and automobiles? The automobile to-day is as great a factor in transportation as a railway car. It is well known that there are automobiles which carry from forty to sixty passengers, yet there is no provision in the Bill to prevent them from exercising their rights from carrying passengers as they do in New York, in Washington and other large cities. Then we have a definition of the word 'performance.' We are told that it includes any game, match, sport, contest, exhibition or entertainment. I had the opportunity of pointing out to the Minister of Justice that this definition does not include any other performance. 'No,' he said, 'it is simply to make the expression more clear, but anything that is not clear is contained in it.' A performance may be spiritual it may be athletic, intellectual or theatrical. We have many kinds of performances in the province of Quebec, and outside of that province, because I am not going to make it a matter of the province of Quebec. I contend that the people of that province are more religious than those of any other part of Canada, and they show it by their family traditions. I will not stand here and permit any one to say that the province of Quebec is behind any other province in regard to morals. It is not true, and the statistics are against the statement. Not long ago we had one of the chief officials of the province of Ontario deploring the immorality of that province along the same line as Roosevelt complained about the United States. Your own statistican of the province of Ontario, not later than last week, admitted that crime was rift. You do not find any statistics of that kind in the province of Quebec. We may not lie on ashes and cover ourselves with sackcloth, but we observe, as far as we can, the ten commandments. We violate them if you will, but we do not do so maliciously, we do not do so saying, 'there is no God,' as is done in other portions of our community. We do not commit crime because we deny the existence of a God; we commit crime on account of our weakness, not in malice or with evil intent and evil thoughts against the Supreme Being.

'Performance' what does it mean? In many parts of this country, as well as in the United States and Europe, especially in the poorer parts, the church has found it necessary to charge an admission fee to divine services. Our Protestant brethren have more wealth; there are more millionaires among them, more people capable of contributing ten or fifteen dollars a Sunday, when our poor workingmen, earning $1 or $1.50 a day can only give a few cents. Our churches have to be maintained; they cannot be kept upon wind. Take a parish with one thousand families; out of that there may be one or two hundred who are regular contributors to the church, paying $5 or $10 a year, and you have the balance, perhaps two-thirds of the whole, who are unable to go to their parish priest and offer him $5. But they go to mass with the love of God in their hearts, not because the law of Canada tells them to go, but because of the law which my hon. friend from Wellington cited here to-day, 'Remember to keep holy the Sabbath day.' In large centres as in small centres, everywhere throughout this country, you find poor people rising in the early morning in the cold winter days as well as in the warm days of summer, at five, six and seven o'clock to attend mass and adore their God. If hon. gentlemen have witnessed this they cannot charge our people with failing to observe the Sabbath. They make the sacrifice of getting out of their homes, the servant girl and the mistress together, the children and the father taking turns to go to early church, and when they arrive at church they do not refuse the five cents that is necessary to buy fuel to heat the church and to light it. Under this Bill they will be deprived of the opportunity of going to church? Why? Because it is a question of fee; it is a performance where an admission fee is asked. I said to the Minister of Justice, do you want to destroy the means for the maintenance of the church? He said, 'No, I never thought of it,' he never knew that such a thing existed. There comes the question that the people of the west do not understand the people of the east, and when we rise and ask for the protection of our rights and customs we are put down as being more or less extreme, fanatical, not un-

derstanding things, but that is not correct. The first people who settled in Canada were the French. They developed from 60,000 to one and a half millions in this country, and other million five hundred thousand in the neighbouring country. If they had been vicious or immoral, would they have prospered in that way? They could not, no more than France their mother country, the brightest gem of the earth to-day, but sinking by its immorality not only into degradation but into non-existence. The French Canadians have held the flag of morals, of honour, of virtue and religion high in this country, as they have held the flag of patriotism in the past century, and why this Bill should be more or less directed at them is more than I can understand. Under this clause you annihilate their attendance at church. I will not propose any amendment: I will ask the Lord's Day Alliance to go back to the Commons or come here and suggest an amendment, that where a five or a ten cent fee is charged in any church, Protestant or Catholic, it shall not be considered a performance against the law, which it is to-day under this Bill. When I pointed out this matter to the Minister of Justice, he said, 'Amend it.' It had been left to the full consideration and calm judgment of the House of Commons for months, and now we are told to amend the Bill. I say let the Lord's Day Alliance deal with that. Now we come to clause two, which provides :

2. It shall not be lawful for any person on the Lord's day, except as provided herein or in any provincial Act now or hereafter in force regarding matters coming within the classes of subjects enumerated in section 92 of the British North America Act, 1867, to sell or offer for sale or purchase any goods, chattels or other personal property, or any real estate, or to carry on or transact any business of his ordinary calling, or in connection with such calling, or for gain to do, or employ any other person to do, on that day any work, business or labour.

It shall be unlawful to 'Sell or offer for sale or purchase, &c.' I am with them there, but they do not go far enough. Remember I am not against the Bill, but I want to improve it. Now what about the man who goes to a store and fails to purchase because he cannot get the article as cheap as he wants it ? The man who offers to sell is guilty, but the man who tries to purchase is not guilty if he fails to make a purchase. I would ask that this clause 2, be amended so that the man who enters a store to make a purchase on Sunday shall be in the same position as the man who keeps the store. I wish to bring before the attention of the Senate some points which go to show on what a false principle this Bill is based. For instance amongst the exemptions are :

Receiving, transmitting or delivering telegraph or telephone messages.

That is within the law. I ask this honourable body is there any greater commercial pursuit in existence to-day in Canada than the telephone and telegraph lines ? They are in the business to make what money they can, and under this Bill they are at liberty to keep their employees busy on Sunday, not merely to transmit messages of love, I could condone such an offence—but messages of a commercial nature. Let the Lord's Day Alliance look after that clause ! Then I find amongst the exemptions the following :

The operation of any ferry boat authorized by any competent authority to carry passengers on the Lord's day.

I know lots of streams in Ontario and Quebec, and elsewhere in Canada on which there are ferries run absolutely without any authority, either federal, municipal or provincial, and I have often found it a great convenience to be ferried across a stream by such ferrymen on Sunday. But the ferryman who does it under this Bill is liable to a penalty. Now, where is the justice of that ? I have travelled a great deal in the country, and I know there are many ferries which are operated without any authority, but you are very glad to have them, and under this Bill they cannot be operated on Sunday without a fine. One occasion I was detained in the village of Russell over Sunday. There was no Catholic church in the village, and in order to go to mass I had to cross a ferry and Johnston, an orangeman, ferried me across. Under this law he would be liable to a fine for doing so, because he has no authority. There is another clause which strikes me as very peculiar :

Any unavoidable work after six o'clock in the afternoon of the Lord's day in the preparation of the regular Monday morning edition of the newspaper.

God knows we have enough newspapers

for six days a week. Not that I am opposed to Monday morning papers. I have been a newspaper man myself and know what it means, and the only point I raise with regard to this paragraph is this—why should the newspaper industry have this privilege ? There are very few men indeed in Canada in the newspaper business except for commercial ends. With very few exceptions, they are in it for all they can make out of it. Why should we grant them this privilege and deny it to other people ? I am one of those who believe in equal rights, and I do not believe in granting to the newspaper industry rights which are not accorded to any other. Is the Senate prepared to endorse class legislation ? That because you belong to a certain class of enterprise, whether it be a newspaper or otherwise, you are going to have this privilege which others will not have ?

Hon. Mr. LANDRY—They have no privilege at all.

Hon. Mr. CLORAN—They have the privilege of working on the Sabbath.

Hon. Mr. LANDRY—No, the Sabbath ends at noon.

Hon. Mr. CLORAN—If the entire body of the Senate agrees with the hon. member from Stadacona and myself, the whole Bill is out of order unless the parliament of Canada wishes to establish a new Sabbath day, but I have asked the Lord's Day Alliance to amend that. It is all very well to say that we want our morning paper on Monday, but we want our morning loaf of bread on Monday, and why not give the butchers authority to kill and dress meat after six o'clock on Sunday ? Why not give the bakers the right ? Why not give the grocer the right ? I am simply citing these facts to show the absurdity of the situation, giving liberties to one and forbidding another. Is that right ?

Hon. Mr. MACDONALD (B.C.)—This Bill is a compromise.

Hon. Mr. CLORAN—Throw out the compromise which creates injustice, throw out the compromise which creates the state of affairs that brings about ill-feeling. That is the worst principle on which you can build a Lord's Day Bill. The Lord knows no compromise between truth and error, between good and evil. The Lord knows no compromise between what is right and what is wrong, and when you, as an adherent and supporter of the Lord's day ask me to compromise with evil and error I shall not do so ; and I ask my fellow senators to follow on that line. Let the Lord's commandments be observed. I was shocked at the modesty of my hon. friend when he was defending the ten commandments. My hon. friend from Wellington, who is a good friend of mine, stood by the principles of christianity to a certain degree, but he did not endorse and accept the whole as we have to do. When I asked the senator to stand by the eighth commandment as he stood by the third, he did not do so. He insisted on respecting the Lord's day because the Lord said so but when I asked him to stand by the other commandment and not allow any man to covet another man's wife, he declined to do so. Let not the laugh go round—the majority of senators are particeps criminis in this matter. They sanction a man's coveting another man's wife. I admit that the hon. gentleman was right in saying that legislation passed by men respecting a civilized nation should insist that the ten commandments be respected. Is it alone on the question of divorce, of matrimonial sanctity, that parliament is loose ? Take the commandment 'Thou shalt not steal.' Does the hon. gentleman from Wellington know in his long parliamentary experience that laws have been passed which allow trusts and great corporations to take from the poor what does not belong to them. I am simply pointing out where parliament is lax. If we are here to enforce the ten commandments, and I hope we are, we ought to enforce all the ten and not pick out those which suit us. With regard to Sunday newspapers, I wish the newspaper men to understand that I have no grudge against them. I like my Monday morning paper—I like my Sunday morning paper. I have to differ from my hon. friend from Wellington in regard to that matter ; the Sunday morning paper involves no labour as a desecration of the Sabbath compared to the preparation of a Monday morning paper. The Sunday morning paper has to be set

up in type, the newspaper reporters, correspondents and editors must all have their articles completed by at least 11.30 at night when they are sent to the composing room. If the staff is big enough, they will get these articles in half an hour or an hour's time. Say they get them at 12 o'clock; the correspondents work is in; the newspaper reporters' work is done. The editor's work is finished. It goes up to the composing room. If the foreman of the composing room has a sufficient staff all the composition will be through in half an hour, and the lights will be put out before one o'clock on Sunday morning, and the only people left in the establishment would be the engine driver and the pressman—that is if the paper is rich enough to have a press that runs by steam. Most of them have. At any rate, it only takes two or three hands. The paper is printed by two in the morning; all the work is done, and the establishment is clear of all workmen, Christians, Jews or otherwise. In the morning the paper is sent out. With whom does it interfere? Take the city of Montreal. It gives a living to fifty or sixty Jewish boys and girls. These are practically the only ones who sell papers on Sunday. Now there is the whole violation of the Sabbath day by Sunday papers; but what does the Monday morning paper mean? It means the whole staff has to be on hand from three o'clock or six o'clock on Sunday afternoon at the latest. They have to report at the office. The correspondents, editors and typesetters, everybody has to be on hand at six o'clock, and earlier if there is special work to be done, and they work all Sunday afternoon and night. Now why give to the Monday morning paper what you refuse to the Sunday paper? I am not in favour of one any more than the other, but I like justice. I do not like that a man who works one hour on Sunday should be put out of business when the other man works nine and is kept in business by the parliament of Canada. When historians read about this legislation, they will say that the Senate and the parliament of Canada are not fit to deal with public matters. They will say that we have passed classed legislation. I ask the promoters of this Bill to rectify the discrepancies, the contradictions, the inequalities and injustices in this Bill before the House is asked to pass it. This is a measure that should, if properly framed, have appealed to the common sense and the sense of justice of every hon. member of this House. They have fought one another on the floor of the House, both opposition and ministerial members. We are here to discuss this measure, not from a ministerial, Liberal or Conservative point of view. We are here to discuss it from the point of view of justice, fair-play and equality among all classes of our people, and not from any other standard. The principle of the Bill commands my utmost respect and reverence, but the provisions of the Bill must be so framed that they will not offend common sense, or justice or equality. I will not ask that it be so framed that it will not offend prejudice, but that they will not offend justice, equality and common sense and I will go no further than that. I do not ask if this Bill shall favour the prejudices of Ontario, or the prejudices of Quebec, because I recognize none in this matter. The question whether I sanctify the Sabbath by going to mass on Sunday morning or going to vespers Sunday afternoon is the business of nobody. The only person to whom it pertains is my conscience and my spiritual adviser. If I see fit not to go to early morning mass, and go in the afternoon to vespers, why should the parliament of Canada tell me I am doing wrong? I have only to answer to my conscience, which is supposed to be enlightened, and if it is not then I am supposed to procure aid and succour from my spiritual adviser to enlighten it, just as a man who is sick secures the services of a doctor, or a man who is in legal difficulties consults a legal adviser. But no man has a right to step in between my conscience and my God in regard to that. I want a Bill that will meet the situation, that will educate, not force our people. We cannot force men to be virtuous or moral, but we can lead them on. We can turn on the lights so that they can see, and that is what we should do. Lead on our population. We cannot force the people by imposing fines or inflicting punishment by a term in the penitentiary, to become good and virtuous

citizens. We cannot do what God Almighty could not do. He brought down one of his own to show us the way—to lead the way.

Hon. Mr. ROSS (Halifax)—The scripture says that to God all things are possible.

Hon. Mr. CLORAN—Certainly, as a metaphysical phrase there is no doubt about that. But literally the expression to God all things are possible is not true. If you want a flat contradiction I say that to God all things are not possible. You never heard of a Divine being making two and two make five.

Hon. Mr. ROSS (Halifax)—Christ said that.

Hon. Mr. CLORAN—Phraseology in a discussion of this kind is no use. To God all things are not possible. It is impossible for him to lie; it is impossible for him to be unjust. So that the phraseology 'to God all things are possible' must be taken in a theological sense.

Hon. Mr. ROSS (Halifax)—Christ said it.

Hon. Mr. CLORAN—Yes, he said that, but he never said that he could do impossibilities. I have noticed latterly in our modern civilization that people are getting very exacting. They want fresh bread and fresh milk and fresh meat, and it very often happens, especially amongst the poorer classes—I am not talking about the millionaires of Sherbrooke street—that they are not able to buy two or three days' provisions at a time, and they pay for what they get as the milkman and the grocer come along.

Hon. Mr. SULLIVAN—They should not buy a three days' supply. The milk will get sour if they keep it.

Hon. Mr. CLORAN—The hon. gentleman from Kingston is heartily in sympathy with the ideas I am about to express. Subclause (r) says:

> The delivery of milk for domestic use and the work of domestic workmen and watchmen.

Why not put in the delivery of bread? I know that there are many bakers who only call two or three times a week, Monday, Wednesday and Friday. Why not give a poor man a chance to have his fresh bread Sunday morning, the only day in the week the poor man is at home; the man on the engine, the man in the fire-box, the man in the pit, the man everywhere, the man in the mill, has only that one day at home, and yet under such a clause he cannot have his fresh bread and fresh meat. The only thing you allow him to have fresh will be milk. The only time the poor man can have his meals with his children, and although I am not a poor man, I will cite to this honourable House what happened to myself this week in regard to domestic servants, and hon. gentlemen must remember that they are not the slowest to advance their rights. They do not belong to labour unions. They are not controlled by walking bosses, but they have a knowledge of their rights. My latest experience of domestic servants was last week. I had two new ones in my house and on the second day after my arrival both of them walked out on Saturday evening and remained out all Saturday night and all Sunday and came back Monday morning about ten. They said they were entitled to the Lord's day as a day of rest, but I said: 'My good girls, I am charged with your protection, and I don't see why you should stop out of my household two nights,' and I asked: 'What about our meals on Sunday?' Their reply was: 'Why don't you cook your meals on Saturday and eat them cold?' That is what the Bill leads to. The domestic servants in this country will be up in arms. That is no invention. It is what has happened in my own house.

With regard to the subclause which covers all operations connected with the making of maple sugar, and maple syrup in the maple grove, I would say that I have a maple grove myself, but unforunately I do not make the sugar in the grove. I have to cart the sap into the barn-yard where I have my furnace to boil it. Under this Bill I would be liable to be fined for doing so; the maple syrup or sugar must be made in the grove. This does not apply in my own case only, I know of dozens of others. Is there any sense in drafting a clause in that manner? When a man makes his syrup in the maple grove it is because it is situated at a considerable distance from his farm house, and, for his own convenience, he builds a little hut in the grove and makes his sugar there; but the man who

has only forty or fifty or perhaps a hundred trees finds it easier to gather the sap and bring it to his house and boil it there. Nine out of ten of the producers of maple sugar follow the latter method, so that the clause favours certain individuals and discriminates against others. Then we have subclause (k), relating to the freight traffic of any railway. I do not see why the Railway Commissioners were not given permission to deal with the same matters in relation to passenger traffic. The Bill is incomplete. It is badly thought out. Before going any further I wish to direct the attention of the House to a document which has just come into my hand.

The document, I regret very much, did not reach me before I arose to address the House. You may notice I have passed over a great many of the subsections of clause three without alluding to them, simply because I have not had time to study them properly. The request to have this Bill left over for discussion until this evening was a most reasonable one. This matter has been forced on our attention without an opportunity being afforded to know what amendments have been made to the Bill in the House of Commons. We must discuss the Bill on its general principles without giving it careful study. It is so clumsily drawn and so contradictory that it is unworthy to be put on the statute-book of our country. If enacted it will lead to litigation beyond limit. It is not a Bill which appeals to the best judicial sentiment of the men who will be called upon to enforce the law. I repeat, it is one thing to appoint judges to enforce and apply the law, and it is another thing to put on their shoulders the power, the authority and the responsibility of interpreting the law. It is the plain duty of parliament to make the laws which it passes so clear that no judge in the land shall have the right to say what parliament meant when enacting those laws. We are here to look after the interests of the country, and the best way we can do so is to put on the statute-books, laws so clear and distinct that no judge will be able to tell a lawyer before him 'I do not know what the law means, I will have to take the case en délibéré to look up the authorities and find what it means.' That is not a position in which we should place our judges. I know from experience that judges have protested time after time against the indistinctness of the statutes. Let us take sufficient time here, instead of playing into the lands of the legal fraternity, to make our laws plain and distinct so that they can be understood. We are the interpreters of the people's wants and needs, and it is our duty to make our laws perfectly clear and distinct. When you come to examine the subsections of clause 3, dealing with our transportation companies, you will find that in certain cases they are given powers which they do not need, and in other cases are hampered very often against the best interests of the country. I commend this memorial prepared by an eminent lawyer in Ottawa, Mr. Chrysler, to the attention of the House. I have seen enough of the document at the first glance to be able to say that he is perfectly justified in putting these views before parliament, and I regret very much that the hon. Secretary of State did not accede to the request made by several hon. senators on the floor of this House, that the debate on the principles of the Bill should be postponed until we had an opportunity to see in what shape the House of Commons had left the Bill.

I wish to state to this honourable House that the feeling in regard to this Bill is not all one-sided; that there are different impressions regarding its value and its effectiveness. Take the metropolitan city of Canada, and what is the opinion of probably 500,000 or 600,000 people within the immediate districts of the city of Montreal as voiced by deputations and representatives of that population? I shall give it to you as adopted solemnly and calmly by the city corporation of Montreal. It was 'resolved that this council'—that is the council of the city of Montreal—'deem it advisable to renew its protests against the adoption of the Bill now before the Dominion parliament concerning the observance of the Lord's Day, and it respectfully prays the members of the House of Commons and the Senate to kindly take into consideration its objections to such Bill as set forth in a resolution passed this council on the 26th March, 1906.' There is the formal declaration of the will of 500,000 people. I won't say directly, but

at least 350,000 people directly represented in the city council, with all the surrounding constituencies, Jacques Cartier, Hochelaga, Laval and all these other outlying districts wherein live over 500,000 people. By a formal resolution of that representative body they come before this honourable parliament of Canada and ask that they take into consideration their objections to the Bill. Now, what was the kindness extended to that request? We were forced to go on with the consideration of the matter, serious or otherwise. That was the kindness extended to the city of Montreal, and no doubt my hon. friends from Stadacona and other places will say the same thing for the city of Quebec, Three Rivers, Sorel and other districts in the province of Quebec.

Hon. Mr. MACDONALD (B.C.)—But the hon. gentleman wants the Bill.

Hon. Mr. CLORAN—I am in favour of the principle of the Bill but not in favour of the clauses of the Bill as drafted. There are other memorials, I have dozens of them on my desk. I have one here from British Columbia, which shows that there is a large class of people in British Columbia who feel aggrieved at the provisions of the present Bill. Now why should not their prayer be taken into consideration ? I shall not conclude my remarks now, but I desire to propose before the House adjourns, so that hon. senators may think the matter over, that as it took the combined wisdom of the House of Commons to digest this Bill in the first place, and we all admit that it was a heavy load for any digestion ; as it took the combined energies of opposition and government to endeavour to improve it ; and since it was sent to this Chamber by the House of Commons at half-past three in the morning, with ill-considered amendments, amendments which cannot appeal to the best sense of this country—it is the duty of this honourable House, in view of all these facts, and in view of the incompetency of the House of Commons to prepare a Bill that would meet all the exigencies of the situation in Canada to go slowly with such an important measure. I do not blame the House of Commons for it, because human wisdom is too finite, too restricted, to frame a law that will meet the consciences of all men. The Almighty Himself could not do it. He laid down the law in blank—'You must observe the sabbath,' leaving it to each man's conscience to decide in what way he should best carry out that command. Man comes in and says : you may play golf, but not baseball. We have the spectacle of a parliament composed of men who pretend to be desirous of observing the Lord's day accepting the golf amendment because baseball and football can be played. The adherents of these two classes of games were at loggerheads in the House of Commons. The golf amendment was struck out, and then to get it in again, the people who were in favour of baseball and football accepted the golf amendment. That is an exhibition of the lack of human wisdom in dealing with a divine law. Under these circumstances, I shall ask this House, at the proper time, to do as the House of Commons did, appoint a special committee to examine into the law as it stands, and to see how far this honourable body can improve the Bill. I have not gone into the merits of clause 13 as compared with the suggestions made by Mr. Chrysler. I think they are of a serious character, and that it would be within the jurisdiction and within the duty of this House to appoint a special committee to study this matter and report to the Senate before we go any further with the Bill. I move the adjournment of the debate.

The motion was agreed to.

It being six o'clock the Speaker left the chair.

After Recess.

THE SENATE DEBATES.

MOTION.

Hon Sir MACKENZIE BOWELL from the Committee on Debates and Reporting presented their second report and moved its adoption. He said : The effect of adopting this report is to re-employ the present Senate press reporter. Speaking on behalf of the committee, and I think also most of those who have paid any attention to the services he has rendered this House must have come to the conclusion that the synopsis of our debates prepared for the press

has been satisfactory to us as far as the reported is concerned. One thing I have observed, the synopsis is of a character which has induced the press to accept what they never would publish before. Under the circumstances the committee thought it not only advisable but proper that they should present a short report authorizing his employment for next session. It will enable the clerk at the opening of next session to pay the reporter, which he could not do if the report were not adopted.

The motion was agreed to.

THE LORD'S DAY BILL.

DEBATE CONTINUED.

Hon. Mr. CLORAN resumed. He said, I have to continue the debate and finish my remarks on this subject and I desire to do so in as brief a way as possible. I know that my sentiments do not coincide with those of some of my colleagues. I am sorry for the sentiments of my colleagues, but my own I maintain, and they shall be heard on the floor of the House for the benefit of the country. I had occasion during the afternoon, not to condemn the Bill but to criticise most of its provisions. The Lord's day appeals to me as a Christian and as a good Canadian. The Lord's Day Bill, conceived in excessive zeal was brought out by parliamentary compromise and an effort is made to put it on the statute-book. Excessive zeal—there is no question about it. The first Bill, as laid before parliament by the ex-Minister of Justice, was one that would appeal to nobody with a sense of justice or fair-play in this community. It had to be mangled, it had to be almost assassinated in the House of Commons before it could pass that Chamber. The Bill is the product of excessive zeal, and we all know that in pagan doctrine, as well as in Christian doctrine, virtue does not lie on either extreme but in the middle state. That principle was enunciated by a pagan philosopher and poet, endorsed by Christianity and emphasized by Christian practice. Unfortunately, in our community as in all others, there are extremists on both sides; some who want everything and some who want nothing. I stand for those who would like to have something in the middle and leave the extremists out. That is about the best way a parliament like ours can best serve the interests of a democratic country.

The Lord's Day Bill, as I have already said, appealed to me as a Christian and as a Canadian, but the provisions of it are not of a character which would induce me to accept or to ask my fellow-citizens to accept. I have had the opportunity of pointing out many defects in the Bill. Even the very first phrase of the Bill is an attack on Christianity. It wants to make the Sabbath itself a half Jewish day and a half Christian day. The wisdom that fabricated that clause is the same wisdom that fabricated the other clauses. If in the determination of what constitutes the Lord's day, the wisdom of parliament was astray, can it not be astray also on other clauses? If parliament cannot tell the people of Canada when the Lord's day begins and when it ends, what are they able to tell the people of Canada? That is a point for the country to discuss. That is a point for this House to settle. Here it is in black and white printed, reprinted, amended and reamended and sent up by the sanction of the popular branch of parliament to the Senate. What to do? To sanction their saying that the Lord's day begins at twelve o'clock on Saturday afternoon and finishes at twelve o'clock on Sunday afternoon. Is that the kind of legislation that is going to be forced down our throats?

Hon. Mr. ROSS (Halifax)—That is the practice in Nova Scotia.

Hon. Mr. CLORAN—That is the practice in Nova Scotia, the hon. gentleman says. Then the people wake up twelve hours sooner than we do, and that is the reason, I suppose, they have dominated the rest of Canada. They are wide awake people there. They get up twelve hours before us and produce men who become prime ministers. Is that the explanation of it?

Hon. Mr. ROSS (Halifax)—The explanation is this: a ship or a steamer comes in with a cargo, and at twelve o'clock on Saturday night she knocks off discharging, and after twelve o'clock on Sunday night they proceed with the work again. That has been the practice in Nova Scotia. I have been collector of customs in a port there thirteen years.

Hon. Mr. CLORAN—I never knew before that because an hon. senator of this House

should rise and say that when a steamer comes into Halifax or any other port in the maritime provinces at twelve o'clock on Saturday that that constitutes Saturday afternoon. We have in our hands a Bill passed by the House of Commons saying that the Lord's day shall begin at twelve o'clock Saturday afternoon and finish at twelve o'clock in the afternoon of the following day, and I am told by the venerable senator from Halifax that when the ships come into the harbour there at twelve o'clock they stop work and start again at twelve o'clock Saturday night. That is not a serious answer to my point. I would call the attention of the Senate to an amendment that was inserted in the Bill, not by its framers, not by those who originated the Bill, not by those who want the observance of the Lord's day maintained, but put in at the last moment by one of the members as a compromise. The Bill is a compromise, and a sorry spectacle it is. He put in an amendment, notwithstanding the strong advocacy—and I believe in the advocacy of the Lord's Day Alliance of the principle that when a man has worked six days faithfully, honestly and laboriously, he is entitled to the seventh as a day of rest. That principle underlies human life; human life without rest is worth nothing. But what do we find ? We find that at two o'clock in the morning, at the last stages of the discussion in the House of Commons, this amendment was added to clause 4 :

2. This section shall not apply to any employee engaged in the work of any industrial process in which the regular day's labour of such employee is not of more than eight hours' duration.

Have the hon. senators seized the meaning of these few words? Do they comprehend what it means to the labouring classes of this Dominion? That clause is a slap in the face to every labour union throughout Canada and the United States; yes, throughout Europe. If there is anything the workingmen in this hemisphere to-day are striving for, it is the right to have eight hours labour, eight hours rest and eight hours for recreation, whether intellectual, physical or otherwise. That is the great aim of the working classes, but the House of Commons by this amendment declares that a man who has worked eight hours steadily, whether in the mine, in the workshop, on the railway or for a transportation company, if he has worked only eight hours he has not the right to benefit by this law. Do I understand that the members of the Lord's Day Alliance sanctioned this amendment? Do I understand that these men who desire the observance of the Sabbath, stand by this amendment and say to the workingmen of this country, 'Because you have only worked eight hours a day you are not entitled to the benefit of the provisions of this Bill?' In black and white that is what it means. How many industries are there in this country where a man cannot work much more than eight hours a day, putting aside the claims of the labour unions and of the workingmen who demand a few hours during the week to be with their families instead of being forced to rise at four or five in the morning in order to get to their factories at seven, remaining there until six and getting home at seven or eight in the evening? That is the daily toil of the workingman in every community. He has to go to the factory, to the mill, to the locomotive; he is obliged to rise at five in the morning in time to get his meals and travel two or three miles before reaching the factory. He gets there at 7 or 7.30 and works until twelve, has an hour for lunch, and works from one to six. It is seven or half past seven before he gets home. He has scarcely time to take the grime off his face and hands when supper is waiting for him. In what condition is he to associate with or educate his children, to teach the ten commandments, to supplement the teaching of the schools, which are Godless where God is not mentioned ? How can the father get down there before his seven or eight children at night, after coming from the factory and teach them the precepts which would make them lovers of their country, of their God and of their fellow men ? The poor man cannot do it. He has to go to his rest after supper, and has to rise again at five in the morning, and that is the protection this honourable Senate, we, the big lords of the nation, offer. We look down upon our poor fellow countrymen ? We deny them the little ease that we ourselves take wholesale. It is fine to put things like this in the law, but let me tell you the people you represent from this

high sphere are the people going to be benefited, or the poor will be led into greater distress. I say that clause has no right to be in the Bill. There are many industries in which a man cannot work more than eight hours a day. In the mine, in sulphite mills, in many occupations of human labour a man who works eight hours a day is doing a great service not only to himself and his family, but to the country, but in doing it he is ruining his health in many cases. He is doing a great service to the country when he works hard eight hours, and yet because he works eight hours he is not to come under the beneficent provisions, and there are a few, in this Bill? How many hours do you work hon. gentleman?

Hon. Mr. LANDRY—Ten or twelve.

Hon. Mr. CLORAN—The hon. gentleman is about the only one of the whole outfit who works ten hours. I ask why do you not give your neighbour what you take for yourself? I give notice that when the time comes I shall move to have that clause struck out. The labourer puts in his full day, whether he works eight hours or six hours, and there are some cases where a man cannot work more than six hours, for instance a diver, and men engaged in occupations dangerous to life and limb. Are you going to exact from them ten hours a day so that they can benefit by this law? The clause as I have said is a class one for which the Senate of Canada should not stand. When the time comes I will move, and I think I shall have the support of hon. senators in this matter, that a labourer who has worked eight hours a day, whether by consent of his employer, or through the manipulation of labour organizations, shall have any benefit there is to be derived from this legislation. Why should we not admit on the floor of this honourable House in our legislation the right of labourers to combine, to organize, and to have unions to exact prices the same as professional men? The day before yesterday the medical fraternity found a man guilty of dishonourable and infamous conduct. Why? Because he offered to treat poor humanity at a less price than his confreres charge. We have the medical faternity of Ontario assembled in solemn conclave to denounce the conduct of one of their number because he offered to cure the ills of humanity for a less sum that his more ambitious colleagues. And the legal fraternity have the same privileges, but the labourer when he organizes becomes the enemy of society.

Hon. Mr. McKAY (Truro)—That is not it.

Hon. Mr. CLORAN—What is it?

Hon. Mr. McKAY—The Medical Association denounced the doctor in question because he promised a permanent cure for a certain sum.

Hon. Mr. CLORAN—They all do that. That is no answer.

Hon. Mr. McKAY (Truro)—That is the explanation.

Hon. Mr. CLORAN—It is an explanation which does not justify them in denouncing a colleague's conduct as dishonourable and infamous because he offered to cure a patient for a fixed sum. That is a poor excuse. I do not deny their right to have unions; I am denying their right to coalesce and put up the costs of certain operations which are necessary in the life of men and women, to $25 when it is only worth $5. They combined to do that, and we know there are lots of poor people in this country that when the stork comes once a year cannot afford $25 and the medical fraternity combined to put up the prices on them.

Hon. Mr. McKAY (Truro)—I suppose the hon. gentleman is looking forward to that himself?

Hon. Mr. CLORAN—Whether I am or not, I am now looking to the interests of the people. If the legislatures give the people the right to organize in their common interest—which they do—and I do not ask the right for labourers to organize against the common interest—I say when they organize under protection of the law, their decisions ought to be respected. We have many unions to-day which declare that a working man who has put in eight hours a day is satisfying the law of supply and demand, the law of the family and the laws of the country. Let me say as a young senator that our usefulness will not be gauged by our attendance here but by the wisdom we put into the laws, by the atten-

tion we give to the rights of the masses of the people, by the respect we show to these labour unions. Show them the same respect that you show to corporations, against which I have nothing to say because they are needed in our modern civilization; corporations great and small are needed for the development of our resources. I am not against them, but when you give them all that they require and more than they ask sometimes, do not trample on the rights of the masses of the people. The day may come when they will demand your heads if you are not careful of their rights, as men who are working for the building up of this country. I shall therefore, when this clause comes before the committee, if the Lord's Day Alliance does not suggest an amendment, propose that it shall be changed. Now let us consider clause 5. It is a very innocent clause, one I am perfectly in harmony with, because I am in harmony with mostly all the clauses, but there is always a little of the lawyer's hand in each clause to do something wrong in the courts, to do something against the interests of the masses. Take clause five. It is very innocent. There are two paragraphs in it. I do not require to read the first, but the second reads as follows:—

When any performance at which an admission fee or any other fee.

Whatever that means, it is not very good English—

2. When any performance at which an admission fee or any other fee is charged is provided in any building or place to which persons are conveyed for hire by the proprietors or managers of such performance or by any one acting as their agent or under their control, the charge for such conveyance shall be deemed an indirect payment of such fee within the meaning of this section.

That is outside the law, whether the party pays his fee directly, or whether he pays it to the busman, or the trolley car man, or the railway magnate or automobilist or any one else. When he attends a performance and pays a fee he is outside the law. I had the honour and I had the duty of placing this matter before the Minister of Justice. I do not hesitate to say so. I asked him 'What do you mean by this'. Well, he said, 'It means what the law states.' I said 'Do you know what it means?' It means that you destroy in a very large number of the communities of Canada, from Victoria to Halifax, all religion—not all religion because they cannot drive it out of the hearts of the people, but it would deprive a large number of the people of Canada of the privilege of attending divine service. He could not believe it, he thought it was impossible. A performance can be of several characters. A performance can be of an intellectual character, a performance may be of a spiritual nature; a ceremony going on in a church is a performance.

Hon. Mr. MACDONALD (B.C.)—There is no admission fee.

Hon. Mr. CLORAN—In the face of that statement I have no need to apologize for the Minister of Justice, when one of the oldest members of this House makes such a statement. There is an admission fee in the vast majority of cases.

Hon. Mr. MACDONALD (B.C.)—There is not.

Hon. Mr. CLORAN—Then you have to contradict a man that has to pay every Sunday.

Hon. Mr. MACDONALD (B.C.)—Voluntarily?

Hon. Mr. CLORAN—No I can't get into the church unless I pay.

Hon. Mr. MACDONALD (B.C.)—In your church perhaps? Not in mine.

Hon. Mr. CLORAN—I did not say your church; I said that this law would drive thousands out of the church, that is, prevent them from going there. I understand now why the Minister of Justice was ignorant of the situation, since I find the hon. gentleman from British Columbia is ignorant of it also. I do not blame him, because he does not come to my church. Within the last ten or fifteen years a change has come over our people in regard to the maintenance of our churches. In older times they had the church law which forced church members to pay tithes. We have got out of that habit.

Hon. Mr. MACDONALD (B.C.)—In what church was that?

Hon. Mr. CLORAN—That was in the Catholic church, which contains two-fifths of the population of Canada among its members.

Hon. Mr. LANDRY—I think the hon. gentleman is mistaken; that church law still exists.

Hon. Mr. CLORAN—In a large number of communities where that church prevails, the people did not contribute. The cities and towns were growing larger, and the result was very often that the poor parish priests had very little to live on. It became very difficult for the church authorities to control the contributions of the frequenters of the church. In some parishes, of course, the parish priest knew exactly how many persons there were there, and it was easy to say what contributions should be made in order to keep the curate, light and heat the church, and so on. It is only an act of justice after all that such contributions should be made. If I go to church and find it heated and lighted I ought to contribute something.

Hon. Mr. MACDONALD (B.C.)—If it is voluntary?

Hon. Mr. CLORAN—Under our law it is obligatory, on pain of going to hell. You wouldn't believe that. Under a pain of mortal sin you had to pay.

Hon. Mr. MACDONALD (B.C.)—Did I understand the hon. gentleman to say that he was refused admission if he did not pay?

Hon. Mr. CLORAN—Under the old law we had to pay our tithes; not to pay was tantamount to an act of injustice and that is equivalent to a mortal sin. A man who commits a mortal sin in the Catholic church cannot go to heaven unless he repents.

Hon. Mr. MACDONALD (B.C.)—Unless he pays?

Hon. Mr. CLORAN—He has to pay, and he has to be sorry as well. The hon. gentleman is not acquainted with Catholic theology; it is more strict than he imagines. Owing to the movement of the people from the country to the city, a change has taken place in the practice. Take for instance, St. Louis de France, Notre Dame, in Montreal or St. Patrick's church, you have say 2,000 families. About 500 would pay and there are 1,500 who would go free. The result was that in order to maintain the churches they had to charge an entrance fee of five or ten cents.

An hon. GENTLEMAN—Was it a performance after you got in?

Hon. Mr. CLORAN—A performance may be spiritual, athletic or intellectual, and that is why you give the judges the power to say whether a performance in the church will come under this law or not—so much so, that the Minister of Justice wishes, I believe, to qualify the clause by using some such words as these 'performances except for divine worship.' The law is incomplete on that point. The next provision in the Bill which I wish to speak of is subclause (f) the definition of the employer. I put this clause before one of the largest manufacturers in the country, one of the largest paper and pulp makers in Canada, and I asked him what he thought of it. He said it is absurd. 'Employer includes every person to whose orders or directions any other person is by his employment bound to conform.'

I hear from behind me plain enough, 'who is the employer?' The president of the company, the superintendent of the company, the foreman of the company—who is the employer? According to this the employer is the last man who gives the other man his orders. Employer includes every person whose orders, directions any other person may be obliged to conform. Now there is not a mill in the country to-day and there is not a work on railway construction to-day which does not provide half a dozen employers. In the first place you have the superintendent who bosses the foreman, who bosses the section men, who afterwards bosses a certain man, but according to this law the employer is the one who gives the direction. When a man is employed on the work, does he go to the president of the company or superintendent or general manager. No, he goes to his foreman. According to this law, you make the foreman or an ordinary labourer the employer. This provision needs further explanation and further improvement. There are many other points which I could mention in which the measure is defective, but I will not do so at the present stage. I have every confidence in the Senate framing a Bill which will meet the needs of the people of this country. I have not the slightest suspicion that any hon. senator would deliberately vote for a measure that would

conflict with the convictions of any man, Christian, Jew or Pagan. I believe every senator on the floor of this House is willing that the Creator should have some respect paid to him. I am firmly of that belief. Your presence here, your past records are an indication and proof of what I say, but what we have to do here in this discussion on the framing of this law is to pass a Bill that will meet with as little obstruction as possible, with as little collision as possible, with the principles of the different sections and different classes of our community. Give them a free hand to adore their Creator and to pay their respect to him as they thnk best. I believe it is the duty of parliament to prevent abuses, and it is their prime duty to prevent abuses whether in labour or anything else, and that is the point that the Senate ought to occupy itself with. I believe it is the duty of the Senate to protect all men in the practice of virtue. I believe it is the duty of parliament and of this House to see that the morals of the people are sufficiently protected and advanced, but you cannot make me believe that parliament will make men more virtuous and more moral than God Almighty makes them. Lead them on by mild ways, by good thoughts, by example and so on. But I have this to say, feeling all that I owe to Him who made me —and I bow in reverence to him—each Sunday or each day that I miss my mass by my own fault I feel it in my heart and I am sorry for it, and when I have that feeling I want no other man to interfere with my conscience or to come between myself and my Maker.

Hon. Mr. FROST—I only desire to say a few words on this very important measure. It is a question that has been pretty thoroughly threshed out in the House of Commons, and having read over the Bill since it has come into our hands, it strikes me it is an eminently fair one. Concessions have been made on every side, and the measure does not seem to infringe to any great extent on the ordinary work any more than it prohibits the work that is done on Sunday for gain. Other than that, it does not interfere with the ordinary innocent pleasures of people upon the Lord's day. I have heard some people say that it prohibited the playing of a game of golf, or it prohibited the game of baseball, but when I point out in the Act that these games can be indulged in if simply for the pleasure of them, and without any intent for gain or the making of money, they appear to be surprised. The truth of the matter is that many people are discussing this Bill adversly because they have not read it. There is not any interference as far as I can see, with our railway companies as to any work that is an absolute necessity upon the Lord's day. There is no interference with any work that requires to be done in an emergency upon the Lord's day, but it does interfere with the carrying on of work whereby labouring men will be compelled under a penalty of dismissal, to work for seven days in the week. It does provide that the Mosaic Christian law shall be carried out; that upon six days of the week thou shalt do thy work but the seventh day shall be considered a day of rest. It matters not to me how any one takes the seventh day as a day of rest; he may go to church if he choose, or he may wander in the woods. The law does not prohibit any one from using that day as they desire to do provided they do not use it for the purposes of gain or in any way by which they might become a nuisance to their neighbour or to the community. The law is a simple one. Many concessions have been made throughout the whole Bill; there is a spirit of charity pervading it from beginning to end. It is not necessary for us to scrutinize every clause. It is not necessary for us to say that because we pay a small fee in the church that we are thereby being prohibited from attending church. That is an undue straining of the Act that is not warranted by the language itself, and therefore we simply have to take the Bill, precisely as it reads, and if we go into it carefully, to look all through it, we will find that there is in it that which will preserve the Lord's day as a day of rest as a day of withdrawing from business life, that must be very commendable indeed. It is only a few days ago that I met a gentleman from Minneapolis. He told me that the Lord's day in that city had practically become one of the busiest days of the week, a day when thousands of people were compelled to work against their will,

and that if any refused to work on that day, they were liable to dismissal from the service. We would not like to see that in our country. Our country is young. We have not reached the proportions where an Act of this character might be almost impossible to enact. We have not come to a day when if we undertook to enact such a measure as this we would find our population, many of them perhaps foreigners in our country who would not permit such an Act. If we are ever to have an Act for the preservation of the Lord's day, we are to enact this Bill now. Now is the time. This is the best time in the history of our country for the passing of such an Act for the preservation of the Lord's day. As far as I can see it, the Bill is practically in the interests more particularly of the workingman of Canada. That is what the Bill practically is being passed for, and in that feature of it, it is a measure for every one who desires to have a quiet day on Sunday and who desires to protect our workingmen from any inordinate labour for the purpose of gain. I do not say that our railway companies are to be characterized in that way, but I do say that the pressure of business and competition in this feverish age is getting so that it is a very easy matter for those who employ large bodies of men to trample the workingman under their feet, and there should be something on our statute-books by which the men who are helpless in themselves as a body should be protected from any undue tyranny or any indication of anything that might perhaps draw them down and compel them to almost a position of slavery. I do not pretend that such is the case, but we know that in the United States there are men engaged in mines and in some railroads, and in other vast enterprises, where they are practically placed in the position of white slaves. We do not want that position in this country. We want to have such legislation on our statute-books as will protect every man. Our legislation intends that each man shall have his rights, but at the same time we have a right to take into consideration the just claims of the poor man who is helpless in himself, and it is on his account more than almost anything else that this law is being placed on the statute-book.

In concluding these remarks I have just a quotation which I wish to give that is just along the lines of my own mind, but given in better language than I can express it. It is a letter written by His Grace Archbishop Bruchesi to the Hon. Mr. Fitzpatrick when he was Minister of Justice in regard to this Sunday Observance Bill. The whole tenor of this letter is most admirable and fitting, and is given in moderation and in a spirit of concession and charity, and I believe it is admirably adapted for the consideration of this Senate in the discussion of this Bill. He writes on the 29th March as follows:

The following letter has been sent by His Grace Archbishop Bruchesi to the Hon. Charles Fitzpatrick, Minister of Justice, who asked his opinion on the Sunday Observance Bill :

With regard to the desire you have expressed, I beg to give my opinion regarding your measure on Sunday observance. I hasten to say, in the first place, that I approve of the principle of the Bill, as well as of the greater number of its clauses. Contrary to what has been written in several newspapers, I am of the opinion that the government has the power and is in duty bound to offer legislation on this matter. In doing this, it in no way interferes in matters of conscience and religion ; it does not restrain the liberty of worship as it is recognized in Canada ; it only gives its aid to the maintenance of a practice common to all Christian people. Our country is really a Christian one, and our governing bodies should keep this in view in framing legislation. If it were necessary to accept certain statements which have been put forth in the name of liberty of conscience, it would follow that the civil power would have to abstain from enacting all laws for the observance of Sunday, and would not have the right to prohibit on that day the carrying on of business or general work. There may be some people in our country who have reached this conclusion, but it is not true that the almost totality of our fellow-citizens admit that legislation on this point is a necessity ?

I admit that the measure presented to parliament is, perhaps severe on several points, but we must also add that there are very grave abuses to suppress, and that it is high time to act on the question. Without precise and firm legislation, our Canada will before long resemble certain European countries, where we find not a vestige of respect due to the Lord's day. Your measure might, perhaps, be mitigated in several of its clauses, but on the whole it seems to me that you have struck the right note. For my part, I have been obliged to prohibit, in my diocese, several of the things prohibited in the Bill, which fact you no doubt have noticed in my last circular, a copy of which has been sent to your address.

I consider it quite in order that all traffic, all sales, unless they refer to necessities of life, should be prohibited on Sunday, and the same should apply to the running of freight trains, when they are not a real necessity. As to trains and steamers for the transportation of passengers, they should be, of course, less

numerous on Sunday than during the week, but I would not demand their suppression altogether. It behooves us to accord to our people, and particularly to the labouring classes, facilities for leaving the city and to making trips on Sunday which they could not, perhaps, make on any other day. I am, however, absolutely opposed to the organization of public excursions, whether it be with the object of making money or amusement, experience having proved that these excursions promote disorder and deplorable abuses. I approve entirely of the clauses of the Bill which prohibit theatrical representations, concerts and tournaments given as public or paying entertainments.

Of course, the details of the measure may be the subject of discussion; it may be opportune also to make certain points clear in order that they may be well understood. For instance, let it not be forbidden to go to the country to take fresh air, or to take a quiet hunting or fishing excursion. Once more, however, let me say that I look upon a law for Sunday observance as decidedly opportune, and I hope that such a law may receive the sanction of parliament. When, however, you come to Montreal, I will be happy to talk the matter over with you.

In the meantime accept, dear minister, the assurance of my sincere and devoted sentiments.

PAUL,
Archbishop of Montreal.

March 29.

Practically speaking these are my sentiments. I believe every word the archbishop has written. It is a moderate statement of what we should have in this Dominion. We should have a law that would be applicable to all parts of Canada and a check upon undue violations of the sanctity of the Lord's day. We should have such laws enacted, not the old Puritanical laws we have read of in the past, because they are all out of date, but laws which will give liberty and not let liberty degenerate into license. If we have such measures we will grow as a nation. We will not become as European countries; we will grow and we will have a race of people on this northern half of the continent that will be the pride and glory of the race. That, I believe, is what this archbishop is pointing at. Today, as I was coming on the train I purchased a copy of the 'Globe' and cut out of it the closing sentence of an article on this Sunday observance law which I think expresses the sentiment, following up this quotation, which I have given here from the Archbishop of Montreal. It says:

If life in Canada is to be kept worth the living there must be maintained the regular pause in the midst of life's increasing clamour and wasting strain. If the history of these centuries proves anything it is that the state, as surely as the church, suffers irreparable loss when the Sabbath is openly desecrated or profanely done away. Because man is other than a machine and more than a beast he needs one day in seven when he may rest from his toil and cease from his pleasures and join with his fellows in the worship of his God.

These practically are my sentiments. I simply give them as a member of this honourable House. I would like to see the Bill as it is now before the House ratified. There may be one or two amendments, but as the Bill has been so thoroughly threshed out in the House of Commons, and as it has been changed in almost every particular, there is very little more that I can see which can be amended. However, if there are any amendments suggested which will make the Bill more acceptable to all classes without doing violence to the principle of the measure, these amendments will have hearty support. In the meantime, I am prepared, as a member of this House, to support the Bill, and I hope to see it receive its second and third readings and become the law of the land in due course.

Hon. Mr. LANDRY—I have but one or two words to say on the subject which is now occupying the attention of this House. The hon. Secretary of State, who introduced the measure, gave us all the necessary arguments to vote against it, and I think he would be a very disappointed man if the Bill should carry; but I hope it will carry. I hope it will carry, if we take in view the political aspect of the question and the advantages that will accrue to our party; but on the other hand if we consider the merits of the measure I feel that it is my duty to vote against it, and I shall vote against it. The hon. Secretary of State said that a measure on the Lord's Day Observance passed by the province of Ontario had been contested before the Privy Council in England and was declared unconstitutional because the provincial legislature had taken upon themselves to classify as crimes certain infractions of the Ontario law and the fact that they constituted those infractions crimes induced the Privy Council to declare the law unconstitutional, because the criminal law was within the control of the federal power. Well, that was not a reason there was no object and no necessity for bringing in a federal law. The hon. Secre-

tary of State read us out of a book which he brought to this House all the laws actually in force on the Lord's Day Observance in the different provinces of this Dominion. He showed us that even the law of Charles II. was incorporated in the provincial legislation of Ontario and was the law of the land in that province. The provinces have a right to enact that legislation. They have a right to make laws for the observance of the Lord's day. It is not the duty of the federal parliament to interfere. The only ground upon which the federal authorities could enact such legislation would be to declare crimes certain infractions of their law. They enact a law and declare that if we transgress that law it is a crime. That effects the criminal law of the Dominion and that is the only feature of the legislation which places it under the federal control; but outside that particular point as a matter of right, as a matter of fact, that subject should remain under the control of the provincial legislature. We are intruding to-day on the powers of the local legislatures and, for that reason, and that is a very good and sound reason, I shall vote against the second reading of the Bill. It is not my intention to provoke a vote on the measure. I think it would be useless to do so, but I think it my duty to tell this House and to tell the country that I am going to vote against an intrusion of the federal parliament into local affairs.

Hon. Mr. CHOQUETTE—I do not wish to discuss the Bill because I think everybody in this House and in the country knows now what are the contents of the measure, but before it receives its second reading I should like to ask the hon. leader of the government if it will be allowed to discuss the principle of the Bill when the House is in Committee of the Whole and on the third reading if the Bill passes the committee? I put this question, for the reason that this Bill is undoubtedly of a two-fold nature. It contains provisions which this parliament certainly has the right to legislate upon, such as railway transporation, general trade, and other questions which undoubtedly belong to the federal House, and which it will be intra vires to pass. On the other hand, there are clauses which certainly belong to the jurisdiction of the provinces and if we pass them here we shall be encroaching upon the provincial legislature. As regards these special matters, I do not intend to support the Bill, but as I have said, there are clauses which it pertains to this House to discuss, and I wish to reserve the few remarks I have to make until we go into committee. I would therefore ask the hon. Secretary of State if it is quite understood that in committee we will be allowed to discuss the principle of the Bill while we are taking the measure clause by clause, because the principle of the Bill will have to be discussed in connection with several of the clauses on their merits.

Hon. Mr. LANDRY—I think before the hon. minister gives his answer to that question, it should be remembered that the rules of this House and the rules of parliament provide that the discussion of the merits of a Bill is on its second reading. No hon. member can interfere with these rules.

Hon. Mr. SCOTT—While that is conceded as a principle, hon. gentlemen must of course remember that on very many occasions members have risen in their places and said, the terms of this Bill may be altered so substantially in its later stages as to enable me to support it. I therefore desire to say that I shall be left free if I decide not to move against the second reading of the Bill, to vote against it at any subsequent stage. It is very often the stage at which the six months' hoist is moved—in fact more often than on the second reading. So long as the House quite understands that every member is at liberty and absolutely free to vote against the measure at a subsequent stage, I think I am not breaking any parliamentary rule in expressing the opinion that in my judgment they should be free.

Hon. Mr. LANDRY—Who gives that freedom ?

Hon. Mr. CHOQUETTE—The authority of the House.

Hon. Mr. LANDRY—No, the authority of the House is against that, and anybody could stand up and call to order any member who discusses the principle of the Bill in committee.

Hon. Mr. CHOQUETTE—There is no rule to that effect.

Hon. Mr. LANDRY—The hon. member does not know all the rules.

Hon. Mr. CHOQUETTE—That very thing was done in the other House. There have been cases where on the third reading members have discussed the whole principle of a Bill and rejected the Bill itself.

The SPEAKER—Rule 42 says that the principle of a Bill is 'usually debated an the second reading.'

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

The Senate adjourned until to-morrow at eleven a.m.

THE SENATE

OTTAWA, Tuesday, July 10, 1906.

The SPEAKER took the Chair at Eleven a.m.

Prayers and routine proceedings.

DRILL PAY OF COMMANDING OFFICERS AT LEVIS CAMP.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Why at the last camp at Lévis was there not paid to the commanding officers of the various corps (regiments and companies) the command and drill pay to which these commanding officers have a right according to the regulations in force?

Hon. Mr. SCOTT—This is the first time I have seen this notice.

Hon. Mr. LANDRY—Then postpone it until to-morrow.

Hon. Mr. SCOTT—Yes, and I will make some inquiry.

Hon. Mr. CLORAN—We may prorogue to-morrow.

Hon. Mr. SCOTT—Well, I shall try and get the information for the hon. gentleman.

Hon. Mr. LANDRY.

LORD'S DAY BILL.

IN COMMITTEE OF THE WHOLE.

Hon. Mr. SCOTT moved the House into Committee of the Whole on Bill (12) An Act respecting the Lord's Day.

Hon. Mr. LANDRY—Before this motion is carried, I should like to call attention to what took place in committee last evening. The hon. gentleman from Grandville (Hon. Mr. Choquette) asked the Secretary of State if permission to discuss in committee the principle of the measure would be allowed while we were considering it clause by clause, because the principle will have to be discussed in connection with several of the clauses on their merits. I rose at that juncture and remarked that in committee the discussion on the principle of the Bill was not allowed, and the hon. gentleman from Grandville said that with the authority of the House we could do that. I know the hon. gentleman is familiar with the rules of the House; at all events, I call the attention of the House to rule 76.

Rule 76 says: 'No arguments are admitted against the principle of a Bill in Committee of the Whole.' That rule would prevent any member from rising in Committee of the Whole to offer any arguments against the principle of a Bill. I think I was quite right yesterday when I made my objection, and those who pretended that I was wrong were themselves in the wrong. I know the thing can be done, but only with the permission of the House. If any one moves the suspension of rule 76, I do not say that I shall object to it; but in order to have our proceedings correct, I think some hon. gentleman should rise and make that motion, in order that we may, in Committee of the Whole, be permitted to discuss the principle of the Bill. If that is done there will be no objection at all, but if it is not done we will be going against one of the rules of the House, and any member could ask that the rules be put in force. If no one else moves the suspension of the rule I shall do so.

The SPEAKER—I cited rule 42, which relates to debates on the second reading. We were then on the motion for the second reading of the Bill.

Hon. Mr. LANDRY—My objection is, that in Committee of the Whole we could not

discuss the principle of the Bill except with the authority of the House.

Hon. Mr. YOUNG—Is it understood that the House grants the latitude asked for ?

Hon. Mr. SCOTT—There was an understanding to that effect yesterday.

The SPEAKER—The motion is carried.

(In the Committee.)

Hon. Mr. SCOTT—The Bill is entirely different from ordinary legislation. There are a dozen different principles in it.

Hon. Mr. LANDRY—I think the hon. gentleman ought to move that rule 76 be suspended.

Hon. Mr. SCOTT—I have no objection to doing so.

The CHAIRMAN (Hon. Mr. Young)—If it is an understanding with the committee that a general discussion may take place, then I will be bound to accept that understanding. I want to allow every latitude in the discussion that is possible within the rules of the House and the will of the committee.

Hon. Mr. McMULLEN—I suggest that the discussion as to principles should take place on the first amendment. If we are going to have a discussion of that kind on every amendment there will be no end to it.

On clause 1, subclause (a).

The Lord's day means the period of time which begins at twelve o'clock on Saturday afternoon and ends at twelve o'clock on the following afternoon.

Hon. Mr. POWER—I move that the word 'Sunday' be substituted for the words 'The Lord's Day' wherever they occur in the Bill. The expression 'Lord's Day' is one which is never used in ordinary conversation, or in business. It is never used even by clerical gentlemen except when speaking in their official capacities from the pulpit, or on some similar occasion, and every one knows just what Sunday means. We ought to follow the language of the law, which is supposed to be the language of everyday life. Then there is another point. The day which has been selected as the day of rest and to be observed as such is Sunday. The great majority of the population are Christians, and Christians who believe in Sunday as being the day to be observed; but there are certain classes of the population who look upon Saturday as the Lord's day. Every one knows what Sunday is, and recognizes that Sunday is the first day of the week. I have spoken to a number of members of this honourable House, and also to some gentlemen outside, and all appeared to be in favour of making the change, that the name which is generally applied to the day should be applied to it in the Bill.

Hon. Mr. BAIRD—What would you do with the title of the Bill ?

Hon. Mr. POWER—Everywhere the word Sunday is substituted for 'The Lord's Day.'

Hon. Mr. CLORAN—Then the clause will read as follows :

Sunday means the period of time which begins at twelve o'clock on Saturday afternoon and ends at twelve o'clock on the following afternoon.

Hon. Mr. POWER—That is not the point now. If my amendment is adopted, then Sunday will come in there.

Hon. Mr. CLORAN—The hon. gentleman might as well have made the two amendments in one. He says, 'The Lord's Day' is not a common expression. It is. In French it is, 'La Jour du Seigneur.' Of course I accept the amendment, with the understanding that Sunday will not commence on Saturday afternoon.

Hon. Mr. McMULLEN—It would be a great risk on our part to introduce this amendment. In the other House this expression, 'The Lord's Day' has been associated with the Bill in all its different phases. Every petition that has been sent here has been for legislation for the better observance of the Lord's day. I see no necessity to change the word. We had better let it stand as it is.

Hon. Mr. CHOQUETTE—I quite agree with the amendment. In the French version, the word used in the title is Sunday. The Lord's day, in French, does not mean Sunday at all. The word Dimanche is

understood everywhere. The translation is bad from beginning to end—even the title is bad. I quite agree with the amendment, and think it ought to be accepted.

Hon. Mr. ROSS (Halifax)—If you turn to the first chapter of Revelations you find the expression used by St. John is, 'The Lord's Day.' Moses, before they got to Sinai, said 'To-morrow is the Sabbath of the Lord.' I do not think it would be well to make the proposed change. The Lord's day is good enough for us, and no change would be an improvement.

Hon. Mr. MITCHELL—Every day is the Lord's day; the old-fashioned Sunday is good enough. That is what it has been called by our forefathers.

The committee divided on the amendment, which was agreed to; contents, 31, non-contents, 13.

Hon. Mr. BOSTOCK—Before anything further is done in this matter, speaking about this Bill yesterday, I said that I should introduce an amendment. My reason for so doing was that I did not agree with certain clauses of the Bill which are going to affect the province of British Columbia very materially, and which will, if adopted, put the people in certain businesses in that part of the country in the position of having to work more on the Sunday than they are in the habit of doing at the present time.

Hon. Mr. LANDRY—I would ask the hon. gentleman if he intends to propose an amendment to the first clause?

Hon. Mr. BOSTOCK—My amendment would strike out all the clauses of the Bill.

Hon. Mr. LANDRY—Is this an amendment to the first clause, because there are other amendments to be proposed, and we must proceed in order?

Hon. Mr. BOSTOCK—As I have already stated, I think that this Bill will work a great hardship in certain parts of the country, and it is a matter that would be much better dealt with as a provincial measure, and that we can meet the different requirements of this enormous country a great deal better by having this amendment which I intend to propose placed in the Bill; but I have ascertained that there is not much probability of being able to carry it. It is probably very much against the desires of the House, and as the session is drawing so near a close, and we do not want to waste time over a discussion of amendments which are not going to be carried, I have thought better not to put this amendment before the House, and I will not, therefore, lay it on the Table.

On subclause (a) of clause 1—definition of Lord's day.

Hon. Mr. CLORAN—I move that the entire clause be struck out, and that it read as follows:

Sunday means the period of time which begins at twelve o'clock midnight Saturday and ends at twelve o'clock on Sunday night following.

Hon. Mr. DeBOUCHERVILLE—I would ask the hon. gentleman, does not 10 o'clock in the afternoon mean 10 o'clock at night, does not 11 o'clock in the afternoon mean 11 o'clock at night? Then 12 o'clock in the afternoon must mean 12 o'clock at night?

Hon. Mr. POWER—At first sight, there might appear to be some force in the contention of the hon. gentleman for Victoria division (Hon. Mr. Cloran), but we should not make any amendments which are not really amendments. The whole day from 12 o'clock on Saturday night until 12 o'clock on Sunday night is divided into forenoon and afternoon. Up to noon on Sunday it is forenoon; from noon on Sunday until midnight is the afternoon, and, consequently, this definition is quite correct as it stands. Sunday means the period of time which begins at 12 o'clock on Saturday afternoon and ends at 12 o'clock on the following afternoon. The hon. gentleman, in his amendment, proposes to use the word Sunday, but when you come to define the expression you cannot use that same expression in the definition. The definition, as it now appears in the Bill, is perfectly correct.

Hon. Mr. CLORAN—It is altogether against the interpretation of men of science and of the English language, and against the rules of interpretation. I am surprised at the hon. gentleman from Halifax asking us to put on the statute-book a phrase which is not in accordance with the lan-

guage of the times. He knows, as well as I do, that 12 o'clock on Saturday afternoon means 12 noon to midnight. Does he mean from 12 a.m.? If so, why does he not say so? Let the law be clear. The Minister of Justice admitted to me that this definition is not clear, it is indistinct, and when the question was put to him, if he were on the bench and had to interpret what the word afternoon meant, he would have to go according to the legal definition of the word, the literary definition of the word. Saturday afternoon starts at noon and winds up at 12 o'clock at night. If you leave this on the statute as it is in this Bill you make a new Sabbath from 12 o'clock Saturday afternoon. I quoted here last evening the highest authorities I could find in the library showing that afternoon means from noon of the day until midnight. As far as I am concerned, I shall not be a party to putting on the statute-book a thing which is not correct and against all traditions.

The Senate divided on the amendment, which was rejected. Contents, 11; non-contents not counted.

On subclause (e) of clause 2,

'Performance' includes any game, match, sport, contest, exhibition or entertainment.

Hon. Mr. FORGET—I should like to have a better definition of the word 'performance' than appears in this subclause. I have the opinion of a firm of very good lawyers in Montreal, and they say that this definition is too broad for the province of Quebec. I should like to know from the hon. Secretary of State if the parks are allowed to be open on Sunday?

Hon. Mr. SCOTT—If there is no fee charged for entrance, or no performance for a fee, they are.

Hon. Mr. FORGET—I should like to have the subclause read, 'theatrical performance.'

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. FORGET—The hon. gentleman from Victoria last night contended that the word performance could be applied to performances in churches—sacred performances.

Hon. Mr. SCOTT—The hon. gentleman defined it, and his views are met largely by exceptions that come later in the Bill. I think the word is not too general in the interpretation clause.

The subclause was adopted.

On subclause (g),

(g) 'Provincial Act' means any public Act of any province whether passed before or since confederation.

Hon. Mr. DAVIS—I do not know that a provincial Act would cover the Acts passed by the council of the Yukon. I suppose if this is to be a general Act for the whole Dominion it would apply to the Yukon as well as to the provinces. The Yukon is not a province, and there are territories outside of Alberta and Saskatchewan in which laws will be enacted in a short time probably.

Hon. Mr. GIBSON—It will certainly be under the Dominion government until such time as the province is created.

Hon. Mr. CLORAN—But in the meantime they have their own local laws.

Hon. Mr. DAVIS—They will have their own local laws. The provinces we have recently formed had as much self government, practically, as we had in any province of the Dominion, and if this law is going to be, practically, placed to a certain extent under provincial legislation, I do not see why the territorial Act should not be included as well. I move that the word territory be added.

Hon. Mr. POWER—Is there not some provision already which includes territorial Acts, if you can call them such, under the term 'provincial Acts'? I think there is.

Hon. Mr. LOUGHEED—I would point out to my hon. friend from Prince Albert that the word province included the Northwest Territory. I think the Yukon Territories are within the Northwest Territories now, if I am not mistaken.

Hon. Mr. DAVIS—If the legal gentlemen of the House are satisfied that the word province will cover the Yukon and the other territories, I am satisfied.

Hon. Mr. LANDRY—This is a definition, and you give the words 'provincial Act' the meaning you want, and you apply it to provinces.

Hon. Mr. JONES—I do not think it would cover Keewatin.

Hon. Mr. LOUGHEED—Yes, the word 'province' covers the district of Keewatin.

On clause 2,

2. It shall not be lawful for any person on Sunday, except as provided herein or in any provincial Act now or hereafter in force regarding matters coming within the classes of subjects enumerated in section 92 of the British North America Act, 1867, to sell or offer for sale or purchase any goods, chattels or other personal property, or any real estate, or to carry on or transact any business of his ordinary calling, or in connection with such calling, or for gain to do, or employ any other person to do, on that day any work, business or labour.

Hon. Sir MACKENZIE BOWELL—I notice in this clause that you make the penalty for any person who will sell, offer for sale, or purchase, but there is no penalty for the man who wants to buy and attempts to buy. If the one is culpable, why not the other ?

Hon. Mr. GIBSON—What will be the use of him going to buy, if there is nobody to sell to him, according to law.

Hon. Mr. CLORAN—Suppose he goes into a shop and dickers for an object—tries to purchase, but does not purchase because he will not pay the price of the articles——

Hon. Mr. SCOTT—Either the purchaser or the seller is liable.

Hon. Mr. POWER—It is covered by the words in line 25—'To sell or offer for sale or purchase.'

Hon. Mr. MACDONALD (B.C.)—The one who attempts to buy commits no offence, but the one who offers for sale does.

Hon. Mr. FORGET—The first part of this clause reads :—

It shall not be lawful for any person on Sunday, except as provided herein or in any provincial Act now or hereafter in force regarding matters coming within the classes of subjects enumerated in section 92 of the British North America Act, 1867, &c.

It is all right for the provinces that have the English law, but it is very unfair to the province of Quebec, which has not the English law. I would suggest that, in order to protect the province of Quebec, it would be only fair if this clause were altered to put the common law of the province of Quebec on an equal footing with the laws of the other provinces.

Hon. Mr. SCOTT—The province of Quebec is under the constitutional Act passed in 1867, and known as the British North America Act. I think the clause as now worded gives ample protection to the province of Quebec. It in no way interferes with the civil law in force there, nor does it interfere with the right of the province to legislate hereafter. Not only all the laws that exist now in the province of Quebec are continued, but the laws that may hereafter be enacted by their own legislature.

The CHAIRMAN—The point which the hon. gentleman raises is covered by clause 14, which reads as follows :—

14. Nothing herein shall be construed to repeal or in any way affect any provision of any Act relating in any way to the observance of the Lord's day in force in any province of Canada when this Act is passed ; and where any person violates any of the provisions of this Act, and such offence is also a violation of any other Act, the offender may be proceeded against either under the provisions of this Act or under the provisions of any other Act applicable to the offence charged.

Hon. Mr. FORGET—That is all very well for the laws that have been passed, but it does not recognize our common law.

Hon. Mr. SCOTT—Oh, yes it does.

Hon. Mr. FORGET—I am not a lawyer, but my attention has been drawn to it by a very good firm of lawyers in Montreal.

Hon. Mr. DAVIS—Is not this a matter which might properly be left to the provinces to deal with? It seems to me it is a provincial matter and should not be in this Bill at all.

Hon. Mr. MACDONALD (B.C.)—But they will not do it.

Hon. Sir MACKENZIE BOWELL—I would call the attention of the hon. gentleman from Halifax to the fact that while line 25 provides a punishment for the man who purchases, there is no punishment for the man who attempts to purchase,—that is the point I make.

Hon. Mr. MACDONALD (B.C.)—He does not commit any offence ; he does not perform the act ; he does not buy.

Hon. Mr. CLORAN—He does not conclude the act ; he performs all he can.

Hon. Mr. FORGET—I would ask that this clause be delayed.

Hon. Mr. SCOTT—It has been so thoroughly threshed out in another place that I do not see any object in allowing it to stand. It has been changed a dozen times and has secured the final approval of the House of Commons in its present form, and I am quite sure it is already in accordance with the views of the Senate.

Hon. Mr. LOUGHEED—What did I understand my hon. friend to say a few moments ago as to the common law which was in force in the different provinces before confederation?

Hon. Mr. SCOTT—I said the common law is not in force in Quebec. It does not disturb the civil law of the province. They have adopted in Quebec large portions of the English law. The criminal law of England, as we have it in Canada now, is in force in the province of Quebec, otherwise it is governed by what is known as the Code Napoleon, ordinarily called the civil law. The Bill neither detracts from nor adds to the provincial law in any respect. It allows the provincial law, in so far as the matters herein concerned are affected, to have absolute supremacy.

Hon. Mr. LOUGHEED—My hon. friend's statement is radically opposed to the opinion of a leading firm of counsel in Montreal as to the common law being in force in Quebec. The opinion is stated by them, with confidence, apparently, that it would oust the common law of Quebec so far as its application to the observance of the Sabbath is concerned.; that the Act should be made to extend not only to provincial Acts, but to provincial laws, thus covering the common law which may be in force in the province.

Hon. Mr. FORGET—What is the objection to accepting an amendment covering the common law of Quebec?

Hon. Mr. SCOTT—There can be no amendment to this clause; that I emphatically state, because it has been agreed upon and it would only be a waste of time to amend it.

Hon. Mr. LANDRY—Will the hon. gentleman tell us what are the clauses which we cannot amend? We are here to discuss the Bill and when the government declares certain clauses shall not be touched, it is a contempt of this House.

Hon. Mr. SCOTT—Perhaps my expression was rather too strong. At this period of the session, when hon. gentlemen are anxious to get away, if I saw there was any probability of a clause being amended by free and full discussion I should be glad to co-operate in it, but in stating what I did I had in view the opinions of another place. They have to approve of any changes we may make, and, knowing the views of the House of Commons, I do not hesitate to say that any change we might make would be perfectly idle. There are certain other clauses which I think we could insist on having changed. If this House were by vote to change some of the other clauses I think the other House would acquiesce. But in regard to this clause, which has been so thoroughly discussed, we could not enforce our views on that House.

Hon. Mr. LANDRY—It is perfectly plain now that a caucus took place last night.

Hon. Mr. SCOTT—This has nothing to do with the caucus.

Hon. Mr. LANDRY—We know now by the declaration of the leader of the House that certain clauses have been agreed on that are to be amended, and certain others must remain as they are. It is not the Senate now who is going to decide, it is the caucus which has been held outside the Senate.

Hon. Mr. SCOTT—I am willing that the clause shall stand.

Hon. Mr. FORGET—Let it pass and I will move an amendment on clause 14 which will cover the case.

The CHAIRMAN—Is it the pleasure of the House that the clause shall stand?

Hon. Mr. DeBOUCHERVILLE—Is it the intention that the clause will stand until the next sitting, or just for the present?

The CHAIRMAN—It will stand until the committee desire to take it up.

Hon. Mr. SCOTT—It will save time if we come to an agreement amongst ourselves, that where any clause is really and earn-

estly contested it shall be allowed to stand, and we will pass the non-controversial clauses and reduce the discussion thereafter within more reasonable limits.

Hon. Mr. LANDRY—That is just the information I was asking the hon. gentleman to give us a few moments ago.

Hon. Mr. FORGET—The hon. Secretary of State tells us that this clause has been well threshed out in the House of Commons and he is not ready to accept an amendment. A great many things are well threshed out in that House, and when it is suggested that a clause could be amended in a fair way they are quite willing to accept it. It may be for instance something that has been overlooked. I am not trying to amend the clause to defeat the object of the Bill, but trying to make it more perfect. If the attention of the members of the lower House is drawn to it they would be glad to accept it.

Hon. Mr. SCOTT—The amendment may be laid on the Table.

Hon. Mr. LOUGHEED—It is proposed that the words 'or law' should follow the words 'provincial Act,' so as to preserve in force the common law in all the provinces. The question might arise as to whether this would not be an express repeal of the common law on this subject in the various provinces in which it may be in force respecting the Lord's day that would involve an amendment in the second and fourteenth clauses, namely, the insertion of the words 'or law,' following the words 'provincial Act,' so that it would read 'in any provincial Act or law.'

Hon. Mr. SCOTT—I did not consider that in the nature of an amendment, because I thought the clause wide enough to cover it. I stated that it in no way interfered with the provincial or civil law.

Hon. Mr. LOUGHEED—The word Act would certainly exclude the common law.

Hon. Mr. SCOTT—It did not, in my judgment.

Hon. Mr. LOUGHEED—The word Act may be stricken out and the words provincial law may be inserted.

Hon. Mr. SCOTT—Make it read 'provincial Act or law,' and that will be accepted.

Hon. Mr. SCOTT.

The amendment was agreed to.

The clause was adopted.

On clause 3,

3. Notwithstanding anything herein contained, any person may on the Lord's day do any work of necessity or mercy, and for greater certainty, but not so as to restrict the ordinary meaning of the expression 'work of necessity or mercy,' it is hereby declared that it shall be deemed to include the following classes of work.

Hon. Mr. DAVIS—I should like a little more information about what constitutes a 'work of necessity.' Who is to be the judge of the work of necessity? It appears to me it would be inconvenient to have it settled by the judge of the court, because you might have to go to court and spend hundreds of dollars to have the matter settled. A man in Quebec might think a work he has to perform was a work of necessity, and in another section of the country he might think differently. It appears to me it is very broad and one could do mostly anything under this. A man might say that anything was a work of necessity. For instance, out in the country, if people felt inclined they might run their threshing machines. If a man had his wheat in stock and the clouds looked threatening, he might turn out his threshing mill and in that way we might have all the threshing mills in the country working and that would be called 'a work of necessity.'

Hon. Mr. LANDRY—That is all right.

Hon. Mr. DAVIS—If it is all right, I am satisfied.

The clause was adopted.

On subclause (c),

Receiving, transmitting or delivering telegraph or telephone messages.

Hon. Mr. LANDRY—Could we post letters?

Hon. Mr. JONES—Yes.

Hon. Mr. FORGET—You could under this Bill prosecute the Postmaster General and have him fined?

On subclause (e),

(e) Starting or maintaining fires, and ventilating, pumping out, and inspecting mines, when any such work is essential to the protection of property, life or health.

Hon. Mr. JONES—With reference to that clause, in the management of a coal mine into which quantities of water are coming continued pumping is a necessity to keep the water to such level as will make it practicable for the men to work every day in the week except Sunday. Suppose that the pumping ceased because it was not a necessity for the protection of property, life or health. The water might rise in the mine in sufficient quantities, if you are not pumping on Sunday, to require all Monday to reduce it sufficiently to enable the men to go to work; yet it might not be considered that the pumping on Sunday was a necessity for the protection of the property. It might not in any sense injure the property, and might not injure life or health if there were no men working, but it would prohibit the mines from being worked on Monday. The men would have to keep the pumps going on Sunday to enable the mines to be worked continuously the other six days.

Hon. Mr. MACDONALD (B.C.)—The water would injure the property.

Hon. Mr. LANDRY—I think it falls under the other subsection.

Hon. Mr. JONES—It would not necessarily injure the property, but it would injure the results. I do not say the clause is not sufficient, but it is doubtful if it is broad enough to cover the case I suggest. I do not know whether it is or not

Hon. Mr. WOOD—Clause (d) covers that clearly.

The clause was adopted.

On clause (g),

The conveying of travellers and work incidental thereto.

Hon. Mr. WATSON—There appears to be no provision there for the carrying of express matter, and we all know that express matter its carried on all trains that carry passengers. I move that the words 'and all express matter' be added.

Hon. Mr. LOUGHEED—And baggage.

Hon. Mr. JONES—Will the transportation of passengers include the baggage of passengers ?

Hon. Sir RICHARD CARTWRIGHT—The word incidental will cover it.

Hon. Mr. DeBOUCHERVILLE—I do not see why we should give a right to the express companies which should be given to cases of emergency.

Hon. Mr. BAIRD—The express matter might be perishable goods.

Hon. Mr. SULLIVAN—Or a dead body.

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

On clause (h),

The continuance to their destination of trains and vessels in transit when Sunday begins.

Hon. Mr. WATSON—There are some doubts as to the meaning of this clause, and I think we should make it clear. I move that the word 'cars' be added after the word 'trains.'

Hon. Mr. SULLIVAN—Trains include cars.

Hon. Mr. WATSON—At the end of that clause should be added 'and work incidental to'. There is a question as to what a train means and where its destination is. It has been claimed that the destination of a train is a divisional point, but the understanding is that through freight in transit shall not be interrupted by Sunday. The definition of a train is of course the whole train made up. It might be necessary to take a few cars out of that train at some intervening point. Certain cars might be left at a divisional point, and others added to the train. It appears to me it was not the intention of the promoters of the Bill to prevent that; and to make it clear that it is not to be prevented. I move that the word 'cars' be inserted after the word 'trains'.

Hon. Mr. DAVIS—Is there no mention to be made of what is in the car ?

Hon. Mr. MITCHELL—That is dealt with under another clause.

Hon. Mr. THOMPSON—A train might reach a divisional point, and for some reason there might be a necessity to break it up, and a portion of it might pass on to its destination. It might be found necessary to add to the train a number of cars so as to make it what would be considered a train of sufficient size. Under this amendment,

only the cars originally with the train at the time Sunday commenced, could be carried forward. It might not be in the interest of the company to move a locomotive with only three or four cars, and there might be at the divisional point a number of other cars which would make up a train of sufficient size. If we are going to have freight trains moving on Sunday, it would be well to provide for cases of this kind.

Hon. Mr. SCOTT—That would interfere with the original intention. The intention was that only those cars which were in motion when Sunday began should be continued.

Hon. Mr. THOMPSON—Take the case of a train coming from the west, say from Toronto. It might reach a divisional point during Sunday where it would be necessary to have the division of the train. The portion of the train to be sent on to Montreal might consist of such a small number of cars that it would be hardly in the interests of the railway to move them.

Hon. Mr. WOOD—I think it would be unfortunate to make the change which has been suggested. If hon. gentleman will refer to subclause (x) they will observe that the board of railway commissioners have power to make regulations with regard to the freight traffic of any railway, and I think it is much better to leave matters of this kind in the hands of the board of railway commissioners, and not encumber the law with exceptions of this kind.

Hon. Mr. MITCHELL—I do not believe that the railway commission would care to interfere with the Act as it is passed. If this point is not conceded, of allowing a train to be made up with other cars, the consequence will be that you will have very few trains moving, and probably some perishable goods will not be moved, because a company will not run an engine and crew over a division for two or three cars. I do not believe that the railway commissioners will be very ready to over-ride what you put on the statute-book.

Hon. Mr. DAVIS—This should be made clear. This is a more important clause to us in the west than any other clause in the Bill. We have a congestion of grain at certain times in the year and we don't want to have any doubt or difficulty about the matter whatever. If there is a possibility, under the Bill as it stands without the amendment of the hon. gentleman from Portage la Prairie, of tying up trains at divisional points, we should make it clear and not leave anything to the railway commission, because, as my hon. friend from Drummond says, the railway commissioners may not want to interfere with legislation of this kind.

The amendment was adopted.

On subclause (i),

Loading and unloading merchandise, at intermediate points on or from passenger boats or passenger trains.

Hon. Sir MACKENZIE BOWELL—How would that affect the traffic on the upper lakes ? Take the Canadian Pacific Railway boats leaving Fort William and arriving on Sunday at their destination which would be Owen Sound ? They could not unload, because that is the terminus of the line. But take the Northern Transportation Company, whose western terminus is also at Fort William or Port Arthur, and whose eastern terminus is, I understand, at Sarnia. They could at the intermediate port of Owen Sound or any other port in that vicinity and unload their whole cargo, and then proceed to their destination. Or take the Grand Trunk Pacific boats which, I presume, will be placed on the lakes as soon as their connection is made at Port Arthur with the west. Their terminus may be at Midland. They could not unload their cargo there on Sunday under this clause; but if they stopped at an intermediate port five or six miles from Midland, they unload and then go on to their terminus. The Bill is, no doubt, as it was described by the hon. Secretary of State when he moved its second reading. It is a mass of incongruities and contradictions. This clause would favour—quite unintentionally no doubt,—one transportation company, but it would be diametrically opposed to the interests of another, and the privileges which would be assumed and exercised by the one could not be exercised by the other.

Hon. Mr. GIBSON—I wish to call the attention of the House to a peculiar fea-

ture in this clause of the Bill. Say that an animal from Montreal ; provided I am sending it through to Niagara Falls, I can unload it at Toronto on Sunday, but not at its destination. That is what it means practically. At the intermediate points you allow them to do anything, but at the terminus you allow them to do nothing, and that is a very serious question. An animal may be in transit for days and requires to be fed and watered and taken care of on its arrival, yet under this clause you do not allow the railway company or steamboat company to take the animal out and feed and water it. It must remain on the boat or on cars until Monday. That is a stupid and unreasonable thing to begin with, a thing that would lead railway companies and steamboat companies into endless litigation, because if any damage occurs to an animal, we all know how valuable that animal becomes when a claim is made for it against a railway company or a corporation. No such hardships should be inflicted on the owners of steamboats and railways.

Hon. Mr. POWER—If my hon. friend will look at subclause (m), he will see that it provides for the care of the animals at any rate.

Hon. Mr. CLORAN—I can see what the friends of Sunday observance wish, that a cargo say of coal or flour or other material that is not perishable arriving at its destination on Sunday should not be discharged until the following day. That is right, but they should have no objection to the prompt discharge of perishable goods or live animals. They ought to go halfway in that matter. The company should have the right to discharge perishable freight or animals at their destination, because it is a work of necessity.

Hon. Mr. WOOD—The railway commission will regulate that.

Hon. Mr CLORAN—I think the objection made by the hon. senator from Lincoln (Hon. Mr. Gibson) is a most sensible one.

Hon. Mr. WATSON—Clause (m) covers that case.

Hon. Mr. CLORAN—That applies to the care of animals in the stable or on the farm. You will get no judge to interpret it otherwise. The hon. senator from Lincoln is perfectly right.

Hon. Mr. GIBSON—If you look at clause (m) you will find that it does not provide for unloading at destination on Sunday. If it does, then why is clause (h) here at all? As a layman, I allow the lawyers must have some clauses in the Bill on which to base lawsuits, but if clause (m) covers the whole case we have in view, why have clause (h) there at all? Clause (m) only makes provision that you can care for an animal or feed and water it, but you cannot unload it if it reaches its destination on Sunday. When you go before a court, it will not be what the Senate said or meant about it, but what the judge interprets the language to mean as it appears on the statute-book. I have a great deal of sympathy for those who respect the Sabbath. I respect it myself and I have always done so, but I am not here to preach about it. At the same time I do not think that it is the meaning or the wish of the people of Canada to put unnecessary restrictions upon railway companies or steamship companies. I do not believe that steamship companies should start from this side of the water on a Sunday, nor from the other side on a Sunday, but when they are on their voyage and arrive in port on Sunday, say in the city of Quebec, they might land all their passengers, because the ship is destined to Montreal, but when she arrives in Montreal they cannot unload the merchandise or land their passengers there because it is Sunday. At Quebec they can take care of them, feed them, look after their luggage, do anything, because it is an intermediate point between Liverpool or Glasgow and the city of Montreal. When they arrive at Montreal on Sunday morning, according to law, these passengers are not allowed to land, the steamship company is not allowed to unload the luggage or to land its passengers. If any hon. gentleman should be on board an ocean liner for ten or twelve days and he has the bad luck to land in Montreal on Sunday, and is compelled to remain on board the ship until Monday, I should like to know how pleasant he would be to the officers when he was compelled to remain on board ship over

Sunday and be told that the steamship company could not unload his baggage or permit him to land on Sunday.

Hon. Mr. WOOD—Look at clause (g), the conveying of passengers and the work incidental thereto. That covers taking passengers and luggage from the boat.

Hon. Mr. GIBSON—Oh, no. Clause (g) refers to the conveyance of travellers and work incidental thereto. The three subclauses read as follows:

(g) The conveying of travellers, and work incidental thereto ;
(h) The continuance to their destination of trains and vessels in transit when the Lord's day begins ;
(i) Loading and unloading merchandise, at intermediate points, on or from passenger boats or passenger trains.

There is no provision for unloading at the destination. So long as the passenger is in transit, or the animal is in transit, unloading can be done, but if they arrive at the destination on Sunday they have to remain on board the vessel or car.

Hon. Mr. DAVIS—If a train load of cattle were to leave Calgary or Winnipeg and come through to Montreal it is doubtful if you could unload them on Sunday. Some hon. gentlemen say that you could under subclause (m) and others say that you could not. Would it not be just as well to add a clause to make it clear? No railway man wants to go voluntarily into a lawsuit, and this House could make the point so plain that it would not require lawyers to interpret it—there is a train arrives at its destination on Sunday that they can unload.

Hon. Mr. ROSS (Halifax)—I think the hon. gentleman from Lincoln is entirely mistaken. Supposing he arrives in Halifax on Sunday morning with one hundred passengers; they would be allowed to proceed to the port of destination on Sunday without any objection at all.

Hon. Mr. GIBSON—If the House would consent, I would move to add these words, 'loading and unloading merchandise at intermediate points or points of destination.'

Hon. Mr. SCOTT—No, that breaks into the Bill.

Hon. Mr. GIBSON—At once when you make provision for it, objection is raised by the lawyers; that just shows exactly that it is prohibitory to land at the point of destination, because, if it was not prohibitory, why object to incorporating this amendment in the Bill? If you are going to allow the handling and unloading in transit why not at the point of destination? If, perchance, a merchant ships goods from the city of Montreal to Vancouver, and it arrives there on Sunday, it must remain in the car over Sunday, but at Banff or Calgary it could be unloaded. I cannot see why one place should be interfered with more than another. I say the purposes of the shipper should be carried out, no matter whether it is live stock or perishable merchandise, he should be permitted to remove it from the cars on its arrival on Sunday, because it did not start on Sunday. The amendment I offer is that we should add the words 'or points of destination' after the words 'intermediate points.'

Hon. Mr. POWER—I think it would be very undesirable to adopt the amendment proposed by the hon. gentleman from Lincoln. If there is to be any Sunday law for railways at all, this is just where it comes in. His amendment would practically put an end to any Sunday observance on the railways. The original Bill did not contain this provision, but provision was inserted to meet the purposes of the railway companies, that merchandise which was carried on passenger trains could be unloaded at intermediate stations; that is so as to prevent the train being delayed to allow these trains to carry freight, passenger or mixed trains, and at the same time to go on and not lose time; but when the train arrives at its destination there is no argument in favour of the railway company being allowed to unload its freight there. The freight can wait, and the men employed about the railway yard may have a chance to have Sunday to themselves. The live animals, for which the hon. gentleman expressed so much sympathy, a sympathy in which we all share, are provided for in subclause (m). I assume that if the train arrives at Montreal with live animals on board——

Hon. Mr. CLORAN—It would not be a passenger train.

Hon. Mr. POWER—It does not say passenger train, in subclause (m). When the

animals arrive at Montreal, the natural way to care for them is to take them out of the cars and put them in a shed and water and attend to them there, and nothing is going to happen. It is all right to look after the railway interests of the country, but if we are going to have a Sunday Bill at all, we had better, to a certain extent, protect the men who are employed by the railways. I say that if a train has arrived at its destination, the caring for the cattle, would necessarily imply that they should be taken out of the cars and attended to. I do not think it was intended by the gentleman who appeared on behalf of the railways, that subclause (i) should be altered in the way proposed by my hon. friend. We are giving these people what they are asking for.

Hon. Mr. CASGRAIN (de Lanaudière)—How would it do to include the words 'live stock at destination ?'

Hon. Mr. POWER—That would simply nullify the whole question.

Hon. Mr. GIBSON—The hon. gentleman from Halifax says that we are working here in the interests of the railway companies.

Hon. Mr. POWER—I did not say that at all. The hon. gentleman must not put words in my mouth that I did not use.

Hon. Mr. GIBSON—Personally, I can say I am not legislating in the interest of the railway companies. I am trying to legislate in the interest of the whole people of Canada. I want to say further, that no representative of a railway company ever mentioned this Sunday Bill to me. I am as anxious as anybody to see the legislation of this House put on a proper basis, and that Sunday shall be properly observed. But, in doing that, let us do it on business principles, having due regard to the Lord's day, now called Sunday. My hon. friend from Halifax is a lawyer, and has all the advantages of legal knowledge that I do not possess, but he says that anything overlooked in clause (i) is taken care of in clause (m). With regard to subclause (m) it simply says, 'the caring for live animals,' and the argument I used before was that it did not provide for the disembarking of cattle if they arrived at their destination on the Sabbath day. I propose as an amendment to subsection (i), that it should read:

Loading and unloading merchandise at intermediate points or points of destination, for perishable goods or animals.

Hon. Mr. ROSS (Halifax)—The hon. senator from Halifax (Hon. Mr. Power) has very justly asked, are we going to have a Sunday at all ? I do not think we are. There is nothing in this Bill which shows the slightest respect for the fourth commandment or its obligations. Now as to the matter of cattle. A merciful man is merciful to his beast, and when a cargo of cattle arrives after a journey of say 1,000 miles at a port of shipment, what they actually want is a day of rest, so that they may be watered and rested before they are fit to ship. No man that has any sense or feeling would think of shipping cattle after coming a long distance without giving them a rest at the point of arrival. I have had some experience in shipping cattle for a number of years.

Hon. Mr. SCOTT—The several paragraphs enumerated have been very carefully prepared and all possible contingencies have been provided for. The clause under discussion refers only to one provision of the Bill. It is the loading and unloading at intermediate points. It might amount only to the sending ashore of a trunk. It has no possible connection with cattle. They are taken care of in another clause of the Bill. The whole tenor of the Bill will be changed if we provide that where freight arrives at its destination, labour shall be employed to take it ashore. That is not the intention of the Bill and the Bill would be worth nothing if that view were entertained. I am sorry my hon. friend cannot accept the subclause which provides for one single circumstance, and no other. Why introduce anything foreign to it ?

Hon. Mr. EDWARDS—My purpose in rising was to refer exactly to what the hon. Secretary of State has mentioned. This amendment applies to clause (i). If my hon. friend who moves it will go back to clause (h), he will see that it provides for the continuance to their destination of trains and vessels in transit. The first part of clause (3) reads as follows :

Notwithstanding anything herein contained, any person may on the Lord's day do any work of necessity or mercy.

Now coming to clause (m) it provides for

the caring for milk, cheese and live animals, and the caring for perishable products arriving at any point during the Lord's day. Taking all these three together it seems to me that the question to which my hon. friend refers is absolutely covered. Now as to the question of mercy, let me point out that where a few animals arrive at the terminus in a car well provided for, it is not and act of mercy to unload them. They are just as well off in the car, in many instances as if they were unloaded ; but as far as a carload of steers is concerned, it would be an act of mercy to unload them. There can be no question but that this point is covered. As to passengers, under any circumstances can it be considered an unlawful act for passengers to walk ashore at the termination of their voyage ? There can be no question about that. To my mind it would appear that the amendment is an unnecessary one.

Hon. Mr. CHOQUETTE—If the matter appears clear to my hon. friend why not allow us to make it clear for others by adding a few words. Our object should be to make the measure as clear as possible. My hon. friend who has just taken his seat says that the matter is clear to him ; if so what objection can he have to admitting the words which my hon. friend desires to insert ? We know how, from the very beginning, this Bill has been handled. On the title of the measure itself we have had to divide the House to ascertain what is the meaning of the Bill, and if the amendment suggested to the title had not been carried, we would have had two interpretations of the title, because for some people the Lord's day is Saturday, while for others Sunday is the day. I have had some experience on the bench as a judge, and I know that not only in regard to legislation which passes the Senate or the House of Commons, but in regard to local legislation as well, every Act that is passed might be interpreted in two or three different ways, and there is always a difficulty to know what is the meaning of the law. In some cases it is necessary to refer to the debates in Hansard to find this out. This Bill, I venture to say, will create any amount of litigation from one end of the country to the other. Let us make it as clear as possible.

Hon. Mr. EDWARDS.

Hon. Mr. DAVIS—The leader of the House says that all these clauses have been carefully gone over and he thinks they are perfect. If that is the case, I do not see why we are sitting here. I thought we were here for the purpose of offering suggestions, and if anything comes up in a Bill which affects the part of the country I come from I am justified in offering a suggestion. Some hon. gentlemen may consider that as far as the handling of live stock at terminal points is concerned, it is provided for in this clause. I am not quite so sure about that. We find other hon. gentlemen differing from them, so that there is likely to be an opening for litigation. Take the case of subclause (i). It is a well known fact that on the upper lakes there are boats which carry not only passengers but freight as well. Does anybody mean to tell me if one of these vessels arrives at any point on this side of the lake, loaded with cattle and also carrying passengers, that the passengers may come ashore, but that the people who own the cattle will have to keep them there from say seven o'clock Sunday morning, until the next day?

Hon. Mr. CLORAN—Twelve o'clock Saturday afternoon.

Hon. Mr. DAVIS—I think not, and I think it should be made so plain that we shall not want any interpretation by lawyers at all, that the average man on the street would know what this clause means. I do not see that it can do any harm to add the words the hon. gentleman from Lincoln has asked to have inserted in this Bill. Make it plain, so that everybody will know what it means, because it is an important point. We do not want whole train loads of cattle to stand on a siding for twenty-four hours without being able to unload them, and if we do unload them we do not want to be dragged into court to prove it was a necessity. No man in business wants to go into court to prove he has, under the law, a right to unload cattle, when, by the addition of half a dozen words in the Bill, we could make it quite plain. I think the amendment should be adopted.

Hon. Mr. McMULLEN—I entirely concur with the explanation of the hon. Secretary of State of the difficulty we fancy we have struck. In the first place, it is clearly

specified 'loading and unloading merchandise at intermediate points, on or from passenger boats or passenger trains.' That is clearly provided for. With regard to the amendment suggested by the hon. gentleman from Lincoln, it is clearly provided for by clause (m).

Hon. Mr. DAVIS—No.

Hon. Mr. GIBSON—No.

Hon. Mr. McMULLEN—Clause (m) reads:

The caring for milk, cheese, and live animals, and the caring for perishable products arriving at any point during the Lord's day.

Hon. Mr. SCOTT—And it does not matter whether those points are intermediate points or destination.

Hon. Mr. DAVIS—It is the caring for cattle and not unloading cattle.

Hon. Mr. McMULLEN—The caring for cattle is provided for, loading or unloading, whatever is necessary for their preservation. If it is fruit, and it is necessary to put it in cold storage, you can do it.

Hon. Mr. GIBSON—Why not provide for it?

Hon. Mr. McMULLEN—It is provided for.

Hon. Mr. DAVIS—What is the objection to providing for it?

Hon. Mr. LANDRY—I think we could meet the difficulty by adding the following:

And the unloading of live stock at terminal points.

Hon. Mr. POWER—Would it not be better to deal with the passenger trains alone here, and when we get down to (m), if we find it does not go far enough, we can amend it so as to cover the case referred to by the hon. gentleman from Lincoln, but I do not see why we should mix cattle and passengers together.

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again at the next sitting of the House.

The Senate adjourned until three p.m.

SECOND SITTING.

The SPEAKER took the Chair at Three p.m.

DRILL PAY OF COMMANDING OFFICERS AT LEVIS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Why at the last camp at Lévis was there not paid to the commanding officers of the various corps (regiments and companies) the command and drill pay to which these commanding officers have a right according to the regulations in force?

Hon. Mr. SCOTT—The answer is that the payments were never made in camp, but were made direct from the head office.

Hon. Mr. LANDRY—There is an order now making application to be paid during camp. I am asking why it was not served?

Hon. Mr. SCOTT—I have not the memo. at hand, but perhaps the officials were not aware of the order.

Hon. Mr. LANDRY—I will give the hon. minister a reference to the clause of the regulation.

CHARGES OF IRREGULARITIES AT LEVIS CAMP IN 1905.

MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency the Governor General praying that His Excellency will be graciously pleased to cause to be laid before this House a copy,—

1. Of the complaint made against Lieutenant Colonel Boulanger with respect to the alleged irregularities committed by him at the time of the camp at Lévis in 1905.

2. Of the inquiry held with regard to such alleged irregularities and of the evidence given.

3. Of all the correspondence exchanged on this subject between the Department of Militia and Defence or any member of the government and any person whomsoever.

4. Of every decision of the Militia Council and of every order of the Governor General in Council decreeing the expulsion of Lieutenant Colonel Boulanger from the ranks of the militia.

5. Of all correspondence subsequent to such expulsion asking for the holding of a court martial and for the appearance before it of the person alleged to be guilty in order to be able to reply to the charge.

6. Of every decision of the Militia Council and of every order of the Governor in Council replacing on the militia list without other form of trial the name of Lieutenant Colonel Boulanger.

7. Of all correspondence whatsoever which may have been exchanged on this subject up to this date.

Hon. Mr. SCOTT—There is no objection to the motion.

The motion was agreed to.

SUNDAY BILL.

REPORTED FROM COMMITTEE.

The House resumed into Committee of the Whole, consideration of Bill (12) An Act respecting the Lord's day.

The CHAIRMAN (Hon. Mr. Young)—At the close of the last sitting we had under consideration subclause (i) of clause 3. To that an amendment was moved by Senator Gibson that the words 'or perishable products and live stock at points of destination' be added after the word 'points' in the second line.

Hon. Mr. SCOTT—The objection to that was that it was germane to paragraph (i). Provision is made elsewhere, and therefore it would destroy the symmetry of the Bill to introduce it here.

Hon. Mr. GIBSON—If the hon. Secretary of State has no objection to including the amendment in subclause (m), I will withdraw it for the present.

Hon. Mr. SCOTT—We will make (m) as plain as possible.

Subclause (i) was adopted.

On subclause (j),

Keeping railway tracks clear of snow or ice, making repairs in cases of emergency, or doing any other work of a like incidental character, without the doing of which on the Lord's day the traffic on any transportation line cannot be safely carried on.

Hon. Mr. WATSON—There is no doubt as to what the intention of that clause is from the wording of it, but I think it would be made more plain as to what the companies have the right to do if it were amended by striking out the word 'character' and inserting the words 'necessary to keep the line open.' Any person knows that where a track is liable to be blocked with snow or ice it is necessary to do certain works; for instance, the only way to keep a track open during a heavy snow storm is to keep the trains moving. If there is snow lying on the track and it begins to rain, freezing at the same time, the only way to keep the track in a condition to operate is by running trains over it. Then, again, bridges may be washed away or an accident may happen which will require the removing of debris or the laying of new rails. All this work would be included in the words I have suggested, 'necessary to keep the line open.'

Hon. Mr. CLORAN—If you want to make that effective, you should use the word 'track'. There are plenty of tracks besides the main line, and somebody might drop on a railway company and say you are keeping your switches and sidings open when the law only allows you to keep the main line open. If we are passing legislation to help keep the tracks open it should be worded so that it could not be disputed in a court or anywhere else.

Hon. Mr. WATSON—I use both words 'line and tracks'.

Hon. Mr. CLORAN—That covers everything.

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

On subclause (l) of clause 3,

(l) Loading, unloading and operating any ocean-going vessel which otherwise would be unduly delayed after her schedule date of sailing, or any vessel which otherwise would be in imminent danger of being stopped by the closing of navigation; or loading or unloading before seven o'clock in the morning or after eight o'clock in the afternoon any grain, coal or ore carrying vessel after the fifteenth of September.

Hon. Mr. DAVIS—We have a lot of ships on the upper lakes, and during the grain season, in the fall of the year, the elevators at Fort William and Port Arthur and other shipping points are full to overflowing. It is absolutely necessary that the grain should be moved out every day in order to give place to what is pouring into the hopper from the west. If you enact legislation to prevent the loading of wheat at Port Arthur or unloading it at some port on this side of the lake, which would be practically the same thing; it would have this effect; the shippers do not care very much whether they send the grain out by Canadian or United States routes. A boat can be unloaded on Sunday at Buffalo, and if it cannot be unloaded at a Canadian port on Sunday, you will find that two-thirds of the wheat will go out by United States channels.

Hon. Mr. POWER—In line with the observations just made by the hon. gentleman, I have the honour to move that the words 'ocean-going,' in the first line of this paragraph be struck out.

Hon. Mr. SCOTT—That would render it liable to very great abuse. I would put in the words 'grain laden vessel on the upper lakes.' That will cover it.

The CHAIRMAN—A vessel coming in with coal and taking grain out would be delayed just as much

Hon Mr. SCOTT—It must be qualified so as to embrace every vessel. There should be some qualification after the words 'ocean-going.' It might be well to add 'or grain, coal or ore vessel on the upper lakes.'

Hon. Mr. BOSTOCK—It occurs to me that the effect of this clause will be to cut off boats running up to Skagway on the coast of British Columbia; they are not ocean-going vessels.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. BOSTOCK—They do not go outside the three-mile limit, and if an amendment is made to this clause it certainly should be made to include those vessels.

Hon. Mr. DAVIS—I do not know whether the amendment moved by the hon. gentleman from Halifax will meet the case or not, but the latter part of this clause provides merely for vessels at the close of navigation. My object is to have it apply to the earlier part of the season as well, because this congestion of grain takes place at the upper lake ports in the latter part of September or the beginning of October. The clause reads:—

(1) Loading, unloading and operating any ocean-going vessel which otherwise would be unduly delayed after her schedule date of sailing, or any vessel which otherwise would be in imminent danger of being stopped by the closing of navigation; or loading before seven o'clock in the morning or after eight in the afternoon any grain, coal or ore carrying vessel after the fifteenth of September.

I suppose that probably September 15 would be late enough. I wish to meet the case of the grain, and if my hon. friend can make a suitable amendment I am satisfied.

Hon. Mr. POWER—I think the amendment which has been proposed is in the right direction. There is no trade which deserves more consideration than the grain trade coming out from Fort William. The words which follow qualify it sufficiently—loading, unloading and operating any vessel which otherwise would be delayed after her scheduled date of sailing, or any vessel which otherwise would be in imminent danger of being stopped by the close of navigation. I may say with respect to the observation made by the hon. gentleman from Kamloops, that the hon. gentleman is perfectly right. Under one of our statutes a vessel running from Victoria to Skagway would be held to be a coasting vessel—not an ocean-going vessel.

Hon. Mr. McGREGOR—There is an omission in that clause. It is drafted to apply to the lake steamers. The clause fixes the 15th September, without saying up to what date the exemption shall continue. I suppose it is until the close of navigation.

Hon. Mr. SCOTT—Yes.

Hon. Mr. McGREGOR—But we have the ports of St. John and Halifax as well, which are open all the year around.

Hon. Mr. POWER—The vessels which sail from those ports are ocean-going vessels.

The CHAIRMAN—The question is on the amendment of the hon. senator from Halifax that the words 'ocean-going' be struck out.

Hon. Mr. SCOTT—I move in amendment thereto, that after 'ocean-going' the words 'or grain carrying vessels on the upper lakes' be inserted.

Hon. Mr. BOSTOCK—I do not think that would meet the condition of things I referred to. It would be necessary to put in something relating to coasting vessels.

Hon. Sir MACKENZIE BOWELL—If the object of the hon. Secretary of State is to confine the loading and unloading to grain, he would have to word it somewhat differently.

Hon. Mr. SCOTT—It was to include the grain vessels trading on the upper lakes. The argument of the hon. gentleman from Prince Albert was that the importance of

getting grain forward in the fall of the year was so great that special provision ought to be made for it, and I am willing to meet his view.

Hon. Sir MACKENZIE BOWELL—The expression 'grain carrying vessel' applies to the vessel, but that vessel might carry anything else besides grain.

Hon. Mr. DAVIS—I would point out that a vessel getting into port on Sunday morning or Saturday night, loaded with coal, would have to unload it, and reload with grain or else she would have to lie over. That will have to be prevented. If you do detain the vessels it will be a serious impediment to getting out the wheat in the fall of the year, and will have the effect of driving all the traffic into American channels. I would rather have the amendment of the senator from Halifax which covers the whole question.

Hon. Mr. SCOTT—The objection to the unqualified use of the word 'vessel' is that you open the door too wide, because a vessel can make arrangements to sail from Toronto to Kingston or to Sackett's Harbour opposite, or any other point. It was intended to be limited, but this amendment would have the effect of widening it. It throws the whole subject open, which is not the spirit of the Bill.

Hon. Mr. BOSTOCK—The argument of the hon. Secretary of State is one which is going to affect the provinces all through. In a question like this it is very difficult to cover all the points that come up. I certainly think that if this clause is going to be amended at all, the amendment of the senator from Halifax is the one which best meets the requirements of the case.

Hon. Mr. KERR (Toronto)—There is a very important industry besides grain carrying. It is growing in importance every day and will soon be of the greatest possible consequence to Canada, that is ore carrying. The ore is just as important as the grain, probably, for the industries of the country. It will be perfectly safe to leave the clause so that it will include any vessel at all.

Hon. Sir MACKENZIE BOWELL—Does not the hon. gentleman see from the wording of it that it might be a grain carrying vessel, but it does not restrict it to carrying grain alone.

Hon. Mr. SCOTT.

Hon. Mr. KERR (Toronto)—The description might include a vessel of that nature. It might mean an ocean-going vessel that happened to be up there, that is a through ship to Liverpool that had gone all the way through. There is no sense in legislating for a case of that kind. On the American side, there are very large ships of ocean-going size which are only lake boats and which carry nothing but ore; enormous vessels of ten or twelve thousand tons. Our trade in that direction is growing also, and why should vessels of this class not be permitted to take advantage of this clause, and not be forced to tie up for the winter in the wrong port. At times the season closes in very rapidly, and an hour or two makes all the difference in the world. It seems to me it is not an unreasonable thing to ask that this provision should apply to any vessel whether travelling on the lakes or on the ocean.

Hon. Mr. McMULLEN—There is in my opinion a great deal to be said in behalf of the gorged condition of navigation in the fall of the year, when the grain is being got out. I think we should consider that question seriously in framing this clause, and I am willing to accept the suggestion made by the Secretary of State. But ore is a product that is taken out every month of navigation from beginning to end. It differs altogether from wheat. Wheat is only reaped late in the year, and the result is that it is sent forward with a rush. There is an enormous quantity on the railways and on the grain carriers on the lakes, and it is necessary that we should specially consider that feature of the case. No such argument can be presented in favour of ore, and, consequently, we are doing well if we follow the suggestion of the hon. Secretary of State.

Hon. Mr. DAVIS—Would the loading and unloading of boats include the elevators as well?

Hon. Mr. BOLDUC—In view of the conflicting interpretations of these words by legal gentlemen, it is evidently impossible at this stage of the session to deal with the measure properly, and I give notice that at the third reading I shall move that the Bill be not read the third time now, but that it be referred to a committee com-

posed of five or six members of the legal profession to study it carefully and make a report to the House. I have no hesitation in doing so, because the Bill would not go into operation before March next, if passed now. We are to have another session in November, so I do not see that my suggestion, if adopted, will delay the Bill at all.

The amendment to the amendment was agreed to.

Hon. Mr. POWER—I move that in the beginning of the third line of this clause the word 'time' be substituted for 'date.' In connection with the grain trade it is often a very important thing to get away at a certain hour, and if a ship which should sail at 8 o'clock in the morning is delayed until 8 o'clock in the evening, the result may be serious where there is a congestion of freight as there is at Fort William towards the close of navigation. In order to help the business there, I move that the word 'time' be substituted for 'date' in the third line of the paragraph.

Hon. Mr. McGREGOR—There is certainly an omission there. That only applies to the lake ports.

Hon. Mr. CASGRAIN (de Lanaudière)—No, ocean-going ports.

Hon. Mr. McGREGOR—From 15th September till when?

Hon. Mr. SCOTT—Until the lakes freeze up there.

Hon. Mr. McGREGOR—But in places where there is not ice?

Hon. Mr. SCOTT—Then till the following year.

Hon. Mr. DAVIS—I should like to have some information on this clause. The provision of the clause reads, 'before 7 in the morning or after 8 in the afternoon.' Would that mean they would not be allowed to load in the middle of the day?

Hon. Mr. McMULLEN—You can load up to 7 o'clock in the morning and after 8 o'clock in the afternoon.

Hon. Mr. DAVIS—I think that should be struck out. Any one who knows anything about grain shipping there will understand that that will be a serious matter. Those elevators will not hold one half of the wheat crop, and it will have to be removed, and if any impediment is put in the way of getting that wheat out it will have a very serious effect on the western country.

Hon. Mr. McMULLEN—The first few lines of that clause provide for the very condition the hon. gentleman suggests.

Hon. Mr. SCOTT—Yes; that is quite clear.

Hon. Mr. McMULLEN—It says 'loading and operating any ocean-going vessel which otherwise would be unduly delayed after her scheduled date of sailing.'

The subclause, as amended, was adopted.

On subclause (m),

(m) The caring for milk, cheese and live animals, and the caring for perishable products arriving at any point during the Lord's day.

Hon. Mr. CASGRAIN—I should like to move to add one word in the first line, so as to make it read 'caring for milk, cheese and unloading live animals.'

Hon. Mr. LANDRY—What about caring for the live animals?

Hon. Mr. POWER—The hon. gentleman had better make a second paragraph, caring for milk, cheese and live animals—you have to care for the live animals—and then you might add 'and unloading live animals.'

Hon. Mr. CASGRAIN—I will amend my motion to suit the hon. gentleman from Halifax.

Hon. Mr. WOOD—I think there is a good deal of difference of opinion as to what the clause really means. My own view of the clause as it stands is that without the addition of any words, where it was necessary, in order to properly care for the live animals that were on board any train, they might be unloaded.

Hon. Mr. CASGRAIN (de Lanaudière)—If there is any doubt we should make it clear.

Hon. Mr. WOOD—And I might say further that I think under this clause that, if it were necessary in the case of milk which comes in on a train, it would be unloaded, and I take it that the intention of that

clause is that milk coming in on a train on Sunday morning will not only be unloaded but distributed. That is my understanding of the clause as it appears; but if there is any doubt about it, the word 'unloading' should be inserted in the first line of the clause, and it should read like this:

Unloading and caring for cheese and live animals.

Hon. Mr. SCOTT—As I explained before, I thought the clause was so wide that it comprehended everything under the word 'caring.' In the case of perishable articles, you would have to take them out of the car and put them in the refrigerator. There is a special clause with reference to milk, and if you insert these words in this paragraph you throw some doubt on the wording of the latter part of the clause. I accepted the proposal to make the clause clearer when hon. gentlemen expressed some doubt as to the extent of it, but if you make the first part clearer you must make the second part clearer, or else you throw a doubt on it.

The CHAIRMAN—The amendment proposed by the hon. gentleman from Westmoreland is that after the word 'the' the words 'unloading and' be added.

The amendment was adopted.

Hon. Mr. SCOTT—And there must be a similar amendment in the latter part of the clause.

Hon. Mr. BOSTOCK—As I understand this clause, it will do away with what it was intended to cover in the first instance, that is the case of farmers who will have to look after stock on Sunday. As I understand the way it was read just now, the loading and unloading and caring were the whole thing. Now the farmer does not unload stock on Sunday.

Hon. Mr. SCOTT—There is no doubt the hon. member is perfectly correct. The hon. member from Lincoln (Hon. Mr. Gibson) put the other proposition so strongly before the House that an impression was created that the clause referred to animals in transit. It was originally framed for the purpose of protecting the farmers.

Hon. Mr. LOUGHEED—It should not be amongst the transportation clauses. It is quite apparent this was inserted here through the solicitude probably of some agriculturists, when it should have come in paragraph (r). If this amendment which has been proposed is carried, it will take it out of the category of agriculture and entirely limit the clause to transportation subjects. I suggest that caring for milk, cheese and live animals be consolidated with paragraph (r) and the two clauses will harmonize.

Hon. Mr. SCOTT—We will have to leave the clause as it was originally, and frame another clause to meet the arguments of the hon. senator from Lincoln.

Hon. Mr. KERR (Toronto)—The Minister of Justice interpreted this clause to cover the care of perishable products in the dairy or on the farm, and had no reference at all to transportation, so there would be nothing to unload about them.

Hon. Mr. WOOD—It must refer to transportation, because it says 'arriving at any point.'

Hon. Mr. KERR (Toronto)—The later part of the clause does; but the first part refers to dairies and farms.

Hon. Sir MACKENZIE BOWELL—The first part refers to animals on the farm, and taking care of any perishable article on the farm, and has nothing to do with transportation.

Hon. Mr. POWER—I suppose the committee will agree to transfer the words 'unloading and' from the first part of the clause to the latter part.

Hon. Mr. LOUGHEED—I would suggest to the hon. Secretary of State that inasmuch as the two subjects are absolutely diverse from each other, he should frame a clause and put the earlier part of this section in with paragraph (r). Otherwise it will lead to confusion.

Hon. Mr. SCOTT—It will do to make the unloading refer to the latter part of the clause.

Hon. Mr. LOUGHEED—One part of the clause deals with farming, the other with transportation. Why should those two subjects be confused in this way, particularly as we deal with agricultural subjects in the latter part of this clause. My hon. friend had better remedy this defect.

The amendment was agreed to.

Hon. Mr. CASGRAIN (de Lanaudière)—I move to insert after the words 'perishable products' the words 'live animals.'

Hon. Mr. ROSS (Halifax)—Stock would be a better word. A fox or a bear would be a live animal.

Hon. Mr. CLORAN—Suppose a circus should come along with elephants, lions and tigers on board. They do not constitute what we call stock. Consequently if you have a carload of monkeys, elephants and giraffes, you would have to keep them locked up over Sunday.

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

On clause (n),

The operation of any ferry or boat authorized by competent authority to carry passengers on Sunday.

Hon. Sir MACKENZIE BOWELL—I think we should add after the word 'boat' 'or toll bridge.' Take for instance the bridge across the Bay of Quinté. From Belleville there is a toll bridge crossing to Prince Edward county to a place called Rossmore. The question arises whether the working of the draw upon that bridge would not be an infraction of the law. On Sundays, clergymen from the city of Belleville drive over to hold religious services on the other side of the bay. If that draw should be open it would be an infringement of the law if the men who are kept there for the purpose of working the bridge should close it. There is no ferry there now. It was taken away after the construction of the bridge. There is a dispute, I know, as to the powers given under another clause. Some lawyers contend that the draw could be worked under another clause; other lawyers have told me that it does not give the power. As the intention clearly is not to prevent the passage from one side of the bay to the other on Sunday, there can be no harm in adding the words 'or toll bridge.'

Hon. Mr. SCOTT—Better make it read 'The operation of any toll or draw bridge, or of any ferry or boat.'

Hon. Mr. FORGET—I would like to have some explanation as to that part of the clause which speaks of competent authority. In Montreal we have a great many working men employed in the city all week who live in different parishes along the St. Lawrence river. Every Sunday morning a boat leaves the city to carry these men to their different parishes to spend Sunday with their families and come back at night. Will that boat be permitted under this clause to operate as usual? What is competent authority?'

Hon. Mr. CLORAN—I endorse what the hon. senator has just said; the question of competent authority is not clear. It is obscure; it is worded in such a way as to bring cases into court. Is it federal authority, provincial or municipal, or what authority is it? The word 'competent'. does not mean anything in this line. Who is to be the judge? Should parliament not say what authority is to give a man a right to run a ferry or a boat and not let the judges decide. Then again, apart from ferrys and boats which are run by competent authority as we understand, but which the judges will not understand, the courts will say: 'Why did you not make your law plain and clear?' We have hundreds of streams through the country, rivers and lakes, and not one out of ten of the ferry boats are conveying passengers under competent authority; they are doing it for public convenience. All you have to do is to whistle from one side of the river to the other, and who will come out? The poor fishermen will come across for your convenience. He has no authority to do it, but he comes because you ask him to. Under this law all this traffic is suspended. Any man who will carry a passenger on Sunday is doing it without authority. Right here on the Ottawa there are men who ferry passengers across without any authority whatever, simply to be agreeable. Under this clause none of that traffic should be done on Sunday. That clause should be remodeled as most of the clauses have been.

Hon. Mr. McMULLEN—I cannot understand any man taking that view of a question of this kind. The clause says: 'The operation of any ferry or boat authorized by competent authority to carry passengers on the Lord's day.' That is a steamer. My hon. friend will admit that any person handling a steamer has to have a cer-

tificate as captain. They have to have a certificate that it is run as a steamboat.

Hon. Mr. CLORAN—Put in the word 'steamer' and I will agree with you.

Hon. Mr. McMULLEN—It is authorized by competent authority, simply that it is properly handled, that is has perhaps a pilot, a captain and engineer and all the necessary equipment to carry passengers. That is all that is wanted. When it is authorized under the authority of the law of the province of Quebec, that provides for the efficiency of captains and of engineers that are on board. They have to undergo an examination and must have a license. That is the competent authority.

Hon. Mr. FORGET—It is not necessary to insert that provision in the Bill. The hon. gentleman is aware that no one can navigate the waters of the St. Lawrence without a proper certificate. No one can be a pilot without having a license or a certificate. That provision is there for the protection and safety of the public.

Hon. Mr. McMULLEN—There must be some other meaning.

Hon. Mr. FORGET—There is no other meaning. Why should we put it in there. The law provides for it already. What I desire to know is whether we can start a boat on Sunday from one point to another point on that river on that day?

Hon. Mr. CLORAN—No.

Hon. Mr. SCOTT—I think it depends altogether on the character of the persons on the boat. If it is an excursion party they cannot. If it is a party going to their own homes, I think you can. Under subclause (g) the words 'conveying of travellers' would, I should think, cover the case. The clause under consideration has no connection with vessels going up and down the river. It is simply crossing the river backward and forward, and not going up and down, because it refers to ferry boats such as the boats running across the Ottawa or the boats at Montreal going to St. Helen's island or La Prairie. It has no reference to boats going up and down the river.

Hon. Mr. FORGET—It says any ferry or boat. A ferry must be a boat. Why should you put in 'any ferry or boat ?'

Hon. Mr. SCOTT—Because there are so many kinds of ferrys; there is a ferry boat, horse ferry, steam ferry, but it is quite clear from the way it is worded that it applies to a ferry.

Hon. Mr. FORGET—In that case I suggest that the clause should be amended. I think it is very hard on poor people who have to work all the week, and the only day they have to go to their homes is Sunday and the only means of communication is by boats. It is hard to prevent these people going home on Sunday. It is not an excursion, it is simply a man taking a boat to travel twenty or thirty miles, and then returning at night after spending the day with his family. I do not think excursions should be allowed.

Hon. Mr. POWER—Does the hon. gentleman not think that if a man wishes to go from Montreal forty miles down the river that he would come under clause (g)—the conveying of travellers? He is travelling.

Hon. Mr. CHOQUETTE—If they go for pleasure they are not travellers.

Hon. Mr. POWER—But if a man wishes to go to his own home from the city of Montreal, and his home is down the river, he would come under subclause (d). With respect to the clause which is under consideration, I think the 'competent authority' mentioned there is the authority which licenses the ferryman. I don't know how it is in the province of Quebec, but I know that in Nova Scotia a man is not allowed to carry on a ferry without a license. In some cases the license is granted by the provincial authorities, and in others by the municipal authorities, and the idea is that a duly licensed ferryman is to be allowed to carry passengers to and fro.

Hon. Sir MACKENZIE BOWELL—No doubt that is the intention of the framers of the law. In Ontario, any one who operates a ferry must take out a license. If it is an interprovincial or international ferry, such as the one from Ottawa to Hull, or from Prescott to Ogdensburg, Dominion authority must be obtained. The case referred to would, I think, be fully covered by the fact that the ferryman has competent authority in the power given to him under the charter which enables him to

operate the ferry. If my hon. friend from Victoria will look at subclause (o) he will find that the objection he takes is fully covered there. That clause would not prevent him from taking his family or his friend down the river.

Hon. Mr. CHOQUETTE—I quite agree with my hon. friend from Sorel, that the words 'competent authority' must be defined in some way. Does it mean that we cannot hire a boat without asking the permission of the municipal council before starting? Take the case of the boats of the Island Park Company at Montreal. Can they leave their wharf at Montreal on Sunday morning and carry passengers to St. Helen's island or must they apply for permission to do so; and if they must apply who is the authority to whom application is to be made? In Quebec, we have boats plying between the city of Quebec and the Island of Orleans, excursion boats, simply to enable the people to take a pleasure trip on the water. Must they ask competent authority for the right to start the boat; and if so, who is that authority? It seems to me that the clause is not well worded.

Hon. Mr. SCOTT—As I explained before, it is absolutely clear. There are no ferries in any part of Canada which are not either under federal or provincial authority, and control. This applies solely to ferry boats passing back and forward in a river which is international or provincial. If provincial, they get licenses from the provincial government. It has no reference whatever to a boat passing up or down. If workmen want to go to their homes fifteen or twenty miles down the river, they do not take a ferry for that purpose.

Hon. Mr. CHOQUETTE—If the word Sunday was not there, I could understand that, for every boat has authority to carry passengers. But there is nobody in the province of Quebec who could give authority to carry passengers on Sunday. If you omit the word 'Sunday' it is all right. But with that word there, you must have authority to carry passengers on Sunday.

Hon. Mr. FORGET—The Richelieu and Ontario boat has power to carry passengers every day of the year.

Hon. Mr. SCOTT—I have already explained, and I cannot do it more clearly, that this clause is exclusively confined to ferries, and ferries are under either provincial or federal control. This clause has no reference to boats plying between Quebec and Montreal.

Hon. Mr. FORGET—Take the ferry between St. Helen's Island and Montreal; the authority to run that ferry will not be good on Sunday under this Bill.

Hon. Mr. SCOTT—Yes, it would.

Hon. Mr. FORGET—Then every Sunday you would have to go and get the authority.

Hon. Mr. SCOTT—They have the right, if they have any authority for a ferry. It is not specially confined to Sunday.

Hon. Mr. LANDRY—What the Bill says is this; you must apply to competent authority.

Hon. Mr. SCOTT—Nothing of the kind.

Hon. Mr. LANDRY—It says 'authorized by competent authority.' Authorized to do what? To carry passengers?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—No, to carry passengers on Sunday. Where is the authority that gives that right?

Hon. Mr. SCOTT—In the instance given by the hon. senator opposite, this particular ferry, I presume, holds a license, does it not?

Hon. Mr. FORGET—Yes.

Hon. Mr. SCOTT—Then it does not interfere with that in the slightest degree, because they hold a license to ferry.

Hon. Mr. FORGET—It is put in here for a ferry that does not hold a license. A man undertakes to do a ferry business——

Hon. Mr. SCOTT—He has no right to do so unless he has a license.

Hon. Mr. FORGET—The hon. senator from Halifax (Hon. Mr. Power) says that these passengers spoken of could be carried under clause (g), 'the conveying of travellers and work incidental thereto.' Does the hon. gentleman mean that we could start a boat at Montreal to run to Quebec on Sunday?

Hon. Mr. SCOTT—No.

Hon. Mr. FORGET—The hon. senator from Halifax says we can under this clause. As I have said, nobody understands this Bill and it should be made clear. I contend that workingmen who work all week in Montreal should have the privilege of going to their homes on Sunday.

Hon. Mr. SCOTT—The case put by the hon. gentleman is reasonable, and I think provision should be made for it. That does not fit in with his illustration of running a boat from Montreal to Quebec. He tells me that a number of workingmen, and other people in Montreal live out of Montreal and they should have a right to go to their homes. I have no objection to amending the clause to read 'the conveying of travellers or passengers passing between their homes and places of business and employment.' That would be a proper thing to do.

Hon. Mr. FORGET—I am satisfied.

Hon. Mr. SCOTT—I can quite see the case my hon. friend has brought up is not provided for really in the Bill, and it is only proper that it should be provided for.

Hon. Mr. CLORAN—The amendment of the hon. gentleman is made in the interest of the people who do not need it; people who have homes in the country do not need such legislation. What we want in the large centres of labour, whether Montreal, Quebec or Toronto or elsewhere, is a chance for the workingman who has no home in the country, after going to church, to take a boat and sail on the river or on the lake and get the fresh air which he has not got in his home. The amendment proposed by the hon. Secretary of State means this: If I miss my train on Saturday afternoon, I will be at liberty to take a boat in the morning and go to Sorel or Laprairie, while the poor workingman will not have the right to get on board that boat because he is not travelling to his home. The president of the Richelieu and Ontario Navigation Company is here and knows what he is talking of. He is not speaking for himself alone, but rendering a service for 200,000 people in the cities of Montreal, Quebec, Three Rivers and Sorel, and wherever there is a centre of population. It may be said that he is talking in the interest of his company. Admitting he is doing so, is he not talking in the interests of the health of the working classes of this country? He says, personally he does not care to run his boats on Sunday, but he knows that our people need fresh air. It is all very fine for us to legislate in our own interests and on our behalf, but we should not forget that when we are legislating here we should legislate for all classes and not for a few who are able to have country homes out of the big cities.

Hon. Sir WILLIAM HINGSTON—There must be a great deal of ambiguity about this Bill. I have asked four legal gentlemen since I came here to-day the meaning of this clause, and the four gave me two opinions, and in the Senate this afternoon we have the same thing, no three agreeing upon that clause. It is a very important one and the only way of meeting the difficulty is to make it read thus: 'The operation of any ferry or boat authorized to carry passengers.'

Hon. Sir MACKENZIE BOWELL—By competent authority.

Hon. Sir WILLIAM HINGSTON—A boat goes by competent authority. Then we do not allude to the fact that it is Sunday. The hon. senator from Sorel mentioned the case where persons went in large numbers on Sunday morning to the country. I am obliged myself to go down the river Sunday morning to my country residence, sixteen miles below Montreal. I find that the boat carries large numbers of passengers and lands them at every small place on the way until reaching Sorel, and in the afternoon, when the boat returns, at three or four o'clock, it takes all those people home, and they are in their houses at nine o'clock at night. I add, with great pleasure, that I have never seen a sign of liquor on any of these persons either going down or coming back. We find fathers and mothers and their children going to spend Sunday with their parents and their grandfathers, and sometimes their great grandfathers, and we should afford every possible facility to their circulating easily on Sunday.

Hon. Mr. LANDRY—I move that the words after 'passengers' be struck out.

Hon. Mr. POWER—We had better leave the words 'on Sunday' in, because it does

not mean, as objected by some hon. gentlemen, that the owner of a ferry or boat is licensed to carry passengers only on Sunday. It means that he is licensed to carry passengers every day, including Sunday.

Hon. Mr. CHOQUETTE—Then there is no harm in taking it out.

The CHAIRMAN—I do not know that the word 'Sunday' is necessary in this clause when you come to read clause (l).

Hon. Mr. WOOD—I do not pretend to say what was in the minds of the framers of the Bill, but my understanding of that clause is that it required any ferry, before it could carry passengers on a Sunday, to get a license from whatever the licensing authority was, and if, as the hon. Secretary of State says, all ferries in Canada require to have a license from some authority, either federal or local, I would understand it that under this clause any ferry boat which desired to operate on Sunday would have to get included in its license the liberty to operate on Sunday. It would place it, to a certain extent, in the hands of the local authorities to license or to refuse to license a ferry boat to operate on Sunday.

Hon. Mr. SULLIVAN—It is absolutely necessary that these boats should be licensed. They carry large numbers of people, and they are required to come up to a certain degree of inspection. I do not think there is any more beneficent clause in the whole Bill.

Hon. Mr. SCOTT—There may be in some of the provinces a provision that the ferries shall not run on Sunday. If they are licensed generally without any exclusion of Sunday, they run every day in the year; but if they are licensed to run on week days only we should be interfering with provincial legislation.

Hon. Mr. BAIRD—An ordinary ferry boat which crosses a river simply completes the link between the two highways. It is usually licensed by the municipality or county council or some such authority, but principally by the council of the county in which the ferry boat runs. The boat simply connects the highways on the two shores of the river, and therefore it is authorized to run on Sunday, because it is a completion of the highway.

Hon. Mr. ROSS (Halifax)—I was brought up at a ferry which is called Ross's ferry, after my father. The ferries are licensed by the municipal council and they can carry passengers on Sunday just as well as on week days. People who have any regard for Sunday do not travel very much on that day, and we were never very much troubled on Sunday. But all the ferries in the province of Nova Scotia have their licenses from the municipal council and they have to make returns of the number of passengers, horses and carriages which they carry. When the ice moves out from the lakes and rivers in the spring of the year, the boats are inspected before they commence to run, and they must be up to a certain standard.

Hon. Mr. FORGET—I would not have any objection to have the municipal authority, say the city of Montreal, issuing the license.

Hon. Mr. SCOTT—That is a competent authority. Whatever authority now has control of the ferry is competent. Sometimes it is federal, sometimes provincial and sometimes municipal. You cannot define it here.

Hon. Mr. FORGET—In this case I speak of, the federal authority is the authority; it should be the city.

Hon. Mr. SCOTT—We cannot change it if it is the federal authority.

Hon. Mr. FORGET—Certainly you are not able to change a charter, but you are able to change this Bill. I will accept the amendment of the hon. gentleman from Stadacona.

The CHAIRMAN—We are discussing the amendment moved by the hon. gentleman from Belleville.

Hon. Mr. LANDRY—No; you cannot come in with another amendment to strike that out. The amendment, as read by the chairman, is that all these words stand part of the Bill, and if you declare that they shall stand part of the Bill, you cannot move an amendment afterwards to strike them out. The amendment should be put as the hon. gentleman from Belleville gave it.

Hon. Sir MACKENZIE BOWELL—The motion I made was to add these words.

Hon. Mr. LANDRY—I am taking it as it was put by the Chair.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman can propose any amendment he likes.

The CHAIRMAN—We will take a vote on the amendment of the hon. gentleman from Belleville, that the words 'toll or drawbridge, if any,' be added in the first line.

The amendment was adopted.

Hon. Mr. LANDRY—My motion is that all the words after the word 'passenger' be erased.

Hon. Mr. SULLIVAN—Why should they be struck out ?

Hon. Mr. DAVIS—Because there is no ferry licensed by competent authority to run on Sunday.

Hon. Sir MACKENZIE BOWELL—What is the effect of striking out the words 'on Sunday ?' I understand all the clauses from (a) to (x) are exceptions to the clause, which imposes penalties for infraction of the Lord's day or Sunday, and this is one of those clauses. If you strike out those words, you would prevent any muncipality in the future, or any local legislature, enacting laws against the carrying of passengers on that day. The intention of the law is to make certain exceptions to the general provision for the proper observance of Sunday ; and if you strike this out, it seems to me it is not necessary at all. However, I have no objection.

Hon. Mr. LANDRY—I will try to explain the view I took of that question. This is one of the exemption clauses—the operation of any ferry boat or toll bridge authorized by competent authority to carry passengers. The motion is to strike out 'Sunday,' because I take it that the operation of any ferry boat authorized by competent authority to carry passengers would be exempted. If you say 'to carry passengers on the Lord's day,' there must be a competent authority authorizing the carrying of passengers on Sunday. This is not the case ; it is the operation of any boat authorized by competent authority to carry passengers generally any day of the week. If there was a proper authority for Sunday and a different authority for the week, I would understand this qualification in the law, but there is only one authority that gives the license, and it gives it for every day in the week. So that we address ourselves to the authorities who give permission to carry passengers, and we say that the operation of any ferry boat authorized by competent authority to carry passengers generally is authorized to carry them on Sunday.

Hon. Mr. SCOTT—I must protest against that ; the hon. gentleman simply wipes out the whole Bill. If you make it 'any boat authorized to carry passengers,' you interfere with the whole Bill.

Hon. Mr. McMILLAN—The hon. gentleman from Stadacona means that a boat that is excepted here is a boat that is licensed to carry passengers on the Lord's day.

Hon. Mr. LANDRY—The exception is only given to ferry boats which are authorized to carry passengers and no one else.

Hon. Mr. McMILLAN—Unless they have that authority, they will not come under this exception.

Hon. Sir MACKENZIE BOWELL—The provincial legislature may grant a license for the carrying of passengers on every day of the week, but afterwards the same authority may pass a sabbatarian law for preventing the carrying of passengers on Sunday. Under this provision, no matter what law the provincial authorities would pass, the ferry could not be prevented from carrying passengers on Sunday. If this provision is left out, the province would have the authority to prevent their doing so.

Hon. Mr. DAVIS—All ferry boats are supposed to be licensed by competent authority, whether to run on Saturday or to run on Sunday : why should we want to keep that word 'Sunday ?' I think it should be left out, and then the clause would read 'the operation of any ferry authorized by competent authority to carry passengers.'

Hon. Sir MACKENZIE BOWELL—The province might pass a law preventing the ferry from running on Sunday. If they did so, that would stop the ferry ; but as long as this exception is included in the law, the provincial authorities could not do that.

Hon. Mr. DAVIS—I don't think we need bother about that; the provincial authorities are not going to pass any such law.

Hon. Sir MACKENZIE BOWELL—We are not talking of what they might do, but about what power they have.

Hon. Mr. FORGET—I understand the hon. Secretary of State has an amendment to propose.

Hon. Mr. SCOTT—I said I would be glad to amend subclause (g).

The CHAIRMAN—The question before the committee is whether the words 'on Sunday' shall be struck out of subclause (n).

The amendment was declared lost, and the clause was adopted.

On subclause (g),

(g) The conveyance of travellers and work incidental thereto.

Hon. Mr. SCOTT—To meet the case proposed by my hon. friend opposite, of persons who live outside of some of the cities and who go home on Sunday morning or Saturday evening, I think it is only fair and reasonable to enlarge subclause (g), and I will suggest the following :—

The conveying of travellers or persons passing between their homes and places of business or employment.

Hon. Mr. KERR (Toronto)—The clause is wider as it is.

Hon. Mr. LOUGHEED—That would have the effect of limiting it. The word 'travellers' is a very wide term.

Hon. Mr. SCOTT—The word 'or' conveys a distinction. If a man lived four miles out of Montreal down the river and was in the habit of going down by boat on Sunday, returning Sunday evening to his work, you could not call him a traveller.

Hon. Mr. LOUGHEED—He would be a passenger, under the Railway Act. How are you gong to draw the line whether he lives four miles or forty or four hundred miles away?

Hon. Mr. SCOTT—I was specifically putting the case as stated by the hon. gentleman from Montreal, which I did not think was met in the Bill. I do not think that a person going between his own home and Montreal a short distance would be classed as a traveller.

Hon. Mr. LOUGHEED—The hon. gentleman had better amend the Interpretation Act by making a new definition of 'traveller.'

Hon. Mr. FORGET—Why should a man not be able to go to his home by boat if he is permitted to go by tramway?

Hon. Mr. SCOTT—I can quite understand how it might be considered that under clause 6 persons passing to and fro in the way indicated would come under the provisions of clause 6 of the Bill.

Hon. Mr. LOUGHEED—I understand excursions as mentioned in clause 6 to be an organized effort by transportation companies to carry an aggregation of people to a common point for a consideration. Surely such a person as my hon. friend from Montreal refers to would not be regarded as an excursionist?

Hon. Mr. KERR (Toronto)—Perhaps the hon. gentleman from Montreal will tell us what the difficulty is in saying that the man who travels a couple of miles from his house to the city is a traveller? What is a traveller? One who travels; if he travels two miles he is a traveller just as much as if he travelled a thousand miles.

Hon. Mr. FORGET—I do not agree with that; if you go home from your office you are not a traveller.

Hon. Mr. KERR (Toronto)—I am so far as the conveyance is concerned in which I go, and that is all we are dealing with here.

Hon. Mr. FORGET—It is very ambiguous.

On subclause (o),

The hiring of horses and carriages or small boats for the personal use of the hirer or his family for any purpose not prohibited by this Act.

Hon. Mr. DAVIS—What about the man who has a horse to hire or a boat to rent? By other provisions in the Bill he is not allowed to do so.

Hon. Mr. POWER—If the hiring is not illegal, surely the other party to the bargain is not doing what is wrong?

Hon. Mr. CLORAN—This clause is restrictive, because if I have guests in my house and I were to take them out in a carriage or boat, any one who wishes to do so might have me brought up in the courts. The guests do not belong to my family.

Hon. Mr. MACDONALD—The clause goes on to say, 'for any purpose not prohibited by the Act.'

Hon. Mr. CLORAN—The law should not be left open for people to attack others. I move that the word 'guest' be added.

Hon. Mr. CHOQUETTE—There is not the least doubt that if this clause is adopted and clause 6 as well, it will be illegal to hire a horse or a boat, because we must read the two clauses together. We have passed subclause (g) and we know what 'travellers' means. In clause 6 it is said that 'passengers so conveyed shall not be deemed to be travellers,' so that I would have no right to hire a horse for my pleasure or amusement only, unless the last words in this subsection are omitted—'for any purpose not prohibited by this Act.' If you retain these words and take this subclause in connection with clause 6 it will be illegal to hire a horse or boat for pleasure, but if the last words in subclause (o) are omitted, it will be all right, and I move that these words be stricken out.

Hon. Sir MACKENZIE BOWELL—The interpretation of this subclause by the hon. gentleman from Victoria division is not borne out by the wording of the clause. If I have a dozen guests in my house on Sunday and I desire to give them a drive in the afternoon, that is for my own personal use; that is not for the purpose of making money. It is simply taking a carriage to go into the country and that is for my own personal use, no matter whom I may take with me. That is for my own personal use. Then it goes further and says you can do the same thing for your family, you could do either one or the other. The hon. gentleman who has just spoken, refers to clause 6. There are clauses in this Bill which prevent certain work and certain things being done on Sunday. There are exceptions to those clauses running from (a) to (x), and one of the exceptions is the permission to a person hiring a carriage for his own use or for his family. I am not a lawyer, but it strikes me that common sense would lead one to the conclusion that if clause 6 remains in the Bill without the exception, then the objection my hon. friend makes would hold good.

Hon. Mr. CHOQUETTE—If you hire a yacht for pleasure or amusement, you violate the clause.

Hon. Mr. SCOTT—The hon. gentleman's proposal is entirely in violation of the spirit of the Act. If we strike out those words, a dozen persons, might hire a carriage and go out on an excursion. Excursions are prohibited by clause 6.

Hon. Mr. JONES—While the Act appears to be clear that a man may hire a conveyance, it does not appear to be clear that he would be able to do so if he wished. Clause 2 says:

2. It shall not be lawful for any person on the Lord's day, except as provided herein or in any provincial Act now or hereafter in force regarding matters coming within the classes of subjects enumerated in section 92 of the British North America Act, 1867, to sell or offer for sale or purchase any goods, chattels, or other personal property, or any real estate, or to carry on or transact any business of his ordinary calling.

Would that not prevent a livery stable keeper from letting out for hire his horses or carriages?

Hon. Mr. SCOTT—Will the hon. gentleman read the remainder of the clause?

Hon. Mr. CHOQUETTE—The second paragraph reads as follows:

3. Notwithstanding anything herein contained, any person may on the Lord's day do any work of necessity or mercy, and for greater certainty, but not so as to restrict the ordinary meaning of the expression 'work of necessity or mercy,' it is hereby declared that it shall be deemed to include the following classes of work:

That does not apply.

Hon. Mr. SCOTT—It makes all those exceptions.

Hon. Mr. JONES—But it does not appear to me that it leaves him free to hire a conveyance.

Hon. Mr. SCOTT—If you are allowed to hire a horse the man who hires it to you could not be punished certainly.

The CHAIRMAN—The question is on the amendment moved by the hon. gentleman from Grenville (Hon. Mr. Choquette).

The amendment was declared lost.

The clause was adopted.

On subclause (r),

The delivery of milk for domestic use and the work of domestic servants and of watchmen.

Hon. Mr. CLORAN—Does that include the carrying of milk by train? The ordinary sense of the word delivery is the delivery in town by hand or by milk rigs.

Hon. Mr. SCOTT—There is no restriction.

The clause was adopted.

On subclause (s),

The operation by any Canadian electric street railway company whose line is interprovincial or international, of its cars for passenger traffic on Sunday on any line or branch now regularly so operated.

Hon. Sir MACKENZIE BOWELL—Up at Sault Ste. Marie, the electric railway company own the plant and operate the road on the Canadian side and also on the United States side, but they are not connected by an interprovincial railway. They are connected by a ferry boat which belongs to the company that owns the electric roads, and the cars run on to the ferry boat. I would suggest these words:

The operation by any Canadian electric street railway company whose line is interprovincial or international or which is operated in connection with an interprovincial or international ferry.

That would make the clause clear. The Minister of Justice and others in the House of Commons are under the impression, and gave the opinion, that one of the other clauses which refers to the carrying of travellers would cover this case. If it does, there can be no harm in so amending the clause as to make it clear and distinct. If the street railway company at the Soo, on the Canadian side, had a bridge the same as they have at Niagara Falls, there would be no difficulty. If the road at Niagara Falls has the right to cross the international bridge on Sunday, as is the case, and connect with roads on the other side of the river, there certainly can be no reason why the company at the Soo should not be permitted to use a ferry for the same purpose, because the ferry runs constantly in the conveyance of travellers.

Hon. Mr. SCOTT—If the cars are carried on the ferry boat, I think it would come under the term international, but if there is a break with a ferry I do not think it would be included. To introduce the words that the hon. gentleman proposes, would be to widen it to include all places where a ferry is operated. Take, for instance, the ferry between Windsor and Detroit. The international ferries would run in connection with trains on each side, so the hon. gentleman would see it would be a very unsafe proposition to adopt, because it would open the door very seriously.

Hon. Sir MACKENZIE BOWELL—This clause refers exclusively to electric street railways, and not to railways generally.

Hon. Mr. SCOTT—I am speaking of street railways. There is a street railway in Windsor and one in Detroit.

Hon. Sir MACKENZIE BOWELL—They are not connected.

Hon. Mr. SCOTT—There is a ferry boat at Windsor by which they could exchange passengers.

Hon. Mr. LOUGHEED—I do not see why paragraph (s) is necessary in view of clause 13, which deals with provincial and Dominion roads. If provincial and federal roads having authority to operate their lines are not prohibited from operating on Sundays, why should the lines mentioned in paragraph (s), which must be either provincial or federal, receive the special mention which has been made in this paragraph?

Hon. Mr. SCOTT—Because otherwise we might interfere with the local authorities. Take the case illustrated by the hon. senator from Belleville. The province of Ontario may pass an Act preventing the railway at Sault Ste. Marie from running on Sunday. We would cut the province of Ontario out of its jurisdiction if we accepted the proposition of the hon. senator from Belleville, because it is not strictly international.

Hon. Mr. LOUGHEED—If a line is being operated on Sunday at present, pre-

sumably it must have some authority for doing so. That authority must be either federal or provincial. Certainly that road cannot legally run without having authority, and paragraph (s) presupposes that the road is being operated under either one or the other authority. The explanation given by my hon. friend certainly does not meet the point.

Hon. Mr. SCOTT—The only place I can see where the international feature comes in is at Niagara Falls.

Hon. Mr. LOUGHEED—Then it would be under federal authority.

Hon. Mr. SCOTT—It is international there. The interprovincial road is between Ottawa and Hull.

Hon. Mr. LOUGHEED—Then it will come under clause 13 whether it is international or interprovincial.

Hon. Mr. SCOTT—If we take the case put by the hon. senator from Belleville, and so arrange the language of the clause as to cover that case, we would be attacking the provincial authority, because under the provincial authority that road might not be allowed to run on Sunday. By framing the language of the clause to allow that road to connect with some road across the river, we would be taking the matter out of the hands of the provincial authority.

Hon. Mr. KERR (Toronto)—The case is one which should be provided for, because it might do very great injustice if it were not. I understand the suggestion is made to amend the clause by adding, 'or which is operated in connection with an international ferry.' I would add the words, 'as part of its system, unless as otherwise prohibited by provincial authority.' That would meet the case that the hon. Secretary of State has mentioned. If it is running as part of a system, it is part of an international system.

Hon. Mr. FORGET—I would like to move that the words after 'company' be stricken out. It would then read, 'the operation by any Canadian street railway company of its cars, &c.' I do not see the use of these two words here 'interprovincial' and 'international.' Why distinguish these two different railways? There are some local railways which are much larger than these interprovincial and international railways, and why leave them out? Why not say all Canadian railways?

Hon. Mr. SCOTT—Because we do not want to interfere with the provinces. For instance the province of Ontario and the province of Quebec may pass Acts prohibiting provincial electric railways from operating on Sunday.

Hon. Mr. FORGET—I think it would be clearer if you made it read 'the operation of any Canadian electric railway.' I desire to call the attention of the hon. member to the fact that I think it would interfere with another road which was going into operation to-day and was going to establish branches to-morrow. For instance, the Park and Island Company is operating forty miles of railway, and intend to build forty or fifty more this summer. These extensions would not come under this Bill.

The CHAIRMAN—Is it an interprovincial road ?

Hon. Mr. FORGET—No ; it is a provincial road. Under this law we could not make extensions and run our railway. We could only run the forty miles under operation to-day. I think if it were made plain that it applied to all Canadian railways, it would cover the case.

Hon. Mr. POWER—That would be exceedingly objectionable, because it would be an interference with the rights of the province. As a rule, the street railways are under the control of the provincial legislature, and it would not be a right thing for this parliament to interfere and to say that, for instance, in the province of Ontario, where, as a rule, they forbid the running of these lines on Sunday, that they should be allowed to run. Then, as to the case of the Park and Island Railway, that has a Dominion charter, and the legislature of the province of Quebec does not prevent you running these cars on Sunday.

Hon. Mr. FORGET—But this Bill does.

Hon. Mr. POWER—No.

Hon. Mr. FORGET—Yes ; it says 'now operated.'

Hon. Mr. POWER—Subclause 2 reads as follows :

2. Nothing herein shall prevent the operation on the Lord's day for passenger traffic by any railway company incorporated by or subject to the legislative authority of the parliament of Canada of its railway where such operation is not otherwise prohibited.

Hon. Mr. FORGET—Well, it is prohibited otherwise.

Hon. Mr. POWER—I do not think so.

Hon. Mr. FORGET—Do you not think the extensions are prohibited by clause (s) ?

Hon. Mr. POWER—I think subclause (s) was intended to protect the rights of the provinces, and that the question would not be likely to arise as to a company incorporated by the Dominion.

Hon. Mr. FORGET—If these words were stricken out, I think it would be much better.

Hon. Mr. POWER—That would not do at all. That would take the jurisdiction over the street railways completely out of the hands of the provinces.

Hon. Mr. FORGET—It has not been shown to me yet how we are able to operate our extension under this law.

Hon. Mr. LANDRY—The electric railways may be divided into two classes. Some are provincial and some federal. These that obtain their charters from the federal parliament are considered federal. I do not see that it is an interference with the provinces for those electric railways which are considered federal to be taken under this.

Hon. Mr. KERR (Toronto)—I think this meets the objection, so that if the hon. gentleman will allow the addition to be made it would read in this way:

Or which is operated in connection with an international ferry as part of its system unless otherwise prohibited by federal authority.

I think that would meet the case.

Hon. Mr. POWER—I think it meets it too much. If you put in the word 'or,' you legalize Sunday work on any street railway in Ontario which happens to have an interprovincial bridge.

Hon. Mr. FORGET—With the permission of the House, I will withdraw my amendment and propose another one, to read as follows :

Or any line or branch regularly operated or any line to be constructed.

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Hon. Mr. SCOTT—That is utterly impossible. We cannot interfere with the provinces.

Hon. Mr. MACDONALD (B.C.)—I would ask the hon. gentleman from Toronto one question : This railway cannot be operated without a ferry. The tramway across the Soo cannot be worked without a ferry; therefore the ferry is part of the line of the electric railway system, is it not?

Hon. Mr. KERR (Toronto)—Part of the system.

Hon. Mr. MACDONALD (B.C.)—And, therefore, there is no occasion for any amendment

Hon. Mr. KERR (Toronto)—It is only to avoid a technical difficulty that it is needed. It is part of the system. I am quite willing to modify the matter, so that if there is any qualification or prohibition of provincal authority it will be excepted.

The CHAIRMAN—The queston is on the motion of the hon. gentleman from Belleville, that subclause (s) be amended by adding the following words after the word international ;'

Or which is operated in connection with an international ferry as part of its system unless otherwise prohibited by provincial authority.

The amendment was adopted.

On subclause (t),

(t) Work done by any person in the public service of His Majesty while acting therein under any regulation or direction of any department of the government.

Hon. Mr. LANDRY—Does that mean that the government has a right to make a man work on Sunday ?

Hon. Mr. McMULLEN—He is protected in this. It is not compulsory.

Hon. Mr. LANDRY—That protects the man working under the orders of the government, but does the government take the responsibility of doing any work on the Lord's day ?

Hon. Sir RICHARD CARTWRIGHT—Yes, in certain cases.

Hon. Mr. SCOTT—Sometimes the canals have to be kept open in the fall of the year.

Hon. Mr. LANDRY—That is not an unavoidable work. I think we should add the words 'any unavoidable work.'

Hon. Mr. SCOTT—We must trust to the government to make the proper regulations.

The subclause was adopted.

On subclause (x),

(x) Any work which the Board of Railway Commisisoners for Canada, having regard to the object of this Act, deem necessary to permit in connection with the freight traffic of any railway. The costs of all persons of applications to the board under this paragraph shall be borne by the applicant, and, if more than one, equally. Notice of application, in which the reasons to be relied on shall be fully set out, shall be given to the Department of Railways and Canals. In all other respects the procedure under the Railway Act, 1903, shall, so far as applicable, apply.

Hon. Mr. KERR (Toronto)—There is a view held by hon. members that under the wording of this clause the authority on which the commissioners should act might be too narrow, that it might throw on them the duty of looking at the object of the Act which is the abstention from work on the Lord's day, and make that the sole point of view from which they should consider any question, and it is advisable that that should be enlarged; therefore it is proposed that that should be amended after the word 'Act' as follows:

Having regard to the objects of this Act and with the object of preventing undue and unnecessary delays, &c.

Hon. Mr. SCOTT—Perhaps 'unnecessary' is not qualified enough. I would suggest that that word be left out.

The CHAIRMAN—The amendment now reads 'any work which the Board of Railway Commissioners for Canada having regard for the object of this Act, and with the object of preventing any undue delay, deem necessary, &c.'

The amendment was adopted.

Hon. Mr. LANDRY—What is the meaning of the expression in line twenty, 'the costs of all persons of applications to the board?'

Hon. Mr. KERR (Toronto)—Supposing one party applies and another opposes, it would mean the applicant would have to pay the costs. It means the costs of all parties to the application.

Hon. Mr. McMULLEN—It is suggested that the words 'persons of' should be left out.

Hon. Mr. KERR (Toronto)—That would not change the sense; it is better to leave it the way the Commons have left it.

Hon. Mr. McMULLEN—In that case it is left to the board; in this case we force the board to include all that may claim to have a right. I move that the words 'persons of' be struck out.

The amendment was adopted.

Hon. Mr. WOOD—I would ask the hon. Secretary of State why the costs, where there is more than one applicant, are to be borne equally? I do not see any necessity for that. It appears to me it should either be an arrangement between the parties themselves, or, if it is to be decided by any outside tribunal, it should be left to the Board of Railway Commissioners. The interests of one party might be very much greater than the interests of another.

Hon. Mr. McMULLEN—This is supposed to effect two railways. If three railways are interested, they pay a proportionate share of the cost.

Hon. Mr. WOOD—Suppose one railway is the Canadian Pacific Railway and the other a small branch road, why should the cost be borne equally where one company might have half a million involved, and the other only a few dollars. If any tribunal is to settle it, it should be left to the Board of Railway Commissioners to settle according to the merits of each case, or it should be left to the parties themselves to agree upon.

Hon. Mr. SCOTT—We cannot judge in anticipation how the costs should be distributed. The fair way would be to provide that it shall be in the discretion of the board; it is a matter that the board ought to settle.

Hon. Mr. POWER—Is not that going a little too far? The railways are the applicants and ought to pay the costs of the application. Of course if the application is resisted ineffectually, then the party who resists should be made to pay. I think there is a great deal of force in the objec-

tion of the senator from Sackville to having the costs borne equally. I think it would be much better to say that the costs shall be borne in such proportions as the board may determine, and I move that amendment.

The amendment was adopted.

Hon. Mr. BOSTOCK—I move that after the word 'railway' in line 20, the words 'or steamship companies' be added, thus leaving it in the hands of the Board of Railway Commissioners to deal with the matter if it should be found to seriously affect the trade on the coast of British Columbia. I do not consider myself in a position to say whether this Bill will seriously affect the coasting trade of British Columbia, but I am inclined to think it will. By inserting those words there will be sufficient protection for that business.

Hon. Mr. SCOTT—The board really have no power or authority over steamship companies.

Hon. Mr. BOSTOCK—Then we should give them that power. They have power to deal with freights.

Hon. Mr. LOUGHEED—Only where the boat may be used in connection with railways. The commission can only deal with tolls; it has no other authority over steamships.

Hon. Mr. BOSTOCK—The board has power to deal with freight traffic. Probably it would be better to strike out the words 'ocean-going' in clause (l). But the hon. Secretary of State does not see fit to allow that amendment to go; therefore I bring up the question here. I thought possibly it could be worked this way. I do not think the coasting vessels of British Columbia are covered by this clause (l) as it stands now,—'ocean-going or grain carrying vessels.' I do not think vessels running from Vancouver up the coast to Skagway can be called 'ocean-going.'

Hon. Mr. SCOTT—I thought certainly vessels running up along the coast are ocean-going. Victoria and Vancouver are practically on the Pacific ocean. I have no objection to enlarging the clause to include ocean-coasting vessels.

Hon. Mr. BOSTOCK—As I understand it, a vessel is only ocean-going when it goes outside the three-mile limit. A vessel which runs as these vessels do, in sight of land all the way, cannot be called ocean-going.

Hon. Sir MACKENZIE BOWELL—Is not the water within three miles of the coast the ocean as much as twenty miles of it?

Hon. Mr. POWER—The hon. gentleman from Kamloops is perfectly right. Under one of the Acts with respect to shipping, there is a provision that vessels running from any port or place in Canada to another port or place in Canada, and also ports in the United States within certain limits, are coasting vessels, and the chapter divided vessels into ocean-going and coasting. This is coasting trade between Vancouver and Skagway.

Hon. Mr. SCOTT—I offered to include the words 'ocean-coasting.' If you include coasting vessels, you include river vessels all over the Dominion.

Hon. Mr. BOSTOCK—I move to reconsider clause (l) with a view to adding the words 'or coasting vessels.'

Hon. Mr. SCOTT—Coasting would not do, because it applies to vessels on the St. Lawrence and on all rivers and lakes of the Dominion.

Hon. Mr. KERR (Toronto)—It would not be an unreasonable proposition to say that any vessel which had been unduly delayed might be relieved from the penalties of the Act. I do not see why a line should be drawn either at the ocean-going ship which happens to be in our waters, and a lake ship which is carrying freight from the mines to the industries of Canada, or grain to the markets of the world. The whole thing is this, it is not the trade generally which is being benefited by the exemption, it is only when vessels are unduly delayed. In order that they may be relieved from the penalties of the Act, the straightforward way to deal with the matter would be to strike out those words and put in 'otherwise unduly delayed.' The effect of this clause might be that a vessel would be so delayed that she would not only lose time but be exposed to a storm. These

contingencies are beyond the control of anybody. They are from causes generally which are not avoidable, and if a storm should arise which would delay a boat or other circumstances would cause delay so that she was not able to leave on time, that vessel ought to be permitted to load or unload. The clause as it stands would prevent her loading or unloading or operating. I move in amendment that all those words be struck out so that the application would be to any vessel which may be otherwise unduly delayed.

Hon. Mr. SCOTT—The amendment would be a departure from the Bill to a degree that I think would not be acceptable. As the Bill came to us, it was confined entirely to ocean-going vessels. We altered that to include certain vessels that ply on the upper lakes, particularly those that carry grain. A case was made out for vessels of that character by our friends from the Northwest. Now we are asked to widen that still further. I do not think it is fair to the Bill because it is taking the life out of it.

Hon. Mr. McMULLEN—With all respect to the hon. senator from Toronto, if we make amendments we might as well put in a clause to provide that all vessels on our inland waters should go as they please on Sunday without restriction.

Hon. Mr. KERR (Toronto)—It seems to me that there is a very large industry that may be hurt badly by this. It is a well known fact that the tonnage which passes down the lakes to and from Sault Ste. Marie, bearing ore, exceeds the tonnage of all the grain that is brought down from the Northwest up to date. That is a statement which will astonish a great many people, but the figures have been published time and again and the fact is beyond question. The tonnage of the boats exceeds more than half of all the tonnage on the register on the Canadian great lakes. Therefore, to say that, under these circumstances, a traffic which is of that character may be hampered by being penalized, where one of their ships may be unduly delayed, and might by reason of that be exposed to loss is, I think, pushing the Sabbath observance very far. I do not want to interfere with the usefulness of this Bill, but the more I think of it, the more it seems to me this is a matter that ought to receive more consideration before it is decided, and I do not see any reason why, if it is refused in this case, it should be granted in the case of the grain-bearing vessels. It should be granted in one case as much as the other. Considering the large interest that may be affected by this provision, is it proper that these parties should be exposed to penalties when other interests are not. As the interest is very important it should be protected.

Hon. Mr. LANDRY—I move that the committee rise.

Hon. Mr. KERR (Toronto)—Does the hon. gentleman mean to sit again?

Hon. Mr. LANDRY—No. My motion is in order.

Hon. Mr. SCOTT—The object of the motion is to kill the Bill, and if we are going to kill it we will do so in a fair and equitable manner.

Hon. Mr. LANDRY—We will take the yeas and nays on it.

Hon. Mr. SCOTT—Yes; I am satisfied.

The motion was lost on the following division: Contents, 3; non-contents, not taken.

It being six o'clock, the Speaker left the Chair.

After Recess.

The House resumed in Committee of the Whole consideration of Bill (12) An Act respecting Sunday.

On clause 4,

4. Except in cases of emergency, it shall not be lawful for any person to permit any employee engaged in any work described in paragraph (c) of section 3 of this Act or in the work of any industrial process or in connection with transporation, to do on the Lord's day the usual work of his ordinary calling, unless such employee is given during the next six days of such week, twenty-four consecutive hours without labour.

Hon. Mr. WATSON—The object sought to be attained here, no doubt in the interest of the employer, could be better served by

making a slight change in the second line of this clause, striking out the word 'permit' and inserting 'require.' It seems to me that would be better than to say it is an offence for the company to permit an employee to do a day's work, if he might be perfectly willing to do it. In the 32nd line the word 'give' should be made 'allowed'—that is, the employee would be allowed twenty-four hours rest if he so desired. It might be the wish of the employee not to take the twenty-four hours' rest. You may make it an offence, in the first place, for the employer to allow a person to work without taking a twenty-four hours' rest during the seven days of the week. I have no other reason for making that suggestion outside the fact that there is no doubt we may have fully appreciated the difficulty that would arise after this Act was passed, with railway companies with station agents and operators at small country stations. I know of them by the score, where probably there are no more than two trains a day. The duties of the agent are very slight, but the company have to keep a man there. Under this clause, as it is at present, it would seem to me that a railway company would be compelled to furnish some person to take the place of the station agent for twenty-four hours every seven days. Any one who views it that way will agree with me that it would be simply impracticable to apply the law along those lines. For these reasons, I believe if these two words are changed it will be simply a matter of arrangement between the station agent and operators and the railway company, and I do not think there is any danger of the operator being abused in any way on account of the change, because we all know that operators and station agents have their organizations and make their arrangements with the company, and they will be satisfied before they conclude any arrangement. It ought to be left open to the company and employee, so far as this class of officers are concerned, to make arrangements. I therefore move to strike out in the second line the word 'permit,' and insert 'require.'

The amendment was adopted.

Hon. Mr. WATSON—I move to strike out the word 'given' in the 32nd line, and to insert the word 'allowed.'

Mr. McMULLEN—I am very much afraid that this is going to work very seriously against the safety of the travelling public. This virtually leaves it in the hands of the operator himself whether he will care to work for twenty-four hours without a rest or not. We know that in some cases accidents have occurred through operators and station agents having to do without rest or sleep, and I am afraid that if you make this change you may seriously effect the safety of the public in travelling. Men will be greedy to earn all the wages they can. Operators will sit up all night if they are well paid for it, and you are running the risk of men, through greed for wages, falling asleep at their posts, which of course is a serious thing for the company.

Hon. Mr. CLORAN—And which often happens.

Hon. Mr. McMULLEN—And it is very serious for the travelling public.

Hon. Mr. SCOTT—I do not think there is any diminution of the force by this subclause; there is a night watchman as well as a day man.

Hon. Mr. ROSS (Halifax)—The pretended friends of this Bill are going to kill it, and when we send it back to the other House it will be thrown out. That will be the result of all your tinkering with it and making it such an absurd measure. We are making the measure a very different one from that which the Commons sent to us.

Hon. Mr. DeBOUCHERVILLE—I must say that I have never heard of such an amendment since I have been in public life. When a clause is passed as amended the whole clause is amended. In this case we have passed an amendment by which we strike out one word; now we are going back to it to strike out another word, and I think it is a matter so important that we should have the opinion of the Speaker and of the House to ascertain if there is a precedent for such a practice.

Hon. Mr. WATSON—I do not think there is any doubt about the precedent. I wish to say in answer to the hon. gentleman from Wellington that I do not think that the amendment I have suggested will endanger the travelling public nearly as much as

the suggestion that was made by the promoters of this Bill. It was suggested by the promoters of this Bill, that, for the purpose of carrying out the measure, the railway companies would be required to have an extra man as a relief man, increase their staff by one in number, so that one man could be relief agent, and go from station to station along the line of railway to allow these agents to have twenty-four hours off during the week. It seems to me that there would be much more danger to life in the operation of a railway to have a change of that kind every week than to have regular operators doing the work, because their work as a rule is not laborious and the hours are not long. Consequently, they ought to be able to thoroughly perform their duties. I think it is provided in the Railway Act that railway companies are not allowed to require an engine driver or train crew to go on the road unless they have so many hours' rest. If I had my way, I would go further than that, and would say that it would be an offence for an employee to take charge of a train and run it without having had a certain number of hours' rest and sleep, because I believe 50 per cent of the accidents on railways in Canada are due to the men being overworked. Not that they are asked to be overworked by their employers, but I know in the west railway men are so anxious to make money in the fall when the weather is good that they make extra runs. When the wet weather comes it is hard to man a train and it would be a good think to legislate on the lines of not allowing men to work long hours running trains. But so far as this amendment is concerned, it rather tends to the safety of operating a road to allow station agents to perform their duties through the week. If they ask for a day off they can get it; they cannot be forced to work more than six days in the week. With these changes the Bill would be in a better shape than it is now.

Hon. Mr. DeBOUCHERVILLE—As the hon. gentleman has not thought fit to answer my question, I appeal to the chairman for his decision. He has had a good deal of experience as Speaker in the House of Assembly in Manitoba. I should prefer to have the opinion of the Speaker. When a difficulty arises in a Committee of the Whole on a question of order, the Speaker generally takes the chair and gives his decision, if it is asked for. In this case I would be satisfied if the chairman would answer my objection. There is no precedent for an amendment made by striking out one word and another amendment offered by the same member to amend the same clause by striking out another word.

The CHAIRMAN—The proceedings are perfectly in order since we are in Committee of the Whole. The first amendment was made, changing a word in the second line. I merely put that one change to the committee. We proceeded further and another change was proposed.

Hon. Mr. DeBOUCHERVILLE—By the same member.

The CHAIRMAN—In a Committee of the Whole a member may speak as often as he likes, and move as many amendments as he likes, so long as they are germane to the Bill.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman has not perhaps seized my idea. What I ask is this: Is there a precedent for an amendment being made to a clause by striking out one word and then the same member moving to strike out another word in the same clause? How can we know that these two words will not clash? I asked the chairman if he has any knowledge of a precedent for anything of the kind?

The CHAIRMAN—It will be the duty of the committee to see that the words do not clash. That, of course, is in the hands of the committee.

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

On subclause 2 of clause 4,

2. This section shall not apply to any employee engaged in the work of any industrial process in which the regular day's labour of such employee is not of more than eight hours' duration.

Hon. Mr. CLORAN—I have an amendment to offer which I think ought to receive the serious consideration of the committee. It is not opposed to the subsection, it is an explanation, and it is also a justification of

the demands of a very large section in regard to labour. I understand and thoroughly appreciate the fact that there are many industries in this country as well as elsewhere where men working only eight hours cannot be replaced off-hand. That is evident to anybody who goes through a pulp mill, a coal mine or any place where life is at risk; but in the vast majority of callings of life to-day the limit of labour is nine or ten hours, and the labouring classes of this country as well as of the world at large, are fast getting down to eight hours a day. Take masons, plasterers, painters, all the trades outside of these big works such as steel works, coal mines, railroad and steam transportation, the vast mass of the callings of the people lie along other lines where labour is not continuous, and is not required to be continuous. Labour is required to be continuous in many callings but not in all, and I would ask this honourable House to make the distinction. The clause is a general one aiming against all labour. I will read the clause as I should like to see it:—

This section shall not apply to any employee engaged in the work of any industry of continuous process, &c.

Such as sugar factories, smelting and other industries, but where the law of the land to-day recognizes eight hours or nine hours of labour, such as masons, painters, plasterers, their rights should not be overstepped by the Senate, and when the Senate makes that concession it is doing all that the manufacturers of this country exact or require. I think the amendment will meet the wishes of the labouring classes of the country and will meet the exigencies and requirements of the manufacturers.

The amendment was rejected, the mover alone voting for it.

Hon. Mr. CLORAN—A voice in the wilderness crying for the workingman.

The subsection was adopted.

On clause 5,

5. It shall not be lawful for any person, on the Lord's day, to engage in any public game or contest for gain, or for any prize or reward, or to be present thereat, or to provide, engage in, or be present at any performance or public meeting at which any fee is charged, directly or indirectly, either for admission to such performance or meeting, or to any place within which the same is provided, or for any service or privilege thereat.

Hon. Mr. BOSTOCK—I beg to move that after the word 'Sunday' in the first line of this clause the following words be added:

Except as provided in any provincial Act now or hereafter in force.

Hon. Mr. SCOTT—That seems to be in conformity with the principle we laid down in section 2, which I thought was wide enough to apply to all the clauses, but many persons are apprehensive that it might not be constructed as such. However, I have no objection to the amendment.

Hon. Sir MACKENZIE BOWELL—I cannot see any necessity for the amendment; the only object is to encumber the Act with a lot of verbiage.

Hon. Mr. SCOTT—The people of Quebec think the first clause is not broad enough. I think it is. But if it is going to gratify them and secure their co-operation in the Bill I have no objection.

Hon. Sir MACKENZIE BOWELL—I think we are pursuing an admirable course to have the Bill rejected in the other House.

Hon. Mr. DANDURAND—There should be no desire to override provincial powers.

Hon. Sir MACKENZIE BOWELL—It is a pity the government did not act on that principle in passing certain other measures.

Hon. Mr. McMULLEN—We are here to make laws for the Dominion and not for the provinces, and I am afraid the amendment now proposed is going to seriously effect the whole Bill, and, as it appears to me, we might just as well throw it out. This amendment will simply leave the whole question of games and everything of that kind to the local legislature of any province and they can pass whatever law they please as to entertainments, games of lacrosse, or anything else on the Lord's day.

Hon. Mr. FORGET—Why not?

Hon. Mr. LANDRY—Why not?

Hon. Mr. McMULLEN—I am amazed at my hon. friends saying 'why not.'

Hon. Mr. FORGET—Why should we not be allowed to play football in Quebec?

Hon. Mr. McMULLEN—Are we a distinct set of provinces and are we passing

laws to suit the different classes, creeds and convictions of each province?

Hon. Mr. FORGET—You have no right to legislate for the provinces.

Hon. Mr. McMULLEN—We are here to legislate for the Dominion as a whole, and legislation of this kind is only separating the provinces instead of bringing them together.

Hon. Mr. LANDRY—I think we are here to accept the views of the government, and if the government consents to that amendment we should not object.

Hon. Mr. DANDURAND—The hon. gentleman seems to forget that this is confederation and not a legislative union.

The amendment was adopted.

Hon. Mr. BOSTOCK—I desire to move a further amendment to this clause; after the words 'meeting' in line 41, add the words 'elsewhere than in a church.'

Hon. Mr. ROSS—I am sorry to see there are no lovers of the Lord's day in this House, and the fourth commandment is ignored altogether. The leader of the House complimented us in his fine speech the other day, and said we were all Christians. We are far from Christians; we are getting to be infidels now with the legislation we are passing here to-day.

Hon. Mr. CLORAN—There are a great many religious performances which are carried out in our church, even among our Protestant fellow-citizens, who have meetings in groves, revivals on Sundays. I know from my own experience of Prescott county and elsewhere, we have meetings in our cemeteries and other places outside of the church. I would suggest to the hon. gentleman from British Columbia to enlarge the motion and make it read 'all meetings except meetings for divine worship,' and that will cover everything.

Hon. Mr. BOSTOCK—This amendment is to meet the case of divine worship.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says the intention is to meet the case of meetings in a church for divine worship. It would not prevent a political meeting being held in a church.

Hon. Mr. CASGRAIN—There would be no admittance fees.

Hon. Mr. CLORAN—I have held public meetings in churches across the river, to oust the Tories.

Hon. Mr. SCOTT—It is very well known that in very many churches instead of leasing the pews there is a small fee charged for those who occupy these pews. It is to meet such cases. It is very harmless, and parties are apprehensive that if the exemption were not there it would come within the provisions of the statutes. It is simply to meet the case where they charge for pews.

Hon. Sir MACKENZIE BOWELL—This is another illustration of sectional legislation.

Hon. Mr. SCOTT—That prevails all over the Dominion.

Hon. Sir MACKENZIE BOWELL—When the proposition was made in the House of Commons to permit the management of the religious services which are carried on at Grimsby park, to charge a small admission fee, the Minister of Justice stated that he was in favour of free gospel to every one, and consequently refused to exempt that from the operations of the law, and now you are providing for precisely the same thing in churches.

Hon. Mr. FORGET—What about public meetings in universities and schools?

Hon. Mr. SCOTT—There is no fee charged there.

Hon. Mr. FORGET—Sometimes there is.

Hon. Mr. MACDONALD (B.C.)—I think the best amendment would be to define the word 'performance' in the interpretation clause—that it shall not mean divine service.

The amendment was carried.

Hon. Mr. ROSS—There is a plot in progress to destroy the Bill, and it is being carried on successfully.

The clause as amended was adopted.

On subclause 2,

2. When any performance at which an admission fee or any other fee is so charged is provided in any building or place to which persons are conveyed for hire by the proprietors or

managers of such performance or by any one acting as their agent or under their control, the charge for such conveyance shall be deemed an indirect payment of such fee within the meaning of this section.

Hon. Mr. CLORAN—This clause cannot be adopted, because you are going to strike out one of our occasions for divine worship and for the sanctification not only of the Lord's day, but of a great many other days. Now this matter, and I seriously state it to the House, has been submitted to the Minister of Justice and he is quite willing to insert after 'performance' the words 'except those for divine worship.' Everything that is done in a church is a performance. It performs a cermony, and when you bring the matter before the courts they will interpret the clause not as you intended it, but as it is worded. So I hold that the amendment which was suggested by the hon. member from British Columbia should also be introduced in this clause. That ought to go in, otherwise you destroy the value of the first clause.

Hon. Sir MACKENZIE BOWELL—It is a direct contradiction.

Hon. Mr. CLORAN—Certainly, if you allow it to go, the second clause is a direct contradiction of the first. There are other things which are exhibited in our church, but although not excursions in the accepted term, are really excursions. We have a number of pilgrimages by train or boat from Montreal, Quebec and other places to St. Anne de Beaupré, Rigaud and half a dozen shrines in the province of Quebec, and I only hope in Ontario and other provinces they will have shrines erected where people can go, even though they are charged a dollar or two for the trip. It will do them good. This Bill prevents them.

Hon. Mr. McHUGH——Subclause (a) of clause 3 provides for that.

Hon. Mr. CLORAN—No. A pilgrimage is not a necessary or a customary performance in connection with divine work. It is only incidental. Only when the parish priest thinks he can get enough pilgrims together, or when the railroads or steamship companies will supply transportation at reasonable prices. So they are not customary acts of worship. They are incidental, and by this clause you prevent the people of the province of Quebec taking part in these pilgrimages. I am of the opinion that the amendment introduced by the hon. member from British Columbia to the first part of this clause should be inserted in the second part.

Hon. Mr. LANDRY—The hon. gentleman is mistaken in the interpretation to be given to the second part of the clause. The first part is in regard to performances and the second to the conveyance.

Hon. Mr. CLORAN—I move that the words I have mentioned be introduced in the second clause—'any performance except for divine worship.' I do not see how the House can refuse the Catholic people of the country that amendment.

Hon. Mr. SCOTT—Divine worship is not a performance I hope.

Hon. Mr. CLORAN—No, but the Minister of Justice says he thinks the amendment is necessary or I would not stand on the floor of the Senate to propose it. When the question was put before him he said: 'Amend the Bill.'

The committee divided on the amendment, which was rejected, only four voting for it.

Hon. Mr. CLORAN—They are all against divine worship.

The clause was adopted.

On clause 6,

6. It shall not be lawful for any person on the Lord's day to run, conduct, or convey by any mode of conveyance any excursion on which passengers are conveyed for hire and having for its principal or only object the carriage on that day of such passengers for amusement or pleasure and passengers so conveyed shall not be deemed to be travellers within the meaning of this Act.

Hon. Mr. BOSTOCK—I move the same amendment to this clause that I moved to clause 5—'except as provided in any provincial Act or law now or hereafter in force.'

Hon. Mr. LANDRY—Does the hon. Secretary of State accept that amendment?

Hon. Mr. SCOTT—In my opinion it is mere surplusage, confirming what we have already agreed to. However, if it gratifies anybody I have no objection.

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

On clause 7,

7. It shall not be lawful for any person to advertise in any manner whatsoever any performance or other thing prohibited by this Act.
2. It shall not be lawful for any person to advertise in Canada in any manner whatsoever any performance or other thing which if given or done in Canada would be a violation of this Act.

Hon. Mr. LANDRY—I think the same amendment should be made to this clause.

Hon. Mr. SCOTT—No, it is not required.

Hon. Sir MACKENZIE BOWELL—The hon. senator from British Columbia ought to have some little regard for the newspapers. Why not make the same provision for them that you do for excursions? Why not say except as otherwise provided by law in the provinces?

The SPEAKER—One can advertise anything that is allowed under this Act.

The clause was adopted.

On clause 9,

9. It shall not be lawful for any person to bring into Canada for sale or distribution, or to sell or distribute within Canada, on the Lord's day any foreign newspaper or publication classified as a newspaper.

Hon. Sir MACKENZIE BOWELL—In passing the tariff and the imposition of duties, goods from England and any British colony are treated the same as if they came from foreign countries. When you speak of 'foreign newspapers' does that include English newspapers.

Hon. Mr. SCOTT—I think not.

Hon. Mr. CLORAN—The legal meaning of this clause is that when a paper comes in here at six o'clock on Sunday morning from the United States or England we cannot sell or distribute it. Supposing it is a foreign paper which comes in Saturday night can it be sold on Sunday morning?

Hon. Mr. SCOTT—No.

Hon. Mr. CLORAN—Then you are interfering with provincial rights.

Hon. Mr. SCOTT—Suppose we are.

Hon. Mr. CLORAN—Then I ask the hon. senator from British Columbia to introduce his amendment. Because in the province of Quebec most people do not consider it a crime to buy a newspaper or a glass of ginger ale on Sunday. People in small villages may not know the needs of civilization in large centres, but in Montreal thousands of people who have few of the comforts of life in their homes, go out on Sunday with their children. They want to be free to buy a stick of candy for them, or a drink of ginger ale. Places where such things are sold are allowed to be open under municipal law, and it is a great convenience to people in large communities.

The SPEAKER—The hon. gentleman does not know perhaps that the city of Montreal has legislated in that direction by its by-laws which will remain in force under this Act.

Hon. Sir MACKENZIE BOWELL—I am inclined to the opinion that the view expressed by the hon. Secretary of State is not the correct one. The language of this paragraph would shut out the English newspapers on Sunday. I would refer the hon. gentleman to the regulations of the Post Office Department. Any newspaper published outside of Canada under the law and regulations of the Post Office Department would be considered a foreign newspaper. if that be the case I do not think we ought to shut out the English papers.

Hon. Mr. SCOTT—This is not intended to apply to them. The necessity which arises is this: In the United States they publish a Sunday edition or literature that really is not fit for a moral community to read, particularly on Sunday. It is directed against the Sunday newspapers of the United States.

Hon. Sir MACKENZIE BOWELL—I am quite prepared to accept that explanation. No doubt that is the intention, but there are so many paragraphs in this Bill which we have changed, though there cannot be a doubt that the interpretation which we have given them is correct, but was never contemplated by the House of Commons.

Hon. Mr. MACDONALD (B.C.)—You could not call an English paper a foreign paper.

Hon. Mr. McGREGOR—I do not see why this should not cover Canadian as well as

foreign newspapers. I read the British weekly every Sunday.

Hon. Mr. SCOTT—British papers are not foreign papers.

Hon. Mr. McGREGOR—If a paper is immoral it should not be read at all. Why exclude good foreign papers unless you exclude all papers?

Hon. Mr. CLORAN—At the third reading I shall move to have this clause struck out.

Hon. Sir MACKENZIE BOWELL—Move it now.

Hon. Mr. CLORAN—Look at the situation. Our hotels are crowded with people travelling through this country, and you would not allow them to buy a paper at any hotel. Is it a Sunday newspaper or a yellow journal that they are likely to look for? No. The man who is serious in his life will buy a good newspaper, something worth reading, and you are going to prevent any hotel in this country, which is the home of the traveller, from selling him a newspaper, thereby preventing the travelling public from having information on Sunday such as he has on any other day. This clause goes too far. No doubt the gentleman who drafted it had in view a deserving object. He wanted to keep the yellow journals out of Canada, but why did he not draft a clause which would attain that end without excluding our best literature? The clause provides that it shall not be lawful 'to sell or distribute within Canada.' That means that it is not lawful for the Post Office Department to bring into this country papers for distribution on Sunday. The Post Office Department is the distributing agency of this Dominion. The others are the selling agency—the poor people, the boys and girls who try to make a living in that way. You put a barrier against the Post Office Department and prevent them distributing papers as they have done for the past forty years. If the Senate will think over this matter for a few minutes they will see the advisability of limiting the effect of this clause. I am against the importation of literature which is against morals, but let us not put a limit on the literature of the day.

Hon. Sir MACKENZIE BOWELL—I desire to call the attention of the Secretary of State to the regulations of the Post Office Department.

Hon. Mr. POWER—Clause 9 which has been passed, seems to me a very reasonable and proper clause. Under clause 2 the printing of Canadian newspapers and their sale and distribution on Sunday is forbidden. I understand the hon. gentleman from Victoria to claim that foreign newspapers should be allowed to be sold and distributed on Sunday when our own newspapers cannot be sold and distributed. I am not a protectionist, but I do not think we should extend more favourable treatment to our neighbours than we do to ourselves.

Hon. Sir MACKENZIE BOWELL—If a vessel arrives from England with newspapers on Sunday, it would be an infraction of the law to take them from the steamer. If the hon. Secretary of State will turn to the Canada official 'Postal Guide,' on page 11, he will find this heading:

Foreign posts, including British and Colonial.

Then there is a long correspondence, the heading of which is:

Foreign post correspondence with the United Kingdom.

That was the impression I had when I first read it, but under the Tariff Act and under the Postal Act anything coming from England or from the United Kingdom is treated as if it came from a foreign country.

Hon. Mr. SCOTT—I do not think it would be, because it specifically names 'including English papers.'

Hon. Sir MACKENZIE BOWELL—Oh, certainly it would. The clause includes foreign newspapers. An English newspaper is, under the law, and under the postal guide, and under the postal law treated as a foreign paper. There can be no question about it.

The amendment was lost.

On clause 12,

12. Every corporation which authorizes, directs or permits its employees to carry on

any part of the business of such corporation in violation of any of the provisions of this Act shall be liable, on summary conviction before two justices of the peace, for the first offence, to a penalty not exceeding two hundred and fifty dollars and not less than fifty dollars, and for each subsequent offence to a penalty not exceeding five hundred dollars and not less than one hundred dollars, in addition to any other penalty prescribed by law for the same offence.

Hon. Mr. KERR (Toronto)—I beg to call attention to the language of the first line :

Every corporation which authorizes, directs or permits.

I venture to say that the word 'permits' is not the proper word to use. Permitting a thing may be done by construction, and it is a word which I think would admit of trouble being given so that those who were charged with the management of the company might have no knowledge of it whatever. I move that the word 'permit' be struck out, and the word 'requires,' inserted.

Hon. Mr. EDWARDS—Should it not read 'authorizes or requires ?'

Hon. Mr. POWER—It seems to me that that clause will not be worth much if you strike out the word 'permits.' It would be a very easy thing for a corporation which wished to violate this law to let an understanding trickle down through the various grades of its employees that, while the corporation did not directly authorize or direct or require, the corporation would not be at all displeased if the employees did violate the law, and, while I do not believe in unreasonable provisions, if we are to have a law which is to prevent corporations from violating the Sunday, it should be made effectual. If you strike out the word 'permits' and substitute the word 'requires' you will have gone a very long way towards rendering this Bill ineffectual when it becomes law.

Hon. Mr. KERR—The word 'authorizes' would cover all the gentleman has been speaking about. It would be a presumed authorization, but the word 'permits' means something directly operating toward the particular act that is done. I think that word should not be there, and it should be something in the nature of 'requiring,' 'demanding' or 'insisting'—direction or insistance which the employee of the company would feel called upon to do by reason of instructions which he has received. Under those circumstances, I think the objection does not apply, and that the amendment would be a proper one for the protection of the public whose business may be large and who may be harassed by reason of things which they had not contracted to do but which had been done by some inferior officer.

Hon. Mr. LOUGHEED—Under the criminal law, there is no such principle as the recognition of a person requiring another to violate the law, so that the word 'requires' would be entirely inconsistent with all our notions of criminal law, and it seems to me the other two words would be quite sufficient—authorizes and directs.

Hon. Mr. JONES—I should like to point out to the House that we are dealing with clause 12. I do not understand why a corporation should be dealt with on a different basis from an individaul. If the hon. gentleman will look at clause 11, it says that every employer who authorizes or directs will be liable to certain penalties, and then the next clause, 12, deals with corporations. I do not understand why it is in two separate clauses, except that in the case of corporations the penalties are much heavier than they are in the case of the individual ; for the life of me I cannot see why a law that is wide enough to cover the case of an individual should not have been considered wide enough to cover the case of a corporation.

Hon. Mr. CLORAN—One has a soul and the other has not.

Hon. Mr. JONES—Corporations may not have souls, but they probably have consciences equal to the individual conscience. It certainly would appeal to me that if the words 'authorizes, directs and requires' be put in and 'permits' is taken out, it will still be materially stronger in the case of the corporation than in the case of the individual, and I do not see why it should be different in the wording in that regard whatever. I think the corporation should stand exactly in the same position as an individual in reference to the law in that regard.

Hon. Sir MACKENZIE BOWELL—If you strike out the word permits as sug-

gested by the hon. gentleman from Toronto, a corporation or an employer might not authorize or direct an unlawful act to be committed upon his premises or in his establishment, but he might have a foreman acting for the employer or for the corporation who would violate the law without the permission or consent of the corporation or employer. Then there would be no penalty imposed. The word 'permits' in this clause seems to me to be the correct one for the reason I have pointed out. A corporation or an employer would not permit a thing of this kind to be done. He may not have authorized or directed it. The position taken by the hon. senator from Toronto is well taken I think. The words in the 11th and 12th clause should be the same, and the employer should not be allowed to authorize, direct or permit, if he can stop it, or unless it is done without his knowledge, any act which is unlawful under this Act of parliament.

Hon. Mr. LOUGHEED—Why not say every employer or corporation ?

Hon. Mr. CLORAN—The reason the word corporation and employer are used is that an employer may have a very small establishment and very few workmen and a capital of $500 to run the shop, and he directs the employee to do something unlawful. In that case it would be a shame to charge him half his capital for the offence. It would be too severe a penalty. A corporation generally is wealthier than an individual employer and that is the reason of the distinction.

Hon. Sir MACKENZIE BOWELL—A corporation may be bankrupt.

Hon. Mr. CLORAN—Yes, and so may the individual, but, as a rule, the corporation is wealthier. I am of the opinion that the word 'permits' should remain in the clause.

Hon. Mr. KERR (Toronto)—It seems to meet the views of hon. members who have spoken on the subject to have the words 'authorizes or directs' in the clause and the word 'permits' struck out. Then the corporation would stand on the same footing as the private individual as far as the information went, but it would stand at a great disadvantage in the matter of a fine. There is a good deal to be said about the difference in the penalty but we cannot correct it now.

Hon. Mr. McGREGOR—Having had a good deal to do with large corporations, I may say that I do not see very much objection to the word permits, because the matter must come within their knowledge before they can permit it.

Hon. Mr. SCOTT—If the foreman permits the act and the corporation knows nothing about it, the corporation is still liable.

Hon. Mr. JONES—I take it if the word 'permits' is left in, the corporation would be liable even if they did not know about it. The condition as to the way in which the fine should be levied as between the corporation and an individual must appear reasonable.

Hon. Mr. POWER—In Nova Scotia we have one director of a corporation who has a good deal of soul.

Hon. Mr. KERR—I move that we strike out the word 'permits.'

The amendment was adopted.

The clause, as amended, was adopted.

On clause 13,

13. Nothing herein shall prevent the operation on the Lord's day for passenger traffic of any railway subject to the legislative authority of any province unless such railway is prohibited by provincial authority from so operating.

2. Nothing herein shall prevent the operation on the Lord's day for passenger traffic by any railway company incorporated by or subject to the legislative authority of the parliament of Canada of its railway where such operation is not otherwise prohibited.

Hon. Mr. LOUGHEED—Will my hon. friend be good enough to explain why the language in the first part of the clause should be different from the language in the second part ? In line 2 of section 13 the clause speaks of any railway subject to the legislative authority of any province, and in line 6 practically the same language is used, with the exception of the word railway company. It refers in one case to the operations of a railway and in the other to the operations of a railway company. This is clearly inconsistent ; the two clauses should be alike. The first purports to deal with railways under provincial jurisdiction and the second with rail-

ways under Dominion jurisdiction. It seems to me that the word company should be stricken out of the subclause, so that it may read the same as the first.

Hon. Mr. SCOTT—It is the operation of the railway; that is a correct expression.

Hon. Mr. POWER—There were two amendments moved by hon. gentlemen in the other House and they were not worded in exactly the same way, but the meaning is perfectly clear.

The clause was adopted.

On clause 14,

14. Nothing herein shall be construed to repeal or in any way affect any provisions of any Act relating in any way to the observance of the Lord's day in force in any province in Canada when this Act is passed; and where any person violates any of the provisions of this Act, and such offence is also a violation of any other Act, the offender may be proceeded against either under the provisions of this Act or under the provisions of any other Act applicable to the offence charged.

Hon. Mr. FORGET—I beg to move that after the word 'Act' the words 'or law,' the same as in clause 2, be added. These words should also be added in line 15 and in line 17.

The amendments were agreed to.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. Secretary of State a question in reference to this measure. When he moved the second reading of the Bill he quoted and read an Act of Charles II., which, if my memory serves me right, he informed the House was still in force in the province of Ontario, providing for penalties for the infraction of that law, which went as far I think as the province would now go with the exception of traffic on railways. Could the hon. gentleman inform the House what the penalties were for the infraction of that law, and, if there were penalties, are they still in force, and to enforce them would it be a contravention of the constitutional Act, which provides that all penalties or crimes must be regulated by the Dominion parliament? I find the latter part of this clause says:

Any such offence is also a violation of any other Act.

That is, the offence committed under the Act to which I have referred of Charles II. Then it says, 'the offender may be proceeded against either under the provisions of this Act or under the provisions of any other Act applicable to the offence charged.' If the law as it stands upon the statute-book in Ontario imposes penalties, can they under the constitution as it at present exists, impose those penalties, or if they cannot is the intention of this law to give them the power to proceed under the criminal law of the Dominion?

Hon. Mr. SCOTT—In answer to my hon. friend, I will read the clause in the Act. Although it was an Act of Charles II., it was passed in 1845 by the United Legislature of Canada, but made to apply only to Canada.

Hon. Sir MACKENZIE BOWELL—That would be two years after the union of Upper and Lower Canada?

Hon. Mr. SCOTT—Yes. The penalty clause reads in this way.

Any person convicted before a justice of the peace of any act hereinbefore declared not to be lawful, upon the oath or affirmation of one or more credible witness and upon view had of the offence by the said justice himself, shall for every such offence be fined in a sum not exceeding $40 and not less than $1, together with the costs and charges of the prosecution, &c.

They may be proceeded with under this Act or under the Lord's Day Act of 1835, and in all the provinces there are laws with penalties attached to them.

Hon. Mr. FORGET—I think the word 'passed' should be erased, and the words 'comes into force' substituted. If the word 'passed' remains in the measure, the provinces would not be able to enact any law.

Hon. Mr. SCOTT—There is no objection to that.

The amendment was adopted.

Hon. Sir MACKENZIE BOWELL—I want to point out what I think the affect of this would be. I do not think they would act under it. It gives power to the legislature of any province to enact any law they like affecting Sunday observance, which will continue to be law under this clause, if amended. That might provide for the admission of all kinds of games, poker or any other card playing within the province. I do not say they will do it. Between this and the first of March they

will have the power under this to pass a provincial law which would destroy every principle and provision of this Act.

Hon. Mr. CLORAN—That is what they want.

Hon. Mr. SCOTT—It could not affect the transportation clause or those relating to international matters.

The clause as amended was adopted.

On clause 15,

15. No action or prosecution for a violation of this Act shall be commenced after the expiration of thirty days from the time of the commission of the alleged offence.

Hon. Mr. KERR (Toronto)—I gave notice of my intention to amend this clause, and I therefore move that the clause be amended by inserting after the word 'commenced,' in the second line of the clause, the words 'without the leave of the Attorney General for the province in which the offence is alleged to have been committed.' It will be observed by the clause which we have been considering and just approved of in committee, that there are some very heavy penalties to be imposed upon corporations and companies of various kinds. Necessarily these penalties are large in order to ensure the strict enforcement of the Act. At the same time the Acts which are prohibited are of such a varied character and may be done and committed under such circumstances as to expose parties to unnecessary prosecutions amounting to persecution. Under the circumstances, I take it that this is a proper case in which to provide some protection for the parties accused, so that they may not be unfairly harassed and annoyed, and so in point of fact it shall only be where there is a just cause or where a prima facie case can be made for a just cause that the prosecution can be undertaken at all. The offences in some cases may be committed on the Pacific coast, in others on the Atlantic coast, or at any point between, and therefore it is necessary, as these offences may be committed over such a wide extent of country, that some person who is at all events within reasonable reach of the informer, or the person who may be accused, may be available, so that there may be a reasonable way of ascertaining whether a case has been made out for prosecution. There is no wish, I am sure, on the part of any one to impose unreasonable restrictions or to expose people to annoyance. Under these circumstances, I move this amendment for the protection of an offender, for the vindication of the law and for the protection of the courts in not having the courts occupied in hearing vexatious and malicious complaints.

In selecting the Attorney General of the province in which the offence is committed as the one who should be satisfied, I have done so in view of the fact that, in every province the Attorney General is the one charged with seeing to the administration of justice, and the enforcement of the law, and therefore it is to him naturally and reasonably and properly that the application should be made. In the discharge of his duty, he can see that protection is given both to the accused, where there is not a proper case made out, and to the complainant wherever a proper case can be shown to justify proceedings. This is not a new policy. It is a policy which has been adopted by parliament in many instances, too numerous in fact to mention. It has been adopted in every variety of case where penal actions are to be brought. I shall recall some of the instances in which this has been done. In the criminal code various penalties are imposed for various offences. Proceedings for these, however, cannot be taken without the permission of some person. In the case of a penalty for disclosing official secrets, the proceedings cannot be taken without the consent of the Attorney General of Canada, and the same in the case of judicial corruption. In the case of unseaworthy ships being sent to sea, the consent of the Minister of Marine and Fisheries must be obtained; in the case of trustees for fraudulently disposing of money, the consent of the Attorney General must be obtained. In the case of trial of young persons of tender years, in some cases the consent of the Attorney General of the province must also be obtained. In our own experience here quite recently, in another class of cases under the Railway Act, many penalties were imposed upon companies guilty of neglect of duty and for violations of the law in various ways. In these cases the restrictions

was put on the penalty clause that no prosecution shall be had against the company under this Act for any penalty exceeding $100 without the consent of the Board of Railway Commissioners first being had and obtained. So there is uniformity as to the person to be satisfied or the manner in which the application shall be made to him, but in all these cases—I might say almost hundreds of other cases, the variety has been so extensive—they have varied in form and in the personality of the officer whose consent shall be given or whose leave shall be obtained. Under these circumstances, it seemed to me that it was reasonable and proper where penalties are imposed such as we have in clause 12, penalties to the extent of $250 and so on, that this protection should be thrown around the company. That the consent of the proper law officer of the province in which the act is committed, who would be bound to see the nature of the prosecution and charged with the responsibility of seeing that it was conducted properly, should be obtained. It is reasonable that the parties should have, on the one hand, that protection, and that it should be clearly established that the prosecution was bona fide. I need not refer to the fact that in all informations on behalf of the Crown respecting property or the collection of forfeitures, the action can only be instituted with the leave of the Attorney General. It seemed to me, under these circumstances, that it would be proper that this protection should be given to the parties, and that some qualified person should see that there was a prima facie case made out for the prosecution.

Hon. Mr. BAIRD—Does the amendment now offered apply to all offences under this Act ?

Hon. Mr. KERR (Toronto)—Yes, I propose to do so, but if the hon. gentleman desires to limit it, I will consider that. I think, however, it should apply to all offences under the Act.

Hon. Mr. BAIRD—The cases cited by the hon. gentleman from Toronto to my mind have no relevancy to the Bill before us. I can cite many cases. There is nothing to prevent people coming into this country from the United States committing offences, and continuing to commit them in many cases for three or four days before you would have an opportunity to notify the Attorney General. By this amendment, you allow such people to enter the country and violate this law, while the authorities in the district where the offence is committed are powerless to do anything until they communicate with the Attorney General, who, in many instances, might be 400 or 500 miles away from the place. This is the climax of the inconsistencies of this legislation. It would seem to me that the government supporters in this House have diligently sought to kill the Bill, and now they put the cap sheaf on.

Hon. Sir MACKENZIE BOWELL—The adoption of this amendment will result in no prosecutions at all.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—We are passing a law to impose penalties for violations of Sunday observance, leaving to the provinces such rights as they have at present. The proposition is to obtain leave from the Attorney General in each province where violations occur before any action can be entered against the offender. To ascertain how such a regulation would work, we have only to recall how the anti-alien law has been enforced. Under that law no prosecution could be undertaken except with the consent of the Attorney General of the province. How many prosecutions have taken place under that law ? Often we see in the newspapers charges made by individuals that aliens have been imported from the United States to work in our factories, yet seldom has prosecution taken place. If each case of violation under this law must be brought before the Attorney General, and his sanction obtained for entering proceedings, no prosecution will take place. As my hon. friend from New Brunswick has stated, it is the climax of the destruction of the whole principle of the Bill.

Hon. Mr. KERR (Toronto)—Under the alien labour law, the application was to be made to the Attorney General of Canada, not to the Attorney General of the province.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. gentleman is right.

Hon. Mr. POWER—As the clause stands, the prosecution must be begun within 30 days from the commission of the alleged offence. Now 30 days is a very short time.

Hon. Mr. CLORAN—It is too long.

Hon. Mr. POWER—When you have to go perhaps from a distant part of the province to have a consultation or have to correspond with the Attorney General for the purpose of getting his consent to initiate proceedings, then the limitation of 30 days is simply absurd. If my hon. friend's amendment carries, in order to put it in a reasonable form, I move in amendment to the amendment that 60 days be inserted in lieu of 30 days.

The CHAIRMAN—That is not an amendment to an amendment. It amends a separate part of the clause which the other amendment does not touch at all.

Hon. Mr. BAIRD—You give the offender a little longer time to get out of the country.

Hon. Mr. POWER—No, not at all. I say if the amendment proposed by the hon. senator from Toronto passes without any extension of the period for prosecution, it will be almost impossible to prosecute, because the thirty days will have expired before the Attorney General will have been got in motion.

Hon. Mr. BAIRD—And the offender will have got out of the country.

Hon. Mr. POWER—Is the hon. senator from Toronto willing to accept my amendment ?

Hon. Mr. KERR (Toronto)—I have no objection.

Hon. Mr. McMULLEN—Every single clause of this Bill that in any way infringes upon provincial rights has been amended. A rider has been added providing virtually that in all cases where provincial laws now exist, or may afterwards be brought into force shall take precedence over any provision of this Act. Now, in the end, we are asked to tack on another amendment declaring that when offences are committed no action can be brought until such time as the consent of the Attorney General of the province where the offence has been committed is secured in favour of that prosecution. I cannot understand why we are proceeding in the direction of making everything subject, not only to the laws of the provinces, but to the whims of the Attorney General of those provinces ? If an Attorney General chooses to refuse to grant permission to take proceedings against an offender, you cannot do anything. Take any case occurring along our border, where a violation of this law takes place. You may witness the violation of the Act, but you can do nothing. The offender can go scot-free. Why ? You have to get the consent of the Attorney General first before you can touch him. It is nothing short of a farce to pass such a law at all. You had better wipe the whole thing out. The people of this country will laugh at us if we put such a provision on the statute-book of this country. It is a most absurd proposition, and I cannot understand how any man could think of adding such a clause to the Act.

Hon. Mr. KERR (Toronto)—I was perfectly correct as to the authority to whom application should be made to prosecute under the alien labour law, and the hon. senator from Belleville also is right, because a subsequent Bill changed it. There are provisions now under which the Attorney General for the province and the Attorney General of the Dominion can both give their consent.

Hon. Mr. WOOD—I entirely agree with what has been said by my hon. friend from New Brunswick (Hon. Mr. Baird) and by the last speaker, that if an amendment of this kind is adopted it will practically destroy the usefulness and effect of this Bill entirely.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Mr. WOOD—The time for commencing prosecution, 30 days, appears to me to put a very short limit upon the power of any one to enforce this Act, in his attempts to puinsh the offender. My own opinion is that slight offences against this law will not be prosecuted. The practical operation of the law will be to let trifling offences have the go by, and it will only be when some serious offence is committed against this

law that it will be enforced at all by anybody. The hon. gentleman who moved this amendment seemed to have based the amendment upon the assumption that there was a class of people somewhere in Canada who would take a delight in putting this law in force for every trifling offence which might be committed against it. That this law will be administered not in the sense of trying to administer justice, but it would be used as a sort of weapon for persecuting different classes of people in the country, and that every trifling offence will be taken up and the offender persecuted to the extreme limit of the law. My own belief is that there is not the slightest reason for assuming that anything of that kind would be done. So far as I have had experience in the past, it is not the offender against Sunday laws that needs to be protected or for whom we should have particular concern in criticising the provisions of this Act. The difficulty with all such legislation in the past, and the difficulty of getting such legislation enforced, is to find any person willing to make a complaint and to put the law in motion. It must be remembered there is no public prosecutor. There is no particular person whose duty it is to see that the law is enforced. It depends upon the action of private individuals who have no interest in it except to see a reasonably fair observance of the Sabbath day, and it appears to me that in the general administration of this law any trifling offence which may be committed, and which might be punished under this law, will be allowed to pass unnoticed. It will only be when some glaring offence against the provisions of this law is committed that it will be enforced at all. In the first place, in limiting the period with which an action may be commenced to 30 days, you give a man who commits any serious offence which is punishable by one of the larger fines under the law, an opportunity to get away. All he has to do is to step across the line, remain there for 30 days, come back and then he cannot be touched.

Hon. Mr. CLORAN—No, that is not so.

Hon. Mr. DANDURAND—Once the warrant is issued it remains in force until it is executed.

Hon. Mr. WOOD—If you issue a summons and the man comes back in a year or so he can be prosecuted ?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. WOOD—Then I was wrong. I thought if he kept away for 30 days he would escape. So far as that point is concerned, I quite admit there is no force in my objection, but the strongest objection, in my opinion, to the amendment which has been proposed is that you impose upon private individuals, upon those who desire to see the Sabbath observed reasonably in accordance with the provisions of this Act, the additional duty, when an offence is committed, of having it properly presented to the Attorney General, and my own idea would be that it would involve a trip to the Capital or wherever the Attorney General resided, and a formal leave obtained to proceed against the guilty party. In my belief it would be very difficult, and I do not think there would be any prosecutions under the Act if such a provision as that were inserted, and for my part I must certainly vote against it.

Hon. Mr. DANDURAND—The hon. gentleman from Westmoreland admits that there are two classes of offences under this Act that may be reviewed from a different point of view. He speaks of one as a serious offence, and another as a petty offence. He appears to admit that there is a warrant for more care and that the consent and signature of the Attorney General would be necessary in the more serious offences. As to the petty offences, he believes this Act will practically be nullified if this amendment passes. I want to draw the attention of hon. gentleman to the fact that the petty offences of which he speaks are, to-day, all covered by the provincial Acts in force throughout the Dominion of Canada. I venture to think that there is hardly one of these offences covered by this Act that is not already an offence under the provincial Act, and I would appeal to those gentlemen from New Brunswick, Nova Scotia and Prince Edward Island, as to whether absolute peace and harmony does not reign through those provinces, consequently there is a provincial law which safeguards all the provinces against any desecration of the Lord's day for all petty offences such as those referred to by the hon. gentlemen and which can be reached by those provincial laws. It was said when this very Bill was presented to

parliament, that it was not to be an Act of oppression but an Act of liberty; that it was to provide for a day of rest. What is the main principle underlying this legislation, if not to allow a labourer a right to rest on the 7th day, and what is the protection that is given him? It is the protection against large corporations in most cases. Corporations are without souls. It is because the soul of a corporation is in a board of directors that only meets occasionally. It is not proper that when this law which will have to regulate railways, transportation companies and large corporations, is violated, the Attorney General of the province should be asked to intervene and to help in the execution and maintenance of this law. I think it is but proper that in all important breaches of this law and in a glaring breach of the principle of ths law, that the Attorney General of each province should be asked to intervene and lend his strong arm towards the enforcement of this law. As to the petty offences he says it will be ineffective. I repeat, that at present there is hardly a petty offence that is not amply covered by the legislation of all the provinces so that what we want is a law that will provide a day of rest; not a law which will permit of a persecution of a man by his neighbours, not that close surveillance of a citizen of this country by any man who thinks he may have violated in some principle this very exceptional law that makes a general prohibition. As has been stated elsewhere, this is a law of liberty and not a law of oppression, and I believe, therefore, that this is a very good amendment and I intend to vote for it.

Hon. Mr. McMULLEN—Under these Acts of the provincial legislature to which the hon. gentleman has referred, they are not required now to get the authority of the Attorney General before instituting a prosecution?

Hon. Mr. DANDURAND—No.

Mr. McMULLEN—This will oblige us to do it, and why should we be obliged to do it? Let me give an instance: If the province of Quebec has not a law at the present day against prize fighting. I do not know whether they have or not.

Hon. Mr. DANDURAND—We have.

Hon. Mr. McMULLEN—Supposing a party from the United States comes across for the purpose of holding a prize fight on Sunday, and it is held on our side of the border, a constable cannot arrest any of them unless under the local law. You have first to send to the Attorney General of Quebec to take proceedings against those men before you can arrest them.

Hon. Mr. LOUGHEED—You would not proceed under the Sunday Bill with reference to a prize fight.

Hon. Mr. McMULLEN—Allow me to correct my hon. friend, smart and clever as he is. The clause says:

It shall not be lawful for any person on the Lord's day to engage in any public game or contest for gain or for any prize or award.

Pugilists usually fight for prizes or rewards, so that it certainly would come under this very same Act, if they had not the law in the province of Quebec against prize fighting.

Hon. Mr. LOUGHEED—The offence, happily, is a very much more serious one than any contemplated by this Bill.

Hon. Mr. ROSS (Halifax)—The hon. Speaker has spoken about this amendment, and boasted that it would be a law of liberty. Pass this amendment and you can do whatever you like on Sunday, and nobody will be punished. I was surprised when my hon. friend the Secretary of State did not attempt to keep his followers in some line, and I regretted it very much. He might have said to them, 'this is the Bill that the government sent us and we are bound to carry it through.' But instead of that, most ridiculous amendments have been made, so that when the Bill will go back to the other House it will scarcely be recognized. It puts me in mind of a story that I think the House will be the better of listening to, because we are all getting dull and stupid. We have down at South Sydney what they call coal trimmers, those who load coal in the vessels, and among them was an Irishman of the name of Paddy Cooke, and he was a little lame, and like a good man he went to mass on Sunday morning, and a rascal of a boy up in the gallery spit some tobacco on his face. He got up with his stick and flourished it at the boy, and the priest said,

'Kneel down, Paddy, kneel down.' 'Kneel down, the devil; why don't you keep your folks in better order.' I would ask why does not the leader of the House keep his men in better order? With this amendment carried, the Bill is dead—dead as Julius Caesar.

Hon. Mr. CLORAN—Is the 60 days' amendment accepted by the hon. gentleman from Toronto?

The CHAIRMAN—Yes.

Hon. Mr. CLORAN—Any honourable senator who has had experience in the criminal court will understand that the extension to 60 days is altogether unreasonable. All prosecutions involving penalties by punishment, terms in the penitentiary and in the jail are not tolerated in our courts, and the judges will only accept with a great deal of circumspection and hesitancy a complaint that is laid 30 days after the commission of a crime. Complaint should be lodged as soon as possible, and why? Because by holding off the complaint for 60 days the offender is often left without his resources of defence, his witnesses have gone, he is not able to stand up against the Crown and private prosecutor, who has kept the complaint in his pigeon hole, and when the charge is made the prisoner has no means of defence. I think 30 days is quite reasonable, and I lodge my protest against the amendment as being unjust.

The committee divided on the amendment, which was carried on the following division:

Contents, 32; non-contents, 19.

Hon. Mr. DANDURAND—I draw the attention of the hon. Secretary of State to the fact that clauses 5 and 6 have been amended by adding the exception in favour of the provincial Acts at present in force or to come in force. In order to harmonize clause 2 with 5 and 6, I should suggest that we amend clause 2.

Hon. Mr. BOSTOCK—I propose to move to strike out clause 2.

Hon. Mr. KERR (Toronto)—I move the following as an additional clause:—

Notwithstanding anything herein contained, whoever conscientiously and habitually observes the seventh day of the week as the Sabbath and actually refrains from work and labour on that day, shall not be subject to prosecution for performing work or labour on the first day of the week, provided that such work or labour does not disturb other persons in the observance of the first day of the week as holy time, and that the place where the same is performed is not open for traffic on that day.

I do not intend to make any extended observations on this subject. The clause is moved in a spirit of forbearance and consideration which all majorities in this country extend towards minorities. This is substantially the clause which was introduced in the House of Commons on the report of the special committee to whom the Bill was then referred, but although it was subsequently defeated there, I think it is worthy of being presented to them again for reconsideration. The Senate will only be doing itself justice and credit by adopting this clause and letting it be known that there is that spirit of toleration and conciliation to be found in the Senate.

Hon. Mr. LANDRY—Except on the school question.

Hon. Mr. KERR (Toronto)—We are not considering Sunday as a religious day, but as a day of rest, and, under these circumstances, what we are providing is that where the day of rest which we have selected is not the one which others who from conscientious motives have been educated to celebrate as a holy day, and where there is one of the other days which stands in that position, it is only just and fair to the minority representing in this country some twenty or twenty-five thousand persons, that they should have the right to work six days of the week. If they observe conscientiously the seventh day they should be entitled to do their work on the day which we have set apart as a day of rest, but in doing that it must be done in such a way as not to interfere with the observance of Sunday as a national day of rest, nor with the conscientious scruples of others. The work they do must not be in a public place, nor must the shop they do it in be open to the public. With those qualifications and restrictions I submit the resolution to the House.

Hon. Mr. MACDONALD (B.C.)—It is asking too much of the House and country to adopt such a clause. We have Jews,

Seventh-day Adventists, Infidels and others who have the same freedom under our laws as the larger body of Christians, and surely if the law is good enough for the Christian, it should be good enough for them. They are perfectly free in this country; they are not hated and slaughtered as they are in other parts of the world, and they should be grateful for the measure of freedom they enjoy in this country without demanding special privileges. We do not interfere with them? They can keep the seventh day but they must respect Sunday, because we are in the majority and the majority always rule. The vast majority of this country are Christians, and the Jews and other denominations who are not Christians, must respect the will of the majority. It is a most outrageous thing to ask the House to adopt such an amendment and I hope it will be rejected.

The SPEAKER—The hon. gentleman wants the will of the majority to be respected. There is one other thing that should be respected in this country and that is the consciences of the minority.

Hon. Mr. MACDONALD (B.C.)—They are perfectly free.

The SPEAKER—They are not free to work on Saturday if their conscience tell them they should rest. My hon. friend would force them to rest on the following day as well, so that he thinks in the fight for life it is fair to force a man to rest two days while he himself would enjoy the advantage of being compelled to rest only one day. In this Christian country, we should apply Christian principles to those who do not profess our principles and treat them according to the golden rule, doing unto them as we would like them to do to us.

Hon. Mr. LANDRY—I am very glad to hear that expression of opinion from the hon. member. Next time the Manitoba school question comes up in this House we will engage him to give us the golden rule also—to give to the minority in the western provinces the rights guaranteed to them under the constitution.

Hon. Sir MACKENZIE BOWELL—That was a political dodge, and so is this.

Hon. Mr. LANDRY—I suppose the hon. gentleman will be animated by the same spirit and do the same justice to our fellow-citizens in that part of Canada as to the Jews. I am for the amendment.

The SPEAKER—This is not the time or occasion to discuss the school question. When the proper times comes I shall be ready to discuss the question with the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—May I ask the hon. Secretary of State whether he, on behalf of the government, accepts this amendment?

Hon. Mr. SCOTT—The government were divided on this question. It was not in the original Bill. It was suggested in a special committee to which the Bill was referred, and when it came back to the House there was a division among the members of the government. They did not feel bound to vote together on the question.

Hon. Sir MACKENZIE BOWELL—As the government have no policy, what will the hon. Secretary of State do?

Hon. Mr. SCOTT—I shall vote for the amendment.

Hon. Mr. McGREGOR—Personally, I am in favour of respecting everybody's conscience, but this amendment would be useless. We do not want hurried legislation. We know that the same amendment was moved in the House of Commons and defeated there by a large majority. If it is adopted here now it will be thrown out in the Commons again. It is our duty to remain here while there is work to be done, but there is no use in loosing time when we can accomplish nothing. Therefore, while I respect the conscientious convictions of all, I shall, under the circumstances, vote against the amendment.

The committee divided upon the amendment, which was rejected.

Contents, 18; non-contents, 24.

Hon. Mr. KERR (Toronto)—I ask a reconsideration of the first clause, for the purpose of having clause (g) amended by striking out the word 'public.' It would only be misleading to leave that word in the clause.

Hon. Sir MACKENZIE BOWELL—Does that mean that you wish to include any Act whether public or private ?

Hon. Mr. KERR (Toronto)—Any Act of a province. For instance, the incorporation of the city of Montreal was by Act of parliament. The interpretation has been put on that Act that it is a private Act. I want to cover any case of that kind.

The amendment was agreed to.

Hon. Mr. BOSTOCK—I move that the following words be struck out of clause 2 : 'Regarding matters coming within the classes of subjects enumerated in section 92 of the British North America Act, 1867.' I do this because my amendments having been adopted in clauses 5 and 6, I want to bring clause 2 in harmony with them, so that there may be as little ambiguity as possible in this Act.

Hon. Mr. MACDONALD (B.C.)—I hope the hon. Secretary of State will put his foot down and prevent the mutilation of this Bill. It will not be worth anything the way it has been amended.

The amendment was agreed to.

Hon. Mr. KERR (Toronto)—I ask permission to have subclause (l) of clause 3 reconsidered. I move that this clause be amended by striking out the words 'ocean-going' in line 32.

Hon. Mr. MACDONALD (B.C.)—Better strike out the whole Bill.

Hon. Mr. ROSS—How long will this farce continue ?

Hon. Mr. KERR (Toronto)—So that any vessel which would be unduly delayed may be relieved from the penalty of the Act, and may have the privilege of loading and unloading. It would include the ocean-going vessels and it would include the grain-bearing vessels, and include vessels bearing ore and other cargo. I made a statement here before dinner this afternoon, that more than half of all the tonnage under the British flag on the Canadian registrar now running on the lakes supplied ores and merchandise to the Sault industries, and there is as much reason for them to look for and expect the protection which this clause would give as there would be to any fleet of ships in the world. Instead of making difficulty about the matter I think we should encourage an enterprise of that kind, and see that when a vessel is unduly delayed it should not be exposed to the penalties here provided under this Bill, but should be at liberty to take advantage of the time, not to remain storm-bound and winter-bound, as they might be. I hope the hon. Secretary of State and the Senate will give the same right to ore-bearing vessels as has been given to grain-bearing vessels.

Hon. Mr. SCOTT—We have already discussed that clause and widened it to a greater latitude than it was originally as it came to us. Originally it read 'loading, unloading and operating any ocean-going vessel.' An appeal was made to us by the hon. gentleman from Prince Albert, in which he stated that it was very important that the grain coming down from Port Arthur and Fort William in September and October should also be provided for. As the grain trade was limited to a comparatively short period in the year, the Senate agreed to allow grain-bearing vessels to be included. We added the words grain-carrying vessel. That was agreed to in the afternoon by a considerable majority. The proposition of the hon. gentleman from Toronto was submitted and voted down. Having settled that, it would be exceedingly imprudent to reconsider that. If you open the door and exempt ore-bearing vessels, you give it to all vessels. The Bill is pretty well destroyed now. Do let us stop the sham and get through.

Hon. Sir MACKENZIE BOWELL—That argument is very good and sounds very nice, but why should our own trade and business be restricted any more than that of the ocean-going vessels ? I have already pointed out that this Bill is of an exceptional character, and that one clause is contradictory of the other. It has been amended and mutilated to such an extent that it is of very little use.

Hon. Mr. WOOD—I should like to point out before the amendment is adopted, that we are, in my opinion, altering the whole character and intention of this clause. As I understand the clause, it was at first intended to apply simply to ocean-going steamers which had a schedule time for sailing, and if such ocean-going steamers

were unduly delayed they were allowed to work on Sunday in order to sail at the time fixed in the schedule. That first clause was simply intended to apply to that one class of business. Then, so far as the arguments of my hon. friend from Toronto go about vessels being unduly delayed and being in danger of being frozen in or something of that kind, it is provided for in the next part of the section, 'or any vessel.' That applies to any vessel, either ocean-going vessel or a vessel on the lake or anywhere else—any vessel which would otherwise be in imminent danger of being stopped by the close of navigation. In such cases they can work on Sunday according to the Bill as it was originally framed. So far as the grain trade and coal trade, and trade in ore on the lakes are concerned which passes through Sault Ste. Marie canal, that is provided for in the next clause of the section. 'Loading before seven in the morning and after eight in the afternoon can be carried on after the 15th September.' That is in the fall of the year when the rush comes on, and provision is made to allow vessels to work before seven in the morning and after eight in the afternoon on Sunday. So far as my judgment goes, that is giving a pretty wide latitude, and I think is making all the provision necessary to meet the requirements of the trade in that direction. I would very much prefer to see the clause remain as it came from the House of Commons. I did not make any objection before, but I think now we are pressing it a little too far.

The committee divided on the amendment, which was carried on the following division :

Contents, 19 ; non-contents, 17.

Hon. Mr. DeBOUCHERVILLE—I think there is a doubt about the division.

Hon. Mr. DANDURAND—No, there is no doubt about it.

The CHAIRMAN—The amendment is carried by a majority of two. We have taken a vote once, and taken it accurately, and that is an end of it. If hon. gentlemen come in after the question is put, they cannot be counted in the vote.

Hon. Mr. WATSON—Mr. Chairman, there is a dispute as to the count.

Hon. Mr. YOUNG—Oh, no ; any hon. gentleman can make a statement, but that does not constitute a dispute. When the third reading is moved the feeling of the House can be tested.

The clause, as amended, was adopted.

The CHAIRMAN—As a rule, the title of a Bill is amended at the third reading, and not in committee of the whole.

Hon. Mr. SCOTT—Yes.

Hon. Mr. BAIRD—How will this affect the laws in New Brunswick and the other provinces ? You refer to the Lord's day and call it 'Sunday.' In all the Acts of the local legislatures it is called 'the Lord's day.'

Hon. Mr. WATSON—It is commonly called Sunday.

Hon. Mr. DANDURAND—It may now be logical.

Hon. Sir MACKENZIE BOWELL—I should like to hear the hon. speaker analyse it and point out the logical character of the Bill when we have more time, but not just now, because it would take too long. Does my hon. friend know that about three-fifths of the carrying trade of the lakes is from the Soo at the present moment, and that it exceeds altogether the grain trade? Is that business of no importance to the manufacturing establishments and the industries of that country ?

Hon. Mr. SCOTT—They have to submit to a Sunday law.

Hon. Sir MACKENZIE BOWELL—I am as strongly in favour of a Sunday observance law as any one can be, and I am only dealing with this in what I consider to be a spirit of fair-play. You give to one class of carriers a right and privilege that you deny to others, and the parties to whom the denial is made, are our own industries in this country. That is the Bill as it stands at present. If you will propose a clause to prevent all work on the Lord's day I will vote for it with all my heart, I do not care what it is, let it apply to every one, but this sectional mode of legislation is not creditable to this country.

Hon. Mr. SCOTT—Will the hon. gentleman support the Bill as it came from the House of Commons and limit it to ocean-going vessels ?

Hon. Mr. KERR (Toronto)—No, certainly not.

Hon. Mr. McMULLEN—I should like to know if our lumber trade is not as important as the ore trade ? If you open it to the ore trade, would you not open it to the lumber trade ?

Hon. Mr. KERR—I am not restricting it. I say any vessel.

Hon. Sir MACKENZIE BOWELL—It is only when it unduly interferes with the business.

Hon. Mr. CASGRAIN (de Lanaudière)—This is only in exceptional cases that a ship would be allowed to unload on Sunday, when it is delayed by stress of weather or is in immediate danger of being lost, or in the very end of the season. On such occasions, surely you would not allow a ship to be in immediate danger to be perhaps lost if they were not permitted to unload their cargo in port on Sunday ? We know that shipping is carried on up to the last day of season. We hear of wrecks at the end of the season. We all know that at certain times of the year you cannot get insurance on steamers. The insurance ends about the 15th October. Therefore, I think it is absolutely necessary to allow the ships to unload their cargo whenever they can, knowing that those lakes are dangerous to navigate late in the year. I think, in fairness, any vessel should have this right at that time of the year.

Hon. Mr. YOUNG, from the committee, reported the Bill with amendments.

Hon. Mr. SCOTT—I think it would facilitate business at this period if we concurred in the amendments to-night, and had the Bill reprinted with the amendments for the third reading to-morrow.

Hon. Sir MACKENZIE BOWELL—I object to the amendments being concurred in to-night, for the reason that I propose to make a motion not concurring in some of the amendments which have been made to the Bill, and I frankly admit that I am not doing that with the expectation of carrying the motion, but I desire to have upon the records of parliament the votes of the senators upon the different points to which I have referred.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—Would my hon. friend not adopt the suggestion of moving them on the third reading.

Hon. Sir MACKENZIE BOWELL—I would have to give notice.

Hon. Mr. SCOTT—No notice is required of an amendment to a public Bill, and if the amendments are not now concurred in it will throw us over one day. All these suggestions can be made on the third reading.

Hon. Sir MACKENZIE BOWELL—Why should we be asked to move so rapidly in an important matter of this kind ? We may as well consider the measure deliberately, if it is only for the pleasure of keeping some of the Commoners here, to let them know that the Senate has an existence and that it is necessary to recognize their rights ?

Hon. Mr. SULLIVAN—There is no doubt that this is a historic measure which effects the whole country, and we should not proceed hurriedly.

Hon. Sir MACKENZIE BOWELL—To meet the wishes of the hon. Secretary of State and others, if it is understood that these amendments can be moved on the third reading without notice, I have no objection to the concurrence now.

Hon. Mr. SCOTT—That will be understood.

The motion was agreed to.

The Senate adjourned until eleven o'clock to-morrow.

THE SENATE

OTTAWA, Wednesday, July 11, 1906.

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

Prayers and routine proceedings.

THE PAY OF THE MILITIA AND USE OF ROSS RIFLE.

Hon. Mr. LANDRY—I would direct the attention of the leader of this House to the answer to a communication which he gave me yesterday from the Department of Militia, and to the following extract from the

regulations for the Canadian militia respecting pay and allowances. I had the hon. gentleman's attention a few days ago called to the fact that a certain militia corps had not received their pay, and asked why. Article 255 of the regulations provides :—

The allowance for rural corps shall be paid at the termination of the annual training, or in case of a corps not having trained, at the close of the financial year.

That is the regulation in force to-day. I hope the Department of Militia will not forget that the regulations are binding on them. I would also call the attention of the government to this other fact: News has just been received from England that the Bisley team has not found the Ross rifle a success, and has been obliged, after practicing with the Ross rifle for ten days, to return to the Lee-Enfield rifle for the match. In the face of those facts, I would suggest to the minister the propriety of suspending any further action with regard to that rifle until convinced by a thorough examination of its efficiency, because it would not be a credit to our militia if they were armed with a rifle which they cannot use advantageously compared with the Lee-Enfield rifle.

Hon. Mr. SCOTT—I will be glad to call the attention of the Minister of Militia to the comment the hon. gentleman has made upon the Ross rifle. My impression is that we have made a contract for a certain number of years. I do not know when the time will expire. I thought it was originally for four or five years only. However, I shall bring the matter before the Minister of Militia and probably he will have definite information on the subject also. In reference to the payment of the officers, would my hon. friend send me a reference to the law, so that I can be in possession of it, because my memory is not quite equal to retaining all these facts.

Hon. Mr. LANDRY—Regarding the Ross Rifle Company, there is a clause in the contract which says that the government has a right to compel the adoption of any improvement that may be useful, and if defects are discovered by the experiments that have been made upon the rifle, perhaps it would be easy to get the improvements made before the rifle is distributed among the militia.

Hon. Mr. SCOTT—Yes.

LORD'S DAY BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (12) An Act respecting the Lord's Day : He said :

When we rose last evening, the subject of proposing changes in the Bill at the third reading was discussed. I should like to know whether my hon. friend from Belleville is going to follow up the notice he gave to the House or whether we will be permitted to have the Bill read the third time now.

Hon. Sir MACKENZIE BOWELL—I may inform the hon. Secretary of State that, after considering the matter, I have come to the conclusion not to trouble the House with any amendments. The Bill has been so completely emasculated, murdered and butchered that I question very much whether the promoters of the Bill or the government which introduced it, knows what it means or what it contains. I am convinced that it will not accomplish the object that the promoters of the Bill and the government had in view when they introduced it. I am not surprised that there is no unity of opinion among the government supporters on this question, when they find the ministers themselves voting against each other, not only in the Commons, but also in this House. It is not to be wondered at, therefore, that the ardent supporters of the administration, who follow them on most occasions so blindly, should be all at sea at the present moment, and that they should have run upon the rocks is not a matter of surprise. If they are wrecked, I shall be—I was going to say very glad of it, but perhaps that would be uncharitable. I am quite satisfied that the Bill as it has been amended meets the approval of my French friend opposite who is looking at me so earnestly just now, but to those who take a different view, it has gone quite far enough, indeed a little too far. We had the spectacle of the Prime Minister and one of his cabinet voting for certain amendments, while the Minister of Justice, the Minister of Customs and one or two others voted

the other way. We had the spectacle here yesterday of the hon. Secretary of State on one of the amendments which were proposed voting one way and his colleague sitting to his right voting the other way; so that we have an unharmonious ministry at the present time. They scarcely know their own opinions upon any question. They are guided and actuated, as has been evidenced in this instance, by popular clamour from one standpoint on one side of the country and from another standpoint on another side. Any amendment I might move I am quite sure would be voted down, and I am not so sure that my amendment would improve the measure even if carried, because no one or two amendments that I could make would attain the object of those who desire the Sabbath to be kept in a better manner than it is at present. I shall watch very closely, as I think most people will, the working of this Bill when it becomes law. My own view is that it is not worth a snap of the finger. It would have been much better to have left the provinces to deal with the matter. However, when the government takes the responsibility of the action they must take the responsibility of the results which may follow from that action.

Hon. Mr. SCOTT—At the last moment, last evening, a change was made in the interpretation clause. My attention has just been called to the fact that under a misconception some one made the statement that 'Provincial Act' means any public Act, and the word 'public' was struck out on the assurance that if we did not strike it out it might affect the charter of the city of Montreal. I am credibly informed that that was entirely erroneous, and that the effect of leaving the clause as it is now would make it refer to all the private Acts in all the provinces as well as the public Acts, which would be improper and misleading.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will remember that I called attention to that fact at the time.

Hon. Mr. LOUGHEED—Before the motion is put, I should like to make an observation or two with reference to the Bill as it is now presented for third reading. It is legitimate comment, to which my hon. friends on the opposite side certainly cannot take exception, to say that the Bill, in the language of my hon. friend the Secretary of State, who introduced it yesterday, is a mass of inconsistencies; but I doubt very much if the Bill portrays the signs of inconsistency to as large an extent as the government itself has done in introducing this measure, and bringing it to its present stage. My hon. friend from Victoria, Nova Scotia (Hon. Mr. Ross), yesterday made some reference to scriptural warrant for the introduction of this Bill, as did also my hon. friend from North Wellington (Hon. Mr. McMullen). A very familiar text occurred to my mind when the Bill was first introduced by the present government in the month of April last. I recalled the words used by Jehu after he was appointed to succeed Ahab as king of Israel and as he was about to enter upon the slaughter of the prophets of Baal: 'Come and see my zeal for the Lord.' The government, unquestionably, in assuring the Lord's Day Alliance of their intention as to the Bill approached it in the spirit of Jehu as in the scriptural quotation I have referred to. I can well fancy the Prime Minister saying to the Lord's Day Alliance when this Bill was presented, 'Come with me and see my zeal for the Lord in passing this measure.' It was introduced in the House of Commons with all the sumptuary features which characterized it at that stage. We find in the address of His Excellency the Governor General an assurance that the government would submit to parliament during the present session a Bill for the better observance of the Lord's day. Notwithstanding the introduction of that Bill at a very early stage, and the fact that a special committee was appointed by the House of Commons that took evidence of all parties, both representing the alliance and representing the various interests which might possibly come in conflict with the Bill, yet we find it deferred until the dying hours of the session. There was a mass of evidence taken with reference to this Bill in the House of Commons, and yet the Senate was not put in possession of the important evidence elicited from the various parties examined before that committee as to what this Bill should be. I charge the govern-

ment, without hesitation, and I think the supporters of the government must freely admit there are grounds for it, that this Bill from the time of its introduction down to the present moment has been jockeyed by the government for the purpose of riding it to a fall, every step which has been taken indicated the intention of the government to withhold from the Senate the information which was desirable and the opportunity which was required to obtain all that information which the Senate should have been placed in possession of before giving that mature consideration to an important measure of this kind which it required and which the public demanded from parliament.

I am not taking any exception to the course which was pursued here yesterday with reference to the Bill. I think it would be contrary to fact to say that the Senate did not give consideration to it, but one cannot fail to be impressed with the approach to recklessness shown by the government supporters in dealing with this measure. That recklessness may find its justification in the statement I have made, that the government wilfully withheld the opportunity from this Chamber to deal intelligently with this measure. The outcome of the attitude, and of the policy, pursued by the government on this question would only result in the inevitable, namely, that it could not receive at the hands of this Chamber in the expiring moments of the session that consideration to which so important a measure was entitled. I do not wish to weary the House, but to follow up the inconsistency to which I have alluded. this measure when introduced in the Commons, was to be peculiarly a federal measure. The rights of the provinces were not taken into consideration and the policy of the Bill fully indicated that it was not the intention of the government that the provinces should in any way intervene in the future with the policy which was crystallized in this legislation. The Bill was to be peculiarly a federal measure. It was to be a Lord's Day Act, and the criminal law within the jurisdiction of this Dominion was to be asserted from the Atlantic to the Pacific, entirely irrespective of the views which might be held by the provinces as to their respective rights within their boundaries. When it was first intimated in the Commons the rights of the provinces which were doubtful, owing to the 1903 decision of the Privy Council, were to be ousted. We find that the Minister of Justice, the Hon. Mr. Aylesworth, than whom there is no better authority, I will venture to say in the Dominion as to the respective rights of the provinces and of the federal parliament in the exercise of the rights so involved, what did he say upon the introduction of this Bill? His language was as follows:—

> It is a matter with respect to which there is unquestionably a general demand for legislation. It is a matter in regard to which this parliament of Canada is the only tribunal which can effectively pronounce.

Here we have an unequivocal statement of the Minister of Justice, representing the government, that the only tribunal that could deal with this legislation—and at that time the legislation was as introduced as in the first draft of the Bill—was this parliament. They only could enforce this legislation, and there was a public demand upon the federal parliament. Mr. Aylesworth said, for the measure as it was then presented to parliament. We afterwards find him confirming that position upon the introduction of Mr. Piché's amendment, which has for its intention the exercise of provincial jurisdiction with reference to the observance of the Lord's day. On June 20th, Mr. Aylesworth said:—

> Just a word with regard to the proposed amendment of my hon. friend from Montreal (Mr. Piché). Its effect would be far reaching indeed. It would destroy all practical benefits from the clause under consideration. It would in fact be delegating, if we had the power to delegate the whole question of dealing with the subject to each of the several provincial legislatures. . . . . This general question has been, by the highest tribunal, declared to be within the functions of this parliament. We ought not to shirk our responsibilities. We ought not to say, by any form of words or any side wind, that we will seek to put that responsibility upon the different provincial legislatures and let them legislate nine or ten different ways upon the same matter. . . . Parliament ought to legislate and not leave the question any longer in doubt.

Now, one would have thought with that emphatic declaration respecting the views, no doubt, of the government at that time, after due consideration, they would have left to this tribunal the exclusive right to legislate upon this question; but what do

we find nine days afterwards? We find, after the meeting in Montreal on the Champ de Mars, Mr. Bourassa made his declaration before the people of Quebec as to the attitude of that province on this question. Then notwithstanding the course up to that date pursued by the government we find Mr. Aylesworth, the Minister of Justice, the hon. gentleman who was the doughty champion of federal rights making this statement:—

I am very pleased indeed that my hon. friend from St. Mary's has proposed the amendment. It is a recognition of what I think very properly may be, and ought to be, a recognition of the co-ordinate rights, within their own jurisdiction, of the provincial legislature to legislate on this subject. It has been and it is the pride of the political party to which I belong, as it is my personal pride, who regard myself as a humble member of it, to be ardent advocates of the principle of provincial rights. I, therefore, personally am glad indeed to see in this statute, as I shall be glad to see in every statute which this parliament might pass, recognized to the full the right of the provincial legislature to legislate on any question which is within their jurisdiction. That is the effect and course of this amendment, and it seems to afford a means by which this measure will be, at all events, made, if not more acceptable at least less disagreeable to the people of the province of Quebec. . . . Desiring to meet the wishes and views of those who do not accord with the province from which I come, I for my part gladly assent to the amendment which is proposed by my hon. friend from St. Mary's (Mr. Piché), and I will ask this committee to agree to passing it.

Hon. Mr. SCOTT—Hear, hear, correct.

Hon. Mr. LOUGHEED—Nine days previously the Minister of Justice absolutely refused to assent to this amendment, but on the evening of the meeting in the Champ de Mars in Montreal, when Mr. Bourassa took the government by the throat and said: 'We as representing Quebec demand that those provincial rights and sentiments be legally recognized,' not only the Minister of Justice but the whole cabinet, humiliatingly, climbed down from the lofty federal position which they had taken and acceded to the proposition made by Mr. Piché, the member from Montreal. Nor was that all. We find Mr. Borden, the leader of the opposition, willing—not only willing but anxious to have recognized the rights of the provinces with reference to legislation upon this important subject—moving an amendment on the last day this Bill passed the Commons and which amendment was rejected in fine scorn by the government. This very amendment moved by Mr. Borden and rejected by the government was brought in here last night by the hon. member from Yale (Hon. Mr. Bostock) and supported by my hon. friend the Secretary of State and all the government supporters.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LOUGHEED—But what further do we find? When Mr Borden introduced that amendment in the Commons, representing the right of the provinces to legislate upon this subject, the government and its supporters denounced it as destructive to the Bill and last night we find the government as represented in this Chamber, with instructions from the Prime Minister, accepting that same amendment claiming its paternity and embodying it in this Bill. Therefore I say they cannot take exception to hon. gentlemen on this side of the House criticising the glaring inconsistency which has been pursued by the government in dealing with this Bill. It became quite apparent to my mind, and it must have been apparent to the mind of every hon. gentleman in this House when my hon. friend the Secretary of State introduced this Bill in the Senate, that the sentiments expressed in his introductory remarks were preparatory to a burial of the Bill. My hon. friend in very pathetic accents referred to the very small representation of senators in this Chamber, regretted their absence, regretted that an important measure of this kind was to come before so sparse a House, and we were all prepared, after those sentiments were expressed in the pathetic tones to which I have referred, for the treatment which the Bill afterwards received. I cannot fail to refer to an article which appeared in the 'Globe', which we regard as the organ of the Liberal party and which as to high moral sentiments—there is no paper within the Dominion so capable of at least giving expression and advice.

Hon. Mr. SCOTT—The 'Globe' neither professes, nor is it recognized as the organ of the government.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. LOUGHEED—Does the hon. gentleman say that the government does not recognize the 'Globe' as the great Liberal organ of Ontario?

Hon. Mr. SCOTT—The 'Globe' neither professes to represent the government, nor does the government recognize the 'Globe' as its leading organ. On most important subjects the 'Globe,' during the past year, has taken violent opposition to the government.

Hon. Mr. LANDRY—By accident.

Hon. Sir MACKENZIE BOWELL—It is well they get right once in a while.

Hon. Mr. LOUGHEED—Owing to the reports which appeared in the press recently, there was considerable apprehension in the public mind that this Bill would not receive the kindliest treatment in this Chamber, but the Liberal press of Ontario, being conscious of the high moral sentiments which animate this body, at once came to the rescue to disabuse the public mind of any solicitude or anxiety they might entertain as to the reception of this measure in the Senate. We find the 'Globe' on Monday last expressing itself in this language:

> In the House of Commons the debates were marked on both sides with declarations of sympathy for Sunday observance. Egotists like Mr. Bourassa and irresponsibles like Mr. Lavergne could have no influence on the Liberal side against the resoluteness of the Prime Minister and the intelligent purposes of the great majority of his followers, both French and English, both Protestant and Catholic. The attitude of the leader of the opposition was weaker, and his services were less satisfactory than might have been expected of Mr. Borden in dealing with so critical a question outside the range of mere party politics. Thanks to the strong convictions and the conciliatory spirit of Sir Wilfrid Laurier, and to the masterful handling of the Bill by the Hon. A. B. Aylesworth, the new Minister of Justice, the measure as finally approved, while not without defects, is worthy of the intelligence and representative character of the House of Commons of Canada.

So much for the House of Commons. Now let us see what the Senate is going to do with this measure:

> The measure is now before the Senate. Notwithstanding the stories put in circulation by enemies of the government that the Bill will be mutilated or shelved by the Senate, no fears need be entertained. Such a course would be political folly of the rankest sort. The indirect damage it would do the government, and especially to the prestige of the Prime Minister, would be insignificant in comparison with its direct and inevitable damage to the prestige of the Senate itself. No measure of the present session has behind it a stronger and better informed or more representative body of public opinion. As the Minister of Justice declared, Christianity is the religion of Canada and the fabric of Canadian nationhood is buttressed by Christian institutions, but the great interests of social economics are as urgent as the churches that this measure be made law without weakening or delay.

I am anxiously awaiting the editorial of the 'Globe' in this morning's issue as to the reception which this Bill met with last night, and as to the prophesy which it made on July 9 of the treatment which it would receive at the hands of the Senate. I am anxious to study the science of explanation which will be resorted to by the reverend editor of that most excellent journal. We shall await with curiosity the attitude which it will take in seeking to reconcile the public to the mal-treatment which this Bill received yesterday in the Senate. Now, the question arises: will the Bill, as amended, receive concurrence in the Commons? In the first place, I presume to say that the Commons will scarcely recognize its child when it reaches there. It will have to be reintroduced into that body. The first question the Commons will, doubtless, ask, will be as it looks the young stranger in the face, 'What is the name of this child'? In its very baptismal name and features we have radically changed it. Whether the Lord's Day Alliance will be the sponsor I do not undertake to say; but I venture to say that the Commons will scarcely be ready to acknowledge its paternity and assume the responsibility which this Chamber has undertaken in preparing the Bill for the obsequies and the requiem service which will undoubtedly take place on the morrow. I expect to find to-morrow in the 'Globe' and the other leading organs of the Liberal party, among the death notices, that this Bill, after long suffering endured with Christian fortitude and resignation, has departed this life and was buried at the hour of the prorogation proceedings of this parliament. Without taking exception to, as I said before or criticising the amendments which have been made, I simply desire to point out that the government has not kept faith with the Lord's Day Alliance; it has not kept faith with the pub-

lic nor with parliament itself in the passing of this measure. Having assumed the responsibility, which it did in the earlier part of this session, of having introduced a Bill containing features, sumptuary though they may be termed, on an important measure of this nature the government should certainly have been sufficiently courageous and consistent to have staked its reputation and destiny on giving to the public of the Dominion such a Bill as they promised and first committed themselves upon.

Hon. Mr. SCOTT—The hon. leader of the opposition has given us a very entertaining and interesting disquisition on a variety of subjects. In the first place, he criticises the action of the government in not having had this measure before the Senate some weeks ago. The hon. gentleman knows full well that in the House which represents the people, this measure has been discussed pretty steadily during the past two months. It came here in the natural order of things; some Bill had to be last. The Senate can sit all this month and all next month, if necessary; there has been no attempt to hurry it, and, therefore, the strictures of my hon. friend are entirely groundless. I think we discussed this Bill as fully as any other measure that has ever come before us, and I deny that the changes made are of the revolutionary character which he claims. You cannot call the change in the title from 'Lord's Day' to 'Sunday' any change. Beyond that, looking at the Bill marked so as to indicate the changes made, there is very little to be seen. There is no change practically in the first clause except as regards the word Sunday. In the second clause there is the removing of the reference to the provincial authority, because it was inserted in another place as being more germane to the section to which it referred. That disposes of the first page of the Bill. On the second page the first change is the addition of the words 'express matter.' Was there any special change there to destroy the Bill or affect its tenor in any way? Then 'The continuance of trains and cars and work incidental thereto,' is the insertion of the word 'cars' a material change? I think it was covered entirely without that addition, and I saw no reason for it at the time. The next change is 'necessary to keep the line open,' which is simply a further interpretation of the meaning of parliament; and so on. I could go through every clause of the Bill and I deny that there is any justification for the remarks which the hon. gentleman has made as to our having destroyed the Bill. As to the utterances of the Minister of Justice in another place, the hon. gentleman knows well that this measure was pressed on us by a body of gentlemen—very excellent men—in the province of Ontario, who sought to impress their views upon the federal parliament. Those views were all in the right direction, so far as their moral tone was concerned. If all the provinces of the Dominion could have accepted those views, I am prepared to say that it would have been better so. I would like to see this country homogenous, although, on the contrary, there are many who think very differently and who say that the very fact of our embracing different races and different religious views is rather a benefit to the country, because it has resulted in producing the most tolerant people on the face of the globe; that we have learned to like each other better by being thrown together, and that our prejudices have consequently disappeared. The laws of Canada to-day are more tolerant of the views of minorities of all classes than those of any other country in the world, I care not where it lies. It is quite natural, when Mr. Aylesworth introduced the measure, that he should use those figures of speech which he would naturally like to live up to in shadowing forth a Bill of this kind which was to meet with the approval of every Canadian. But were we going to run counter to public opinion to do that—to trample on the views of the people? I say this government took the proper course. A sense of honour guided them in every step they have taken. They had to recognize the fact that the views which were sought to be impressed upon the people of Canada were not sound and justifiable and so this law had to be made to conform to the views of the people of the whole Dominion.

Hon. Mr. FORGET—They should have taken public opinion before they introduced the Bill, and not afterwards.

Hon. Mr. SCOTT—The only way to obtain an expression of public opinion is to in-

troduce a Bill into parliament. The people are too busy with the prosperity which they are enjoying to pay any attention to questions of this kind. Take up the newspapers. How little of the Sunday Bill you will find in them. You will find a few lines from the correspondent at the seat of government, but the papers fail to make very much reference to the subject.

Hon. Mr. FORGET—That was a good reason to leave it over until next session. The people are too busy to discuss it now.

Hon. Mr. SCOTT—It does not come into operation until after next session.

Hon. Mr. FORGET—But it is the law now.

Hon. Mr. SCOTT—It is not put in force.

Hon. Mr. MITCHELL—The hon. gentleman puts this in himself.

Hon. Mr. SCOTT—So far as my course was concerned, from the beginning I intimated my views, which I think are thoroughly borne out by the fact, that this was an intrusion on the rights of the province. I pointed that out over and over again in this House, and we were quite willing to impose on the provinces just those restrictions which they were prepared to accept. If they were not willing to accept them in a wise sense, it was our duty to cut the Bill down to suit these provinces. That is the spirit that guided the Senate in the consideration of the Bill. I do not propose to continue the discussion. It gave my hon. friend an opportunity for showing how eloquently he could discuss these matters, but I deny that there was any false impression sought to be conveyed from the beginning in reference to the federal powers. We recognized in the beginning that we were encroaching on the provinces, and when the provinces said, 'We do not want to be encroached upon,' then the government receded, and very properly so.

Hon. Sir MACKENZIE BOWELL—It is quite evident that the government is governed and does not govern.

Hon. Mr. MACDONALD (B.C.)—As there is no question of public policy, either Conservative or Liberal attached to this Bill, it being a Bill to please a large body of the people of Canada, I intend to deal with it shortly in an independent manner. About two years ago, the Lord's Day Alliance approached the premier and the Minister of Justice, and were met very cordially by those gentlemen who promised to present a Bill of this kind to parliament. They did not bring it in the first year. There was a great deal of work going on in the House of Commons. They could not then find time to bring in the Bill, but this year it was introduced, and I must give the premier of Canada my full praise, and commend him highly for the way he stuck to the Bill. But what do we find? In about three months the members of the House of Commons, on both sides, were like a nest of hornets around his head. Amendments were made here and there, and it was impossible to pass the Bill as originally intended. Then a new Minister of Justice came into office and so far, being a disappointing quantity, he has differed from himself and from the government in many ways. The premier had a great deal of difficulty, and stuck to this Bill in the most manful way, and I give him full credit for it, and we have it now before us. I congratulate the hon. Secretary of State for the splendid speech he made here in introducing the Bill. It was a godly speech, a speech with the right ring, and I regret that my hon. friend did not show a little more firmness in dealing with the matter afterwards. He should have had a whip for the members of his own party to control them more than they were controlled. The amendments moved by the hon. gentleman from Kamloops have destroyed the Bill. They give the provinces the power to legislate on different points. As far as my own province is concerned, I have no faith in its doing anything to preserve the Lord's day. The Lord's day people have petitioned the government and they have done nothing, and would not move. I call attention to the amendment made by the hon. gentleman in clause 5, which destroys the Bill. The clause now reads:

> It shall not be lawful for any person on Sunday, except as provided in any provincial Act or law now or hereafter in force.

The word 'hereafter' destroys the whole Bill. I should not object to permitting the provinces to conserve their rights in

the laws they have already passed, but I would not give them authority to pass any laws hereafter to vitiate and destroy the effect of this measure. Any one looking at the Bill as it is now before us must come to the conclusion that it is destroyed. The same thing happens in clause 6, which says:—

It shall not be lawful for any person on Sunday, except as provided in any provincial Act or law now or hereafter in force.

The word 'hereafter' appears in that clause and destroys its effect. I had hoped the Bill would pass as originally framed, because there are large numbers of people in the Dominion who desire it. I would like to ask the hon. Secretary of State if he intends to amend it by inserting the word 'public'?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACDONALD (B.C.)—I should like to strike out the word 'hereafter' in clauses 5 and 6, so that the provinces would not have the power to detract from or weaken the force of the Bill.

Hon. Mr. DAVID—In view of the remarks which have been made, I think it proper to say a few words. The hon. leader of the opposition said the House of Commons would not recognize their own child. I think he is mistaken. I think the House of Commons will be happy to find their child so much improved, so much increased in beauty, in value, in virtue, in justice, and so much in accordance with the national principles of provincial rights and autonomy. So that instead of disowning their child they will take care of it, and they will do everything to make it live as long as possible. The assertion was made that the government were influenced by the meeting which took place on the Champ de Mars, and that Mr Piché's amendment was accepted because of the effect produced at that meeting. I think I know pretty well what has taken place at the different stages of this Bill and I have no hesitation in saying, and I say what is true, that the assembly on Champ de Mars had no effect on the minds or resolutions of the government, because they had decided before hand to accept Mr. Piché's amendment. It was unjust to say they have changed their minds on the subject of provincial rights, because I know from the beginning their intention was not to infringe on provincial rights, and they were satisfied that the Bill did not contain any clause contrary to the principle of provincial autonomy. But it was a question of interpretation, and when the members of the government were convinced that there was a difference of opinion on that point, and that it would be wiser to meet the objections against the Bill, they did their duty towards the country and towards the constitution. They accepted the amendments made in the House of Commons, and afterwards in the Senate with a view to making it clearer that they did not want to infringe on provincial rights or provincial autonomy. In this respect, I am happy to say, the work of improvement was commenced in the House of Commons, and I am glad to say that the members from Montreal have done their duty. They were attacked at that famous public assembly on Champ de Mars as traitors to their country and nationality, but they were unjustly attacked. While others were talking and shouting on Champ de Mars, those members were doing their duty here amending the Bill and making it acceptable to all nationalities and all religious denominations. I am happy to have an opportunity to express my appreciation of what those members from Montreal have done for the city of Montreal and for their country. It has been asserted that senators were instructed by the Prime Minister to vote for the amendments introduced yesterday. No doubt the hon. senator from Calgary made that assertion in good faith. As leader of the opposition he is obliged to say something. I admit he has a very difficult position, and that he and those who co-operate with him have a right to be disappointed, but I think it only just and proper to state that when the hon. senator from Calgary said that the Senate had received instructions from the Prime Minister to vote for the amendment, he was misinformed. That is the best expression I can use, because I would not like to say anything which would not be polite. I affirm solemnly that the hon. gentleman's assertion is unfounded, that we received no instructions, and that the Prime Minister did not say a word to influence senators to

make any change in the Bill as it was brought before this House. If anybody knows, I should know, because I try to keep myself well informed. So instead of blaming the Senate in this case there should be only one opinion in the country, and I am proud to say that in this instance the Senate has done its duty independently, and deserves praise for what it has done. It is not the first time the Senate has affirmed the principle of provincial autonomy and provincial rights, and if there ever was an occason when those principles should have been affirmed this is the occasion. It has been intimated that certain people have intervened to bring about a change in the minds of the government. I have no hesitation in saying that the government were in a very difficult position—in one of those positions which must occur under confederation very often, where they were obliged to take into consideration two extremes and draw a line between the two—where they were obliged to do what all governments that have been in power in Canada since confederation had to do, and what all future governments will have to do while confederation lasts. Because there is only one way to govern Canada, and that is by mutual concessions and forbearance. Confederation was the result of compromise, and when parliament or any government shall deviate from that principle on which the confederation was established, confederation will be a dead letter. The government were between two extremes. I want to make this remark, and I know it will be well received: Let the hon. members from the other provinces consider this, that the Bill as introduced was repugnant to the feeling and the customs, the habits, and even the laws of the people of the province of Quebec ; that they considered it an infringement on their rights, privileges and laws. They were satisfied that they had everything at home necessary for the proper observance of the Lord's day. Put yourselves in their position. Have they not a right to say to their friends in the other provinces : 'We are able to give you what you want ; we want nothing, but for God's sake take into consideration our rights. Take what you want for the observance of the Lord's day, but respect our feelings, our provincial autonomy, and our provincial rights.' They have been brought up with the idea that after having attended divine service they have a right to enjoy themselves on a Sunday afternoon with certain amusements and recreation. That has been their custom since the foundation of the country. I was amused the other day when in this House and in the other House the statutes passed under Charles I. and James I. were cited. I was curious to see what they contained, and if I had time I would read some of their provisions. You would be surprised to learn that what we want in the province of Quebec is exactly what was granted by Charles I. and James I. to the English people. The proclamation of Charles I. in 1632 contains the following :—

> And as for our good people's lawful recreation, our pleasure likewise is that after the end of divine service our good people be not disturbed, letted or discouraged, from any lawful recreation such as dancing, either men or women, archery for men, leaping, vaulting or any other such harmless recreation, nor from having of May games, Whitsun ales and Morris dances, and the setting up of May poles and other sports therewith used, so as the same be had in due and convenient time without impediment or neglect of divine service.

That was not a proclamation issued by a French Canadian or even by a Catholic, yet those in authority at that time entertained exactly the same view that we do as to the proper observance of the Lord's day. Moreover, the people of the province of Quebec contend that the usages, habits and customs have been guaranteed to them by the constitution, and that confederation was established on the principle of mutual concession and provincial autonomy. What are provincial rights composed of ? Not only of actual laws, but also of those habits and customs which form part of the national and social life. Naturally the Bill cannot give complete satisfaction to the extremists, to those who think that Sunday should be a day of sadness or a funeral day, or to those who think that on Sunday everything should be allowed, but it will satisfy those who are convinced that sound recreation is the best rest for mind and body to restore the strength which people require to perform their mission in this world. The Bill is not a triumph of a party, of a religious denomination, or of a national association.

It is the triumph of justice, of liberty, of provincial autonomy, of all those who think that in this country we must work the confederation on the principle upon which it was based, namely, mutual concession. Mutual forbearance is the price of harmony and of the national and material progress of Canada.

Hon. Mr. ROSS (Halifax)—As I am going away to-day, I beg to say a few words on the Bill under discussion. I want my words to be as temperate as possible, but the action of this House last night was enough to make a man feel rather out of temper, because it is possible sometimes for a Scotchman to get out of temper, but only on great provocation. We had great provocation here last night by the friends of the government in destroying the Bill. I say that the Bill has been destroyed, and that it is, therefore, useless. When it is required, before a man can be punished, that you must get an order from the Attorney General to prosecute him, I want to know how the Bill can be put into operation in the larger provinces? You might as well pass a resolution to say that nobody would be punished under this Bill. Of course we hear the stereotyped argument that you cannot make any man better or more religious by an Act of parliament. That is true, but we can punish men for doing wrong, by Act of parliament. For instance, some senators, I believe, are addicted to the habit of swearing. I thank the Lord that I am not. I never uttered a profane oath in my life,—that is the teaching I got from my father and mother, and I hope I will continue to follow their example in that respect. Now, there was a determination on the part of some people to destroy this Bill, and they have succeeded to their heart's content. The hon. gentlemen who now occupies the Speaker's Chair was delighted with the resolution offered by the hon. gentleman from Toronto; he was beaming with happiness when that resolution passed. You would think he was almost like Moses when he came down from the mountain; his face had changed completely, because the unreasonable and unjust resolution of the hon. gentleman from Toronto had been adopted by this House. I like Sabbath observance; but the Bill which is now under consideration is far removed from the 4th commandment. It is not within miles of the teaching of the 4th commandment. You would think by this Bill that there is not a God in Heaven that rules over the destinies of nations and of individuals. The whole Bill appears to be drawn up in the interests of corporations and transportation companies. That appears to be the object of this legislation. Nobody appeared to think that there should be any connection between the 4th commandment and the passage of this Bill. I objected also to the hon. gentleman from Halifax moving to change the words 'Lord's Day' to 'Sunday.' He was introducing heathen mythology. We have the Bible's authority for the Lord's day, but we have no bible authority for 'Sunday;' you may search either Catholic or Protestant bibles in vain to find that word. Here is the authority for the Lord's day. I am referring now to a Catholic bible translation and my hon. friends from the province of Quebec will know that I am reading from a book that they should respect; whether they do or not is a very doubtful question. I am reading from the book of Revelations:

> I, John, your brother, a companion in tribulation and in the kingdom of patience of Christ Jesus, was in the island called Patino for the Word of God and for the testimony of Jesus Christ I was in the spirit on the Lord's day.

Now Catholic commentators explain it thus:

> On the Lord's day, not the Jewish Sabbath, which is our Saturday, but on the Christian Sabbath, our Sunday, called the Lord's day.

That is the authority of your judge. The extract continues:

> The church in the Apostolic times changed the day of rest on which the Jews were commanded to rest and sanctify, from Saturday to Sunday, from the last day of the week to the first. They judged this only to be an indispensable precept, that some day or some time should be appointed in a special manner for God's service and worship, on which Christians shall also abstain from servile labour.

I do not think we are going to abstain from servile labour.

Hon. Mr. FORGET—By this Bill we legalize it.

Hon. Mr. ROSS—This quotation proceeds:

> In which Christians should all abstain from servile labour, that were not necessary as to the determination of such a day of the week

they judged that the church had power to change the day.

This is a compliment that the commentator paid to Christians:

The late pretended reformers have also agreed with us in this change.

We are thankful that they acknowledge that we are pretended reformers and that the day was changed. We have the authority of the scriptures for this, and this is also the Catholic translation. Let us hear the conclusion of the whole matter. It is:

Fear God and keep His commandments.

Now, the senator that goes to church on every Sunday in the province of Quebec does a good thing, and we admire him that he has so much Christian principle as to go this far, but when he or his family go to horse-races in the afternoon of the same day, I question very much the Christian principle of that senator. I would say to him as the Apostle Paul said:

I perceive thou art in the gaul of bitterness and in the bonds of iniquity.

My hon. friend from Montreal recommended us to have holy shrines in Ontario. The only authority that I have for a shrine is where the scripture says to go to our closets to pray, but the prophet Daniel raised the window and prayed three times in defiance of the rules of the Jews. I think we can dispense with the shrines, and I think likely we will do very well without them. I disapprove of the idea of the hon. gentleman from Victoria. Of course he has a perfect right to praise the morality and religion of his own people. That is his duty, but when he makes a contrast between them and the Protestants, I think that is going perhaps a little too far, I may say that the people of the province of Nova Scotia, and I hope the people of Ontario, are as moral and religious as the people of Quebec. There is one thing certain, and that is that they observe the fourth commandment in a stricter manner.

Hon. Mr. LANDRY—It is the third commandment the hon. gentleman means.

Hon. Mr. ROSS—I am translating the fourth commandment as it appears in the Roman Catholic bible:

Remember that thou keep holy the Sabbath day. Six days shalt thou labour and do all the work, but the seventh day is the Sabbath of the Lord thy God. In it thou shalt do no work, thou nor thy son nor thy daughter nor thy manservant nor thy maidservant nor the stranger that is within thy gates, for in six days the Lord made Heaven and earth, and rested the seventh day.

And so on.

Hon. Mr. FORGET—The hon. gentleman is quoting the Catholic version of the bible?

Hon. Mr. ROSS—Yes.

Hon. Mr. FORGET—Please quote the Protestant version. Why do you quote the Catholic version?

Hon. Mr. ROSS—I do not suppose the hon. senator objects to my quoting the Catholic translation of the commandment?

Hon. Mr. FORGET—But you gave an impression to the House that the Catholic version was not the correct one.

Hon. Mr. ROSS—No, I do not want to create that impression at all. There is no difference between the two. The reason that I quoted the Catholic version of the commandment is that I thought it would command more reverence on the part of the senators from the province of Quebec.

Hon. Mr. FORGET—We respect the bible as well as anybody else.

Hon. Mr. ROSS (Halifax)—Now I am going to give you Catholic authorities for the observance of Lord's day. His Holiness Pope Leo XIII., at the suggestion of Cardinal Gibbons, issued an address in which were these words :

The observance of the sacred day which was willed expressly by God from the first origin of man is imperatively demanded by an absolute and essential dependence of the creature upon the Creator. This law, which at one and the same time so admirably provides for the honour of God, the spiritual needs and dignity of man and the temporal well-being of human life, touches not only individuals but also peoples and nations.

There is one thing which I admire very much, the respect which Catholics pay to the highest authorities of their church, and in that respect I am afraid that they have rather forgotten what the authorities of their church have to say in connection with this subject.

Hon. Mr. FORGET—Would the hon. gentleman cite a case, where we do not follow the principles of the chief of our church?

Hon. Mr. ROSS (Halifax)—I would first explain what those principles are. I am not accustomed to public speaking, and I hope the hon. senator will allow me to express my disconnected ideas without interruption. Cardinal Gibbons says:

The institution of the Sabbath has contributed more to the peace and good order of nations than can be accomplished by standing armies and the best organized police force.

Archbishop Ireland, at a retreat held in St. Paul, Minnesota, attended by about 200 Catholic priests:

Called special attention to the desecration of the Lord's day in some localities in the diocese where saloons and business places are kept open just as on other days, and ordered the priests to exert all lawful influence to have the scandal stopped as far as Catholics might be implicated. In places where Catholics are the majority of the population and are consequently responsible for the disorder, the priests are directed to promptly inform the archbishop and he will interdict those places, that is, forbid religious service therein until the Lord's day shall be properly observed. In other places the priests and Catholic people are directed to work with non-Catholics who may wish to see the Lord's day properly observed.

The deceased Archbishop O'Brien says:—

I am in full sympathy with the movement for promoting the due observance of Sunday as a day of rest. I believe a law should be enacted to prevent all unnecessary servile work on that day so that all men may have the opportunity of resting their bodies and of adoring the Creator.

His Grace the Archbishop of Victoria says:—

In checking the fatal encroachment on the Lord's day, in the establishment of which we adore God's infinite wisdom, the Lord's Day Alliance of Canada is deserving of our grateful recognition and hearty co-operation.

So that the archbishops would have accepted the Bill as it came down to this House.

The Right Rev. Bishop Blais, of St. Germain, Rimouski, Quebec, writes (in French):

It is of the highest importance that the day consecrated each week to sanctified rest, which allows the exercise of divine worship, should be observed faithfully and religiously by all members of society, and protected with a jealous care by the regulations of our laws, both federal and provincial, against all use and abuse to the contrary. This is why I would cordially acknowledge the opportuneness and the usefulness of the association formed under the name of the Lord's Day Alliance of Canada; and I wish all possible success to the efforts it makes to attain the object at which it aims.

Both the Lord's Day Alliance, and the Bill as it came down to this House, met with the approval of this great and good man. I have a great deal of veneration for Catholics, and I believe there are as good men in that church as in any other denomination. I am doing business with my Catholic friends in the city of Halifax for a number of years now, and I find them honest and just. They are faithful and true to their church—more so, I must say, than we Protestants are.

The Baltimore Council of Archbishops and Bishops, inter alia, decreed saying:

It is well known that the tendency is to rush far beyond the bounds of necessity and propriety, virtually ignoring the sacredness of the day altogther. But no community can afford to have either gain or amusement at such cost. To turn the Lord's day into a day of toil is a blighting curse to a country; to turn it into a day of dissipation would be worse. We earnestly appeal, therefore, to all Catholics, without a distinction, not only to take no part in any movement tending toward a relaxation of the observance of Sunday, but to use their influence and power as citizens to resist in the opposite direction.

We decree that it is never permitted to hold these (picnics, excursions, &c.) during the night nor upon Sundays, fast and abstinence days, nor with intoxicating liquors, wine and beer included, or sold thereat. And likewise relative to what are commonly called 'fairs,' we decree that they must not be held on Sundays, nor without the license of the bishop, nor must intoxicating liquors, wine and beer, be used thereat.

That is the authority of the church, and that is the authority I think under which the premier wanted the Sunday Observance Bill to be passed. In my own hearing and in the hearing of others, the premier said that we should have a Lord's Day Act after what he had seen in Paris. Now just a word about Scotland. I think I may be permitted to say that, excepting the slums of Edinburgh and Glasgow, there is no place in the world where the Lord's day is observed with such sacredness as in Scotland. Look at that little community with its sterile land and limited population. Her steamers traverse every sea—they come to Montreal, those great steamers which we feel so proud of. Where are they built? In Scotland. There is no

Sunday work done in connection with those steamers. There will be no cargoes shipped on the Lord's day, on the other side of the water. Who commands those steamers? Scotchmen. Who are the engineers? Scotchmen; and it is the same all over the world. I venture to say that if the Lord's day was observed in France as well as it is in Scotland, France would be to-day the first power in Europe; but in that respect France is not setting a good example; and I am afraid that our friends from Quebec are taking perhaps too many of the traditions that were in vogue in France and continuing some of them to the present day. I regreed exceedingly that the Bill which promised to be useful as it came from the government and the other House, has been destroyed and made inoperative in this House. That appeared to be the determination of some senators who proclaim that they are supporters of the government. Now the individual or the family, the community, province or the Dominion which observes the Sabbath day as it should be observed, is the one that will prosper; and if we are to enter upon the down-grade by setting at defiance the fourth commandment, we will go down as a nation by doing so. As far as this Bill is concerned, it does not amount to a snap of the finger in the province of Nova Scotia, because we observe the Lord's day as a province strictly at the present time.

The danger is that some of our people will be rather encouraged in actions by some of the exemptions in this Act, which, through precept and example, were never practised by them before. I regret exceedingly the way the Bill has been mangled in this House. The premier can well say, 'Save me from my friends.' He wanted the Bill to be passed as it came up to the Senate. It contains some things that personally I would not care to approve; but from my desire to do justice to the people of the province of Quebec, I was willing to accept the Bill as it came to us. Too much attention was paid to that meeting in Montreal, and to the resolution that was passed by 'We, the citizens of Montreal.' There were tens of thousands of citizens of Montreal who did not attend that meeting, but had more respect for the Sabbath day than some of the fanatics that were present. You get a showy band——

Hon. Mr. FORGET—And bagpipes.

Hon. Mr. ROSS (Halifax)—No, not the bagpipes, because the French have no appreciation of that organ, the bagpipes, that has been so useful and that has given Scotland and Scotland's sons the tribute you find on every hard fought battle, and without the bagpipes they would be just useless. There is no necessity for sneering at the bagpipes so much beloved by Scotchmen. That resolution 'We, the inhabitants of Montreal,' reminds me of the three Tooley street tailors, 'We, the inhabitants of London.' They were not the inhabitants of Montreal. There were tens of thousands of people in Montreal that were not there. I am afraid the speeches that were made on that occasion rather intimidated some senators and made them doubtful as to what their course should be. I regret exceedingly that the Bill should pass from us in its present shape. It does not do us credit as senators; rather the other way.

Hon. Mr. CHOQUETTE—It was my intention to make a few remarks on the Bill, but at this hour of sitting I will not do more than express my satisfaction with the Bill and to say that I endorse every word in the eloquent remarks of my hon. friend from Mille Isle. I should like to put a question to the leader of the opposition: Does he claim that on a question of this kind we ought to legislate purely from the federal point of view and overrule and override all the provincial laws in existence on this question?

Hon. Mr. LOUGHEED—No, I said nothing of the kind. I said that the Prime Minister had committed himself to the policy of the federal government legislating exclusively on this subject. I cited from a speech of the Minister of Justice, remarks confirmatory of that position. I cited also, or stated that the leader of the opposition. Mr. Borden, in the other House was in favour of permitting the provinces to exercise all the rights now given them with regard to Sunday laws, and the government, after rejecting that proposition, finally accepted it in this House.

Hon. Mr. CHOQUETTE—I asked the hon. gentleman what does he say on the matter himself? I ask him plainly what is his position? Does he say that we ought to have overruled or overridden all provincial laws on this subject now in existence or hereafter to be passed? I want his own opinion?

Hon. Mr. LOUGHEED—Since my hon. friend is so solicitous to know my opinion I say that each power should legislate within the sphere which pertains to it under the constitution.

Hon. Mr. CHOQUETTE—But on this special question.

Some hon. GENTLEMEN—Question, question.

Hon. Mr. KERR (Toronto)—A proposal was being made to amend the subclause by reinserting the word 'public.' I have been considering the matter since it has been under consideration in the House to-day, and I would ask the hon. Secretary of State to allow the Bill to go as it is to the House of Commons, and the Minister of Justice can there determine whether the word should be put in or not.

The SPEAKER (Hon. Mr. Power)—It is moved that this Bill be read the third time, and that the title be changed to 'An Act respecting Sunday'.

Hon. Sir MACKENZIE BOWELL—Was the title changed in committee last night?

Hon. Mr. YOUNG—No.

Hon. Sir MACKENZIE BOWELL—Then by what authority is the Bill changed now?

Hon. Mr. LANDRY—A change in the title comes properly after the third reading.

Hon. Sir MACKENZIE BOWELL—In committee it was suggested, I think by the chairman, that the proper place to change that title was on the motion for third reading. I have been waiting patiently for the Secretary of State to make the motion to change that title. If the title of a Bill can be altered on the third reading without the authority of the committee, the sooner we know it the better.

Hon. Mr. YOUNG—When the Committee of the Whole first took into consideration this Bill, a motion was made by the hon. gentleman that wherever the word 'Lord's day' appeared in the Bill that it should be changed to 'Sunday'. In a sense, that might apply to the title of the Bill.

Hon. Sir MACKENZIE BOWELL—Oh, no.

The SPEAKER (Hon. Mr. Power)—In putting the motion I said 'including the title.'

Hon. Mr. YOUNG—Last night when the committee was rising, the question arose as to the change of title and I pointed out to the committee that it could be changed in committee; but the usual course was to change it on the third reading, and the committee rose and reported progress; therefore there was a clear understanding that the title would be changed, and it was only a question as to what stage of the proceedings the title would be changed, and the consensus of opinion in the committee seems to be that that course should be adopted on the third reading.

Hon. Mr. SCOTT—I move that the title of the Bill be changed from the 'Lord's day' to 'Sunday.'

The SPEAKER—Bourinot at page 673 provides that any amendment to the title may be made on the third reading. The committee have recommended the changing of the title, and when I put the question that the Bill do now pass, I added that the title be 'An Act respecting Sunday.'

Hon. Mr. LANDRY—That is not the proper way.

The SPEAKER—Then Bourinot is wrong.

Hon. Mr. LANDRY—The authority to make the change is the House, not the Speaker.

Hon. Mr. SULLIVAN—I am decidedly opposed to that. I think it is unchristian and not in accord with the Bill at all. Sunday is a day of heathen ordination, and only used by Teutonic and Scandinavian nations; but there is one day which stands above all others and it is the day of the Lord. The Bill as worded now, differs so materially from the commandment that we should be ashamed to pass it. I think where you

follow the will of God all through you will do what is right. I have gone into this matter with a great deal of thought and sentiment. I consider that it is the most serious moment of my life during this session and I ought to take this subject cautiously to heart, and consider it carefully and not pass, in the hurried manner in which we are doing on this occasion, one of the greatest measures that can be submitted to a Christian. We ought not heedlessly to do anything of this kind, and when I find 'Sunday' substituted for the 'Lord's day' I scout the idea. I will vote in favour of the Lord's day most decidedly, because it is far superior to the heathen appellation of Sunday.

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

The Senate adjourned until three o'clock this afternoon.

SECOND SITTING.

The SPEAKER took the Chair at three p.m.

SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (10) An Act to amend the Act respecting the Senate and House of Commons.

The Bill was read the first time.

Hon. Mr. SCOTT moved the suspension of the rules. He said: This Bill was introduced at a very early period of the session, I think within a few days after the House met in March. The main provision of it is making it an offence, subject to severe consequences, for any member to accept fees for services in any parliamentary proceeding. It had been represented that members had either by themselves or by their partners appeared before committees, for which it was thought a fee had been received, and that was considered highly improper. This Bill is for the purpose of preventing that practice.

Hon. Mr. MACDONALD (B.C.)—It is a very good Bill. That will stop lobbying, to a certain extent.

Hon. Sir MACKENZIE BOWELL—It is very great pity that we should have a Bill of such importance introduced at this stage of the session. Speaking for myself, from hearing it read, it meets with my hearty approval, but we should not have a Bill of such importance brought down at a time when we cannot give it more than five minutes consideration.

Hon. Mr. SCOTT—It is not a government Bill. It was introduced by the leader of the opposition, I believe.

Hon. Sir MACKENZIE BOWELL—That does not make any difference.

Hon. Mr. SCOTT—Except that the government are not to blame.

Hon. Sir MACKENZIE BOWELL—I was not blaming the government. I was complaining that we are asked to pass Bills on such short notice. However simple they may be, we should have an opportunity of reading and understanding them. It is one of the evil effects of bringing down important measures a few hours before prorogation.

Hon. Mr. SCOTT—Hon. gentlemen will find this Bill was circulated in the month of March.

Hon. Sir MACKENZIE BOWELL—But the Bill that is introduced into the House of Commons is not the Bill as a rule, that comes here. We have had Bills introduced in the Lower House with only one clause, and when they come here there would be two or three pages of them.

Hon. Mr. SCOTT—I have obtained a copy of the Bill as distributed in March last. The present Bill is not changed very much, but is cut down a good deal and is made more specific and definite.

Hon. Mr. LANDRY—It involves a very grave question. If we look at the Independence of Parliament Act, we find the members of the Senate and the House of Commons are not on the same footing. We retain to ourselves the privilege of disqualifying members in this House, but by this legislation we are giving up that privilege and it will be the court that will decide?

Hon. Mr. SCOTT—No, not unless we choose to adopt it.

Hon. Mr. LANDRY—We are asked to give up our privileges and go before the courts, and if we are condemned before the courts we will be unseated.

Hon. Mr. CHOQUETTE—I think it is much better to leave the question to the courts than to this House.

Hon. Mr. LANDRY—That is a question of policy. We are asked to depart from what has always been done in the past as a question of privilege in this Chamber. I think it is very late in the session to ask us to take up a question of that kind.

Hon. Sir MACKENZIE BOWELL—After glancing over the copy of the Bill which has been placed in my hands by the hon. Secretary of State, I observe that if a senator offends against the provision contained in the Bill he shall be disqualified for five years from being a member of the Senate. How are you going to get rid of him ? Supposing a senator offends, is he to be deprived of his seat in this House for five years ? A senator's position is a life position. It says he shall not be qualified to be a senator. He cannot be disqualified under the Act unless he is a senator, and there is no provision to unseat him or to get rid of him.

Hon. Mr. LOUGHEED—I presume the meaning of the Bill is that in the event of their being a conviction made by a competent court as to any infraction of this statute, either House would be bound to take notice of it, and to declare the disqualification of that member. If it should happen to be a member of this House, he would, of course, be absolutely disqualified. His membership would be vacated ; in any event he could not be reappointed, should the government of the day choose to reappoint him after the length of time mentioned in the Bill.

Hon. Sir MACKENZIE BOWELL—The constitution declares clearly what the offences are which disqualify a senator. That is not one of them.

Hon. Mr. CASGRAIN (de Lanaudière)—I think we had better wait until we each have a copy of the Bill.

Hon. Mr. SCOTT—By consent of the House, I presume there could be an independent sitting this evening at eight o'clock, and this Bill might stand over until then. I move that when the House adjourns at six o'clock it meet again at eight o'clock as a separate sitting.

Hon. Mr. LANDRY—I oppose that. If our work is over at five or six o'clock, we might adjourn during pleasure and come back at eight o'clock.

Hon. Mr. SCOTT—The Bill will stand for a second reading at a later period when the House is ready to take it up.

CRIMINAL CODE AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (4) An Act to amend the Criminal Code, 1892.

The Bill was read the first time.

Hon. Mr. SCOTT moved the suspension of the rules. He said the Criminal Code is amended by adding thereto :—

133a. The expression 'official or person in the employment of the government' and 'official or employee of the government' wherever used in section 133, extend to and include the Commissioners of the Transcontinental Railway and the persons holding office as such commissioners, and the engineers, officials, officers, employees and servants of the said Commissioners of the Transcontinental Railway ; and the expression 'the government' wherever used in the said section extends to and includes the said Commissioners of the Transcontinental Railway.

The object of this amendment to the Criminal Code is to bring the officials of the National Transcontinental Railway under provisions of the 133a section of the Criminal Code. That section makes it a punishable offence for any official in the employ of the government to accept any gift, loan or promise of any consideration directly or indirectly with a view to giving assistance to procure a contract from the government for the performance of any work or the furnishing of any goods, &c.

The motion was agreed to, and the Bill passed through its final stages.

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (225) An Act for granting to His Majesty certain sums of money for the public service for the financial

year ending June 30, 1906, and the period of nine months ending March 31, 1907.

The Bill was read the first time.

Hon. Mr. SCOTT—The estimates are for nine months. Hon. gentlemen are aware that it is proposed to change the fiscal year to March 31, instead of June 30, and consequently the estimates for the coming year have been prepared for a period of only nine months, the idea being that it will be better and we will be able to get a more satisfactory review of the business of the country if we meet at the end of the business season, that is November or December, with a recess over Christmas. And with that object in view, the fiscal year has been changed. The gross figures in this Bill are as follows :

Consolidated fund now $51,594,000. I do not give the hundreds.

Supplementary estimates $2,590.000, making a total of $54,184,000. That is what is called consolidated fund account. On capital account the vote contained in the estimates is $16,340,000, supplementary, $2,077.000, a total capital account $18,419,765. The total vote both capital and on consolidated account foots up $72,604,464. That is for nine months. If hon. gentlemen would like to compare that with the vote of last year, I shall be able to give the figures. In the last session the vote was :

Consolidated fund for 1905, $70,128,000; on account of 1906, $2,489,000; the total being, 72,618,000; the capital account last year was, $16,330,880, being a total of $88,949,000.

That was the vote of last year. That was consolidated and capital together. This year the total, as hon. gentlemen will remember, was $72,604,462. That is for nine months. Of course to get a comprehensive statement one would have to add twenty-five per cent to that.

Hon. Mr. LANDRY—It makes $8,000,000 per month.

Hon. Mr. SCOTT—As the fiscal year only terminated a few days ago, full returns are not in, but the statement usually given to the press show the receipts of this year as compared with the former year to be as follows : I give the amounts in round numbers.

	1904-5.	1905-6.
Customs..	$40,000,000	$46,000,000
Excise..	12,461,000	13,911,000
Public Works..	7,490,000	8,307,000
Miscellaneous..	3,691,000	4,449,000
Totals..	69,474,000	78,096,000

That is twelve months in each case. It might perhaps interest hon. gentlemen if I refer to the expenditure in the two years on capital account.

	1904-5.	1905-6.
Public Works..	$ 8,296,000	$ 7,441,000
Militia..	1,084,000	1,300,000
Railway subsidies ..	1,214,000	1,637,000
Iron and steel bounties	1,684,000	2,109,000
Total..	10,934,000	12,727,000

As regards the iron and steel bounties, hon. gentlemen will remember that they are on a decreasing scale, but although the rate of payment is less, the total amount is greater. I move that rule 41 be suspended in so far as it relates to this Bill.

The motion was agreed to.

Hon. Mr. SCOTT—I move that the Bill be now read a second time.

Hon. Mr. LOUGHEED—Instead of reading the Bill a second time now, I think it should be set down for second reading in the morning. If there is to be a morning session with prorogation taking place in the afternoon, I think we might discuss the Bill in the morning.

Hon. Mr. MACDONALD (B.C.)—I would call the attention of the hon. Secretary of State to pages 34, 35, 36 having reference to works in Nova Scotia. It is the most ingenious part of this Bill. Every little creek, every small harbour, every mud hole that could be thought of, is included. There is to be a wharf or something at each of these places, involving a cost of nearly half million dollars—places never heard of before, places with no commerce—there cannot be any. It is just a scheme to catch votes and nothing more or less.

Hon. Mr. LANDRY—Has there been any election lately in that part of the country ?

Hon. Mr. MACDONALD (B.C.)—I am sure the hon. minister cannot explain how they managed to get the names of all these little creeks and harbours in Nova Scotia. It is a marvel to anybody.

Hon. Mr. DeBOUCHERVILLE—I wish to call attention to a question which interests the whole Dominion. The government has thought fit—and I for my part agree with it in that respect—to appropriate a certain sum of money for improving the city of Ottawa. I have had the honour on previous occasions of remarking that there is an anomaly in the fact that Ottawa belongs to the province of Ontario. Ottawa should belong to all the provinces. It should not be subject to the laws of one province as it is at present. As it is the seat of the federal government it should be under the control of that government. It was the opinion of Sir John Macdonald, with whom I discussed this matter in the last days before his sickness, that Ottawa should occupy somewhat the same position as the district of Columbia does in the United States. It should be a district independent of the other provinces of this country.

As it is under the jurisdiction of Ontario we who come from the other provinces are subject to laws passed by the local government of Ontario; if a person from Quebec falls sick in Ottawa and desires to have a medical man from Montreal or any part of the province of Quebec, he cannot have him. I dare say the physician might come to attend him, but he would have no right to do so, and it would not be fair to ask a medical man from Montreal to come here. If a person from Quebec should be in Ottawa and fall sick, and, as would be very natural, had forgotten to make his will and called on a notary from the province of Quebec, the notary would not be able to come here and draw his will. Even in this building we have given a license to sell liquor.' We are acting in contravention of the law of Ontario. Ontario has the right to say: 'We shall require a license from them.' There are many other cases. Then there is another question to be considered. The day may come when in some parts of the country, without mentioning them, everybody will understand, population will be much larger than in the old provinces of Quebec, Ontario, Nova Scotia, New Brunswick and Prince Edward Island and they may then, having a majority, succeed in removing the seat of government from Ottawa. As it is, the province of Ontario alone would be directly interested in keeping the seat of government here, but if Ottawa was declared to be for the whole Dominion; if all the members of the other provinces could say: 'When we are in Ottawa we are in our own province,' and this can easily be done. Then every one will be interested in keeping this city and district as it should be, and not allow the removal of the government from Ottawa. A district with a radius of a few miles around Ottawa should be declared an independent district as the district of Columbia is in the United States.

Hon. Mr. DAVID—Even outside the session.

Hon. Mr. DeBOUCHERVILLE—Yes, all the year round.

Hon. Mr. DAVID—That involves a great danger.

Hon. Mr. DeBOUCHERVILLE—That was the idea of Sir John Macdonald. If the House would pronounce itself in favour of such a change it would have its effect on the government and perhaps they might find a means of erecting Ottawa and vicinity into an independent district.

Hon. Mr. EDWARDS—The question to which my hon. friend refers is not a new one. Apart from what he has said, there are other reasons for carrying out his suggestion. A great deal has been done by the government in the way of beautifying Ottawa, and there is no doubt if a district such as he suggests were formed here, the people of Canada would take a greater pride in the city than they now do. There is no doubt that to-day, in certain districts of the country, the amount spent by the government of Ottawa is looked upon with a jealous eye, but if the proposed change were made, Ottawa would be a national city. Our country is growing and is destined undoubtedly to become very great. Every Canadian recognizes that fact. Ottawa has possibilities beyond many cities. There are few cities in Canada or perhaps in any country that have the possibility of being beautified compared with Ottawa, and if this change was made, certainly every citizen of Canada would be interested in having

the capital made one to be the pride of the country.

Hon. Mr. ELLIS—It seems to me it would be utterly impossible to carry out the idea suggested by the hon. senator opposite at the present time or in the future, because no person can suppose that the people of Ottawa would surrender the rights they now have as a municipal organization. The district of Columbia was created by a grant of unoccupied territory by certain states of the union, and the city of Washington was built there. Every person who went there knew the conditions, and as the people had no municipal privileges, so nothing was taken from them. In this case, you would have to deprive the people of Ottawa of every civic right. You would have to deprive Ontario of so much per head and create such a condition that there would be no resemblance whatever to the district of Columbia. The difficulties which the hon. gentleman points out with regard to the feeling of a citizen of Quebec being ill in Ottawa and not able to make his will or receive medical attendance, are certainly great grievances and they ought to be redressed by some agreement between the two provinces; but I do not see how we could entertain the suggestion made by the hon. gentleman backed up by the hon senator from Rideau.

Hon. Mr. LANDRY—I do not think the objections raised by my hon. friend are very serious. If a conference were held with the municipal authorities at Ottawa, I think they would yield to our demand. I think they would be ready to become a district apart, like the district of Columbia.

Hon. Mr. ELLIS—Do you think they would give up control of their schools?

Hon. Mr. LANDRY—We might not give them the money also. The government has been treating Ottawa very generously, and if they had a little more money in the future as in the past, perhaps it would be a soothing arrangement for them. There is nothing like trying, and where there is a will there is often a way, so I think the government should take some steps in that direction. When we do not succeed, very often we are at fault ourselves because we do not take the trouble to do what we should do. If we wish to arrive at a desired conclusion, we should take the means to do it, and if we do we will surely succeed.

Hon. Mr. DAVID—There are very strong objections to the proposition. I would be disposed to consider the question, but besides the objections which have been made, there is another one; hon. gentlemen know very well that in Quebec, as in other provinces, no doubt, certain contracts are recognized, marriage contracts, which must be made according to the law in force in the province. So that to escape the effect of the law of the province of Quebec one would only have to come to Ottawa, because they would change from the old law. I think the effect would be very serious and it is worthy of consideration.

Hon. Sir MACKENZIE BOWELL—I understand that the second reading of this Bill is to be postponed?

Hon. Mr. SCOTT—I consented to postpone the second reading to any future time which would suit the convenience of hon. gentlemen, either this evening or to-morrow.

Hon. Sir MACKENZIE BOWELL—I think we might take it up to-night, if my hon. friend in front of me concurs in the suggestion. While we have no power to change, alter or amend the Bill, we might like to make some remarks on its contents. In reference to the suggestion which was brought before the Senate by the hon. gentleman who introduced it, and supported by the hon. senator from Rideau, I think it is a matter well worthy of consideration. The remarks of the hon. gentleman from St. John and the difficulties he has pointed out are historically correct as I understand it. Difficulties would present themselves in the carrying out of the scheme that did not present themselves to the United States government or people when they established the district of Columbia. I can understand that, but I do not see that the difficulties which would present themselves are at all insurmountable. The question is, how far the people of Ottawa, supposing it were submitted to them, would object to having all the expense attending the keeping up of the capital paid by the government, and

they be relieved of it to a very considerable extent. We are now spending nearly half a million dollars in beautifying the city. We should only be extending that principle if we established a district of Ottawa instead of a district of Columbia, by which the people of the city would be deprived, if I understand the principle upon which the district of Columbia is based, of certain privileges. It would disfranchise them; they would not have the right to elect any member of the House of Commons. I think that is the principle on which the district of Columbia is based. It would be then simply a question of money.

Hon. Mr. ELLIS—They have no municipal government either.

Hon. Mr. MACDONALD (B.C.)—Are the people taxed.

Hon. Sir MACKENZIE BOWELL—It is a question that deserves a good deal of consideration, and I am not so sure, in view of the future of this country, that the suggestion thrown out by the hon. gentleman from Montarville, would be not only worthy of consideration, but worthy of serious consideration, the adopting of some system by which this portion of the Dominion would be set apart and totally independent of a municipal corporation or representatives of the city itself, in order that it might be maintained for all time to come as the seat of government. I am not so sure that the fears expressed by my hon. friend would be at all likely to be realized. However, if the Northwestern part of the Dominion continues to grow as rapidly as it is growing, and it should contain twenty-five million or fifty million of people, there is no telling what they might do. We know that the people of the west, although they are composed principally of the people of the east, are a grasping people, and although proud of the other provinces from which they come, they are not any the less in love with their new homes than they were with their old ones. While they may venerate that portion of the Dominion in which they were born and educated, they have just as strong a love and affection for their new homes, which is quite proper for very many reasons, and the principal reason is the fact that they are growing with the country in wealth and in influence, and that influence might be exercised in the direction indicated by my hon. friend. However, as intimated to me a few moments ago, there is no doubt that the hon. gentleman and myself, being the two youngest members in the House, might live to see this great project accomplished. I think it is a good suggestion and it is one which might well be considered by any government, particularly in view of the possibilities of the future. Washington is not the centre of the United States by any means, but I should question very much, no matter how powerful the Pacific states might become, whether any attempt will ever be made to remove the capital of the United States from Washington further west.

Hon. Mr. DeBOUCHERVILLE—A question has been raised in the United States on that point.

Hon. Sir MACKENZIE BOWELL—As long as human nature exists, there will always be these questions arising where there are individual interests concerned, but there has been no result flowing from it. The matter illustrates the advance of ideas in the minds of people in reference to the capital of the Dominion. I have a distinct recollection, that when the late government came into power in 1878, and assumed the responsibility of taking care of Major's Hill Park, it received the severest condemnation, not from the hon. Secretary of State, but from other members of the opposition at that time. I do not see the hon. member from Wellington in his place just now, but he used to spend a few hours every session in condemnation of keeping the lawn in proper repair and building fences. Now we are spending thousands of dollars in beautifying the city, and I have not heard a word of condemnation from the economists of past days. They are advancing in other ways as well as in the expenditure of money generally. It is a growing time, and with the growth of expenditure, the intellects of those who formerly opposed these improvements is growing equally so that they now may be said to comprehend and appreciate the expenditure of money in beautifying the national capital. We who are termed old fogies who took the first step in attempting to make this

city look respectable, are quite content that they should go on and make it worthy of the Dominion, and I have no doubt if my hon. friend (Hon. Mr. McMullen) was here, he would justify himself and say he was quite consistent in what he did before. That is the position they all take with the exception of my venerable friend from St. John (Hon. Mr. Ellis). He had the honesty to tell us that the government had not fulfilled their promises in many particulars. This is one of them. I am glad my friend has introduced this subject, and I have no doubt the hon. Secretary of State would be glad to see anything done which would make this capital more attractive and more worthy of the Dominion. While the finances of the country are booming as they are at present, I hope he will go on and accomplish this object.

Hon. Mr. LOUGHEED—This question is not merely a local one, but it concerns the whole Dominion. Those of us who come from the extremes of the Dominion, feel as deep an interest in Canada's capital as those who reside here. And it seems to me not only the people of Ottawa but the representatives in parliament coming from all parts of the Dominion should feel an indebtedness to my hon. friend from Montarville for bringing the matter before parliament at the present time. No later than yesterday, I was speaking to the mayor of Toronto who had just returned from Washington and he made some observations as to the decided advantages enjoyed by the people of Washington under the district administration which is there enjoyed in contrast to the municipal system under which affairs are administered. It was pointed out that the people of Washington enjoy all the municipal advantages of any other city, and pay a very much lower rate of taxation than probably any city in the United States. I think their rate on the dollar is either 14 or 15 mills. It seems to me that there should be no insuperable difficulty in the way of getting the government and the municipality of Ottawa together to discuss this matter with a view of improving the capital of the Dominion. I have had occasion very recently to go several times over the driveway which the government has been working upon during the past few years, and I am safe in saying that if hon. gentlemen present would pay that driveway a visit, it would prove a revelation as to the vast improvement which can be made by an intelligent commission in beautifying a city, particularly a city enjoying so many natural advantages as the city of Ottawa. I think I am safe in saying that there is no city in the Dominion which possess a driveway such as the one to which I have referred.

Hon. Mr. CHOQUETTE—Except Quebec.

Hon. Mr. LOUGHEED—Even to-day it is only on the threshold of that beauty which it must possess in the near future. It seems to me that the people of Ottawa are blind to their own interests that they do not approach the government with a view to having the city administered in the same way that the government of the United States administers the district of Columbia. From what one can ascertain from the press reports which are daily circulated amongst us in this city, the people of Ottawa do not seem to be enamoured of the municipal machinery which governs them.

The change would evidently be to the advantage of the city of Ottawa and also to members of parliament who attend here from year to year, and particularly to the members of the Senate. It is no small consideration to the members of this Chamber who are appointed for life and who are spending almost half of their lives in the city of Ottawa, that they should have all the advantages which nature and art can produce in embellishing the natural beauties of so magnificent a city as Canada's present capital, and I hope that this little discussion to-day may possibly result in some advantage, not only to the city of Ottawa, but to the whole Dominion, through some scheme being carried out by which Canada's capital may be improved to a very much greater extent than under any scheme on which she has entered.

Hon. Mr. FROST—It is a very great pleasure to me, as a member of the Improvement Commission of Ottawa, to hear such favourable comments as I have listened to this afternoon on the work which has been done by that commission. It brings up the question of eventually placing the

city of Ottawa under a government commission and transferring the municipal authority to that commission. The district of Columbia is ten miles square and is governed by a commission with a chairman, who is one of the senators. A couple of years ago I had the pleasure of meeting Senator Gallagher, of New Hampshire, who, by the way, is a Canadian by birth, and he gave me a great deal of information respecting the work that he was engaged in. They are spending large amounts of money, I fancy very much larger in proportion than our government, at the present time at least, would be willing to spend in the city of Ottawa. There is no doubt it would be a distinct advantage to the city of Ottawa if it was constituted a district like the district of Columbia and the expenditures were practically all from the government. As my hon. friend has just mentioned, there is a small tax levied upon the ratepayers in the district of Columbia, twelve to fourteen or fifteen mills on the dollar, with a very small assessment, but as Senator Gallagher assured me, the people of the city were just the same now under a government commission as they were under a municipal commision—they were constantly grumbling about their taxation, although they were getting hundreds of thousands of dollars expended in and about that city for the purpose of beautifying it and making it probably one of the most attractive cities in the world. In Ottawa we have a city whose natural advantages and resources for beautifying it are not excelled by those of any other city in the Dominion, or I might say on the continent of America. The commission of which I am a member has been now for several years expending a certain amount of money, but the amount which the government and parliament has voted us is not sufficient to do the work as rapidly as we would like. Sixty thousand dollars a year in a large city like this is not sufficient for the purposes for which that commission was constituted. We have had in the past two or three years to expend somewhere like two hundred and fifty to three hundred thousand dollars in land alone. If any of the hon. members will take the trouble to go down to Rockliffe park they will see very extensive works going on there. We are running a boulevard down the Ottawa river four miles; we are putting in, when our plan before us now is complete, over thirty miles of boulevard between the eastern and western parts of the city, so this will give the House some idea of what we are doing, and what is contemplated in the course of the next two or three ears. Now, in order to raise the money which we expended in the past two or three years we have had to issue bonds on the strength of the subsidy, taking some eight or ten years of the subsidy, and on the strength of these bonds we have secured the money for the purpose which I have already stated. I am sure that when the plan is completed it will be a credit to the city and a credit to the government that originated the scheme. As for the other plan my hon. friend has suggested, I am not quite certain about it. The people of this city would certainly have to lose their franchise for one thing.

Hon. Mr. ELLIS—That might be a good thing.

Hon. Mr. FROST—My hon. friend thinks it might be a good thing. They would perhaps demur to that at first. The people in the district of Columbia regret that they have no franchise. They are very anxious for it, and for that reason thousands of the civil servants of the government at Washington leave that city at every election, and travel to their homes, to the most distant parts of the country, for the privilege of voting. A vote is a privilege which every man prizes as a rule, but they feel that they should have their vote, and that is one of the drawbacks which Senator Gallinger said was often regretted, that the people of the city did not have a vote. However, there is no doubt that if ten miles square were taken about the city of Ottawa, crossing into the province of Quebec, it might be a nice thing for the country, but it certainly would be a very expensive and very onerous upon the exchequer of the country. There would be no end to the demand. Senator Galligher assured me that in all parts of that district, outside of the city, there were demands for boulevards and parks and other things that required a very large expenditure, and we would have to be very careful in taking up a question of that kind at the present time, in the present condition and present state

of the finances of this country. As my hon. friend from Belleville has said, the finances are booming, but while the finances are booming the expenditure of the country is also booming, and it will require every dollar we are collecting at the present time out of our revenues, and for my part I think if the government of the country—and I should like to call the attention of my hon. friend the Minister of Trade and Commerce to this statement—if the government would see their way clear to increase the subsidy a little, not a great deal, $20,000 or $30,000 per year for the benefit of the improvement commission, I believe that it would not be more than five or ten years at the very outside, before we would make the city of Ottawa one of the most delightful places to be found on the continent of America.

Hon. Sir RICHARD CARTWRIGHT—As my hon. friend has appealed to me, I would just say that I have listened with extreme gratification to the unanimous encomiums passed by both sides of the House on the work of the commissioners, and I think that in no case has it been better deserved. Those who have known Ottawa as I have done, for a matter of forty years, will recognize the enormous improvement that has been made and the scale on which the work has been carried out. I have seen a good many capital cities in my time, and I think for its size, and having reference to the time these commissioners have been at work, and to the resources at their disposal, that no money was ever better expended or produced better results than the money that has been invested so far by these commissioners in beautifying the city and suburbs of Ottawa. I think it is a thing in which we all, as Canadians, should be proud and are proud, and I can say that visitors to Ottawa who have travelled very extensively over the whole four quarters of the globe have assured me again and again that they have never seen a city in which the natural advantages were greater, or, if the plans of the commissioners are carried out, more skilfully made use of than has been done in the present case. As to the other matter my hon. friend suggested, fortunately or unfortunately this House is not allowed to dispose of the public moneys, and therefore I feel that my mouth is closed on the question other than saying that I feel perfectly certain from what I have seen of the work, that any money placed at the disposal of the Improvement Commission by parliament, will be well spent.

Hon. Mr. ELLIS—I made no observation whatever with regard to the idea at all. I merely called attention to the fact that I considered it utterly impossible to carry out such a project on the line suggested by the hon. gentleman, following the example of the district of Columbia. I can scarcely realize the idea that free people would surrender their institutions.

The SPEAKER (Hon. Mr. Power)—I understand that it is intended that the second reading of this Bill will be postponed until the House meets this evening.

Hon. Mr. SCOTT—Yes.

PRIVY COUNCILLORS ANNUITIES ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (220) An Act to repeal the Act respecting annuities to certain Privy Councillors.

The Bill was read the first time.

Hon. Mr. LANDRY—I suppose this Bill will follow the same course as the previous one, and the second reading will be postponed until evening ?

Hon. Mr. SCOTT—Yes, I will make a few comments upon it.

Hon. Mr. LANDRY—There is nothing before the House.

The SPEAKER—Does the hon. gentleman make the same motion as in the case of the last Bill for the suspension of rule 41 ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—I object to that.

Hon. Mr. MACDONALD (B.C.)—There is no sense in objecting.

Hon. Mr. SCOTT—This is a Bill of three lines. Everybody knows the purport of it, and there can be no possible misunderstanding in regard to it. I have never known any hon. gentleman to take exception to the usual procedure. When I was

on the other side of the House I never invoked these rules when the government were passing Bills on the last day of the session, and I hope the hon. gentleman will not on the present occasion press his objection.

Hon. Mr. LANDRY—I have a right to object, and I exercise my right.

Hon. Mr. SCOTT—I will not press the second reading. If after I make my statement hon. gentleman choose to let the matter stand, well and good.

Hon. Mr. LOUGHEED—I do not think there is any rule to prevent the hon. gentleman making whatever observations he desires on the first reading.

The SPEAKER (Hon. Mr. Power)—There is nothing before the House. The hon. gentleman from Stadacona has exercised his right to object to the suspension of the rule.

Hon. Mr. McMULLEN—It is to be earnestly hoped that our hon. friend will not press his rules. We are getting near the close of the session, and he should be charitable.

The SPEAKER (Hon. Mr. Power)—There is nothing before the House.

It being six o'clock, the Speaker left the Chair.

After Recess.

The House resumed consideration of the Supply Bill.

Hon. Sir MACKENZIE BOWELL—It is not my intention to occupy the time of the Senate by entering into a discussion on the Supply Bill. I think the hon. gentleman told us that the total amount voted for the nine months is seventy odd million dollars, which would mean about ninety-six millions for the year. That is about all the information that was given. I should like to ask the hon. Secretary of State if he could tell us how much has been paid out for bonuses, and how much for rent in the city of Ottawa?

Hon. Mr. SCOTT—I could not tell from memory. That information was asked for in the other Chamber, and a return was brought down. It was a considerable amount. I would not feel safe in naming it without having the figures before me.

Hon. Sir MACKENZIE BOWELL—Has the hon. gentleman no recollection of the amount paid in bounties ?

Hon. Mr. SCOTT—I read a statement, which was no doubt given to the press, of the amount expended on capital account. That included bounties. The bounties in the past year were $2,109,898. In the preceding year they amounted to only $1,684,-333. The figure itself in each individual case was diminished, because the hon. gentleman will remember that when the bounty was first given some years ago there was to be a reduction. It has got down now, I think, to 55 per cent. I have here the amount expended on capital account on the various public works.

Hon. Sir MACKENZIE BOWELL—My principal reason for calling attention to the bounties is because that was one of the expenditures on the part of the late government which was condemned in such vigorous terms by the hon. gentleman and his colleagues. Bounties were denounced as robbery. Scarcely any adjective can be mentioned that was not used to denounce the system of paying bounties. What surprises me is that bounties should be charged to capital account. I understood capital account to mean expenditures upon works—something of a permanent character.

And why a bounty, which is taken from the revenue for the year—and there is an end to it at the end of the year—should be charged to capital account must be, I think, somewhat of a puzzle to financiers. The idea of charging a bounty to capital account. You might just as well charge the sessional indemnity to capital account, and if your books are kept in that manner you can easily have a surplus of ten, twelve, fifteen or twenty million dollars, if you will only carry the principle a little further. I hardly know what to term it, but it certainly has never been done by any previous government, and should not be done by this one. The account paid for rent is something that I cannot understand. I cannot conceive that the public business has increased in such proportions as to necessitate the extra room that has been required in the city of Ottawa for the

accommodation of the clerks. The statement made by the Minister of Customs a few days ago was that we were paying $55,351.86 in rents to different landlords in this city for buildings in which to stow away—I do not hesitate to say that—the extra number of men that have been taken into the service, and who are living at the expense of the country. What has occurred in the way of the increase of business that can justify the expenditure of that amount of money annually, representing a capital at three per cent to an amount within a few dollars of two million? In my somewhat long experience of government I cannot conceive why increased room has been found necessary to the extent to which I have called the attention of the Senate, in the last ten years. I merely call attention to it because it seemed to me to be a reckless expenditure which is totally unjustifiable. I have had but a few minutes to look at this Bill, and I find that the government have almost raked the whole country to find places in which to expend money. There are no less than 315 items for bridges and wharfs throughout the country. It is fortunate for Nova Scotia that the Finance Minister is from that province. I find that the estimates contain no less than 141 items for different works in that province alone. Whether they take in all the little creeks that are about the country, the harbours, rivers and lakes, I cannot say. Then if you go to Prince Edward Island, there are about 26 items. I suppose, taking the size of the island, that is proportionate, but scarcely so, because that province is altogether surrounded by water. Every little nook and corner, even places where there is no water, are included, as has been proved in the other House. The cows pasture on the site of some of those wharfs in the summer; of course, when a flood comes there may be water enough to float a scow. The money which is now taken from the coffers of the country is used for the building of a bridge ostensibly for a wharf, but you might just as well go into the province of Ontario and the province of Quebec and build bridges across the different creeks in the rural sections of the country. It would be as justifiable to do so as in the cases I have referred to. Then if you come to New Brunswick, we find there are 33 items of this character; in Quebec, 113; and in Ontario, 67. But what is a puzzle to me is that on page 43 of the estimates there is a charge under the head of Ontario of $10,000 for Winnipeg river improvements. Why this is charged to Ontario I do not know. It must be a blunder on the part of somebody; but there it is, and I have yet to learn that Winnipeg river is in Ontario. For Manitoba there are only 13 items; for the Northwest Territories, 13; and for British Columbia, 19, making a total number of 315 items under the head of harbours and rivers, totting up to a very large sum. If I had had a little more leisure to look up these items, I could occupy a long time in showing the recklessness with which the business of the country is being carried on. There is one thing we do know, growing time as it may be, that in the ten years the present government have been in power they have increased the annual expenditure from about $42,000,000 to $96,000,000 per annum. What it will be if they should remain in power for another five years, time alone can tell.

But there appears to be a recklessness in the expenditure of money now that is unprecedented. I do not know whether my hon. friend from Wellington has had time to give any attention to these estimates. If he has, he will find that very objectionable item 'notwithstanding anything in the Civil Service Act to the contrary,' appearing half a dozen or a dozen times in every department except the one presided over by my hon. friend opposite, to justify increases in salaries. In fact, the Civil Service Act as it stands on the statute-book is a nullity, utterly useless and it would be much more honourable and much more in accord with the proper conduct of the business of this country if they would repeal the law so as not to find it necessary on every occasion when they want to increase a civil servant's salary or appoint some one to the service who has not the qualification necessary if the law be carried out, and appoint any one they please. I know that tu quoque argument may be used—you have been just as bad. I admit there were occasions on which the same language was used by the previous government: 'Notwithstanding anything in the Civil Service Act to the contrary,' but not to anything like the same extent that it

has been carried by those who so vigorously condemned the practice, and this in direct violation of the law. I admit frankly there were cases in which it was found necessary both by the past government and by the present government, in order to secure the services of an officer who has not passed the civil service examination, but whose ability and education and fitness justify the departure from the rule; but the indiscriminate manner in which it has been done by the present government is what I have been complaining of. I should like also to ask the Secretary of State why they have found it necessary to appoint an assistant to the deputy minister of Finance? I notice provision is made in the estimates for a deputy Finance Minister, who is to be appointed at $4,000 per annum, to take the place of Mr. Courtney who has intimated his desire to retire from the service. I know that that gentleman has been anxious to retire for a number of years. Although he looks like a robust, healthy man, his health is not of such a character as those who know his ability and worth in the position he holds would like it to be, but I learn from these estimates and the speeches made, that a deputy minister of Finance is to be appointed to take the position upon the superannuation of Mr. Courtney, and then there is an additional sum of $3,200 for a deputy to the deputy. Has the work of the department increased so enormously as to justify that?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Well, perhaps so. Perhaps the fact of your having to raise and spend $96,000,000 instead of $46,000,000 may justify it, but I have yet to learn that it is any more trouble or any more work to go to the English market and borrow $50,000,000 than it would be to borrow $25,000,000, or that there is any more work in placing it before the financiers and money-lenders of Europe than if you were borrowing only $10,000,000 or $15,000,000. The same criticism applies also to the increase in the Customs Department. There is no more work in making an entry upon which $10,000 duty is collected, than there is in collecting a thousand dollars. The only possible difference would be in the number of items which are entered, but when you have large entries they are generally importations by the wholesale merchants. Wholesale merchants import into the country in large quantities, and it is no more trouble to write an entry of ten thousand bales of cotton than it is to write an entry for one bale of cotton, though the value is much larger. So it must be with the Finance Department. My experience in the Finance Department is, and has been, and I have repeated it over and over again, that it does not involve one-twentieth part of the work that there is for a Minister of Customs or Minister of Inland Revenue or the Minister of Railways and Canals or of Public Works. It was my duty on many occasions, when Sir Leonard Tilly in particular, and other Ministers of Finance had to leave the country, either on business or on pleasure, to administer that department, and I have had some little experience of what work there is in it. I do not, therefore, hesitate a moment to make a comparison, so far as work is concerned, between the departments to which I have referred and the Finance Minister's Department, and from my experience and knowledge of what has been done in the past I am at a loss to know, until an explanation is given, why they should require two deputy heads for that department. You could understand two deputy heads for the Customs or the Trade and Commerce, because they are two distinct departments, although I think, I not only think, but I know, that if I had the opportunity to reorganize this department again it could be done under one head just as well as two, and I have been in both of them and organized the one and in the other some thirteen years, and if proper practical experience were brought to bear, I do not hesitate to say that in many cases the two could be amalgamated, and with one head and two deputies could manage the business well. But in the Finance Department we are now to have a deputy head and a deputy to the deputy. I simply rose for the purpose of calling attention to one or two matters, and to ask one or two questions, but having paid some little attention to these matters I thought it well, as the ideas suggested themselves to me, to call attention to what I feel and think the country would feel if they would only take the

trouble to look at it, is extraordinarily extravagant management of the business of the whole country. If you look at the Auditor General's Report you will find thousands and thousands of dollars charged to capital account which should be placed under revenue account, and charged to the expenditure of the year. The repairs to the railways, the repairs to public buildings, which are not in themselves new works, should be charged, not to capital account, but to revenue account, and the capital account should be confined exclusively to additions to public buildings or new public buildings, because they are always charged to capital account with railways and canals and works of that kind. I do not know that we have a quorum in the House, but I am not going to call the Speaker's attention to the fact. It is not pleasant always to talk to put oneself on record to empty benches, but I venture the assertion that if hon. gentlemen present will take the Auditor General's Report and scan it carefully they will find hundreds of thousands of dollars are charged to capital account that legitimately belong to the current expenditure of the year.

We have been told just now, and it is a most extraordinary statement, that the bonuses which are paid for the production of steel rails and for beet root sugar and other articles to which that law applies, are actually charged to capital account. You may succeed in establishing an industry which I hope will flourish long after the bonus ceases, but that is not a reason why the expenditure should be charged to capital account. On the whole, it is fortunate that the crop throughout the country has been abundant and that Providence has smiled upon this country in the last few years. Instead of having droughts and frosts in Manitoba and the Northwest Territories which drove people out of the country, there has been an ample supply of rain producing very large crops and consequently a prosperity which has induced immigrants to go into that country who never would have gone under any other circumstances. I can only hope that this may continue, but while it may continue there is no justification for doubling and quadrupling—as will soon be the case at the present rate—the expenditure of the country. The expenditure which was declared ten years ago to be 'bleeding the people white,' has been doubled now, although the population has not been doubled; and what it will be in the future after the hundred millions of money have been spent in connection with the construction of the Grand Trunk Pacific, perhaps I may not live to see. Let me hope that the result—although it is only a hope—of the construction of the road may be equal in return and benefits to the cost of construction and maintenance of that national highway. If it is, I dare say if I should be alive at that time, I will do precisely what those who condemned the construction of the Canadian Pacific Railway at the time, are now doing—acknowledge my error. But until that result does follow, with those who opposed what I consider a wild scheme, so far as the northern part of this country is concerned, not knowing where the road was going or is to go, or what it will cost, I shall consider that a mistake was made. These are a few of the suggestions that have come to my mind in rising simply to ask the question. I may as well say I did not expect to get an answer. It is not, unfortunately, the practice of the hon. Secretary of State when important questions of this kind are brought before the Senate, to supply the information which should be laid before the House in justifying them to record their votes in favour of these appropriations. If we had power to deal with these questions further than to approve of or disapprove of them we might occupy more time and give more attention to them and point out what I was almost going to say are the iniquities perpetrated under these appropriations which have been made. I could go on and detail many of them which, under ordinary circumstances, would shock the moral sense of the people, but they have become so used to it, that they do not mind it at all. The expenditures are of the character that I have called attention to. Evidence and exposures of late justify all the remarks I have made and show that there has been a reckless expenditure of money which it is to be hoped the people will resent whenever they have another opportunity.

Hon. Mr. SCOTT—I do not propose to discuss the financial question this evening. It

has not been usual for the leader of this House ever to discuss it. I know for eighteen years when I sat on the other side of the House the gentleman who represented the government here laughed at me when I asked for an explanation. I do not remember Sir Alexander Campbell on any occasion giving one iota of information. The Supply Bill generally came to us shortly before the Governor General arrived, and sometimes I indulged in some slight criticism and that was the end of it. The Bill passed through its readings and was carried. I am always willing to give information, but I cannot be possessed of the details of all the departments of the government. I flatter myself that I know as much of all of them as most ministers have known in the past, but at the same time the departments of the government of Canada have got to be pretty large institutions. I admit they are heavy spending institutions, but they are also heavy receiving institutions. The business of the government has more than doubled, and the general business of the country more than quadrupled since my hon. friend and his colleagues occupied seats on this side of the House. Does he mean to tell me that he could conduct the Customs Department to-day with the staff he had in 1896? I say it would be absolutely impossible. In 1885 the revenue from customs was a little over $19,000,000; in 1895 it had gone down to $17,000,000. In all that period of ten years it was an easy matter to govern and administer the department with the same staff, but do you mean to tell me that when the work has more than doubled and the entries more than doubled the work could be done without increasing the staff. It is the increase in the number of entries that has caused the work. I do not think there could be a more economical man than Mr. Paterson at the head of the Customs. I am sure he would not allow a single supernumerary. He has excellent men on his staff. I think he has the same commissioner that my hon. friend had and a number of the same staff. They are to-day harder worked than they were when my hon. frend was at the head of the department. In 1895 the revenue from customs was $17,000,000, but what was it in 1905? It was $42,000,000 and last year it was $45,000,000. Do you mean to tell me that under the circumstance you could carry on the business of the department with the same staff? Take as an illustration other departments. The average number of immigrants arriving annually used to be from eight to ten thousand. This last year they numbered 175,000. Do you contend that you could regulate that department with the same staff, with the largely increased number of persons to be looked after on their arrival at St. John or Quebec or wherever they come in that took care of 8,000? Then take the number of homesteads. They have increased in the same proportion and require a staff to look after them. That is simply an illustration. What should this government have done when they found the spending of the money was simply adding to the revenue of the country? The more extravagant this country became in the eyes of the opposition, the more money it received. There must be some business in that. It did not occur in the preceding ten years. My hon. friend smiles, but it is unanswerable. I have given two illustrations, the increase in immigration from 8,000 to 175,000. I have not got in my mind the number of homestead entries, but for years and years under the administration before 1896 the homestead entries were absolutely nothing, whereas now they require a large staff of the Interior Department to look after them.

Now it requires a staff involving a large expenditure of money, but we do not tax the people of the country to obtain that money. We lowered the tariff, we put a number of articles on the free list. The reduction was so great that in 1897 the opposition cried out that the industries of the country were going to be ruined. On the contrary, they have all flourished and expanded; that is admitted on all hands. Take the case of my own department in 1895 and 1896; the receipts of the department were, I think about $5,000 a year. During the current year the receipts will be about $100,000. The business now cannot be done with the same staff as formerly, although I have increased my staff probably to a less extent than any other department. That is an evidence of the extraordinary expansion of the business of the country. In some instances it is ten times greater than it was before the change of government. The general trade,

exports and imports, has more than doubled in the ten years. You cannot point to any period of ten years in the history of the country where any such increase can be shown. For the preceding ten years everything was at a standstill, absolutely stagnant. Take the case of the Post Office Department. At the time Sir William Mulock proposed to reduce the postage, the opposition said 'Oh, you cannot do that.' The average deficit during a long series of years was about $750,000 and yet this year I think, speaking from memory, there is nearly a million of a surplus, together with a reduction in postages to Great Britain, reductions in every direction. One third of the postage has been taken off all domestic letters. Do you tell me that if business which is expending say $100,000 if it doubles that expenditure it will not have to increase its staff? I do not think the Finance Department has increased relatively to the amount of extra business it has had to do. No man could be more economical or prudent than the present minister, Mr. Fielding, but he cannot get the people he wants at the prices he is able to offer. We kept Mr. Courtney there under protest, because the minister could not get a man to put in his place. Mr. Fielding thought two years ago that he had secured the right man, a Mr. Ross, a capital man. He was there only three or four months, when one of the new banks picked him up. We could not begin to give him his price.

Hon. Sir MACKENZIE BOWELL—I found no fault with the amount paid to Mr. Courtney or any one else in that department.

Hon. Mr. SCOTT—The hon. gentleman cited the Finance Department, and said he knew something about it, and that the expense was too great; that there were too many clerks. I say they have not enough staff there, and I give as a proof of it that they cannot get the man they want. They are not able to obtain him at any figure that parliament would recognize, when bank managers are getting $10,000, $15,000 and $25,000 a year. Mr. Ross came in on an engagement, but the moment it was known that he was a good accountant, he was picked up, as all good accountants are, at three or four times the amount the government are prepared to pay. Capacity and ability in Canada to-day demand a price that no government could pay. As it is now, we pay some of our officials a good deal more than the ministers themselves receive. That is a curious state of things, but it is the fact. A first-class engineer cannot be had for the prices that were paid ten years ago. They charge double or treble the amounts. It is all very well to say you should not pay it, but the companies are looking for the best men and they do not stop at $10,000 or $15,000 a year to get them. I do not suppose it is necessary to give any figures with regard to the trade of this country. It has more than doubled, and that, of course, is the very best standard by which to judge of the increase in expenditure; any man who doubles his business requires also to double his staff, and that applies more particularly to the administration of departments, because it involves the doubling of the correspondence and of every other service in the administration of the department. I had the statutes for 1892 on my table at the time my hon. friend from British Columbia was commenting on Nova Scotia. On looking at them, I find that in 1892, when the revenue was very much smaller than it is to-day, Nova Scotia, under the head of harbours and rivers, had between 50 and 60 items in the estimates. That is fourteeen years ago. I say that with the revenue we are now in receipt of, it is only reasonable that the provinces should expect to receive a fair proportion back again.

Our receipts have gone up $12,000,000 over last year. You mean to tell me that a progressive country like Canada should be paying off the debt—that would be the suggestion my hon. friend would make I suppose—instead of investing its surplus in railways and aiding and developing various public enterprises? I think it would be too absurd under present conditions, because Canada has abundant resources; all it wants is developing, and it is the duty of the government to be foremost in that developing work, and any money they have to spare they should place where it is going to add to the prosperity of the whole country. That is what this government is doing, and that is why they have not hesitated to go into large expenditure.

If you run over in your own mind what we have done with the money, you will find it amounts to a good deal. The completion of the canal system, the enlargement of them, the construction of the railways—there are three transcontinental railways. The opening up of sections of the country that were terra incognita at the time my hon. friend was in the government. All these things show the way in which it was the duty of the government to spend the money of the people. I do not say that in every instance the money has been wisely spent, because even in conducting one's private business you cannot always avoid making mistakes. They will occur, and they are more likely to occur with governments than with individuals, because you cannot have the same supervision; but I say, as a general thing, taking into account the sums of money we have had to handle, the number of mistakes has not been enough to warrant any severe criticism.

Hon. Sir MACKENZIE BOWELL—I have noticed not only on this occasion, but on others, that the Secretary of State has a happy faculty of fighting a phantom. He has a very happy faculty of building up a straw man and knocking him down. The hon. gentleman occupied some ten or fifteen minutes arguing the necessity for paying the officials well. Not one word did I utter from the time I rose to the time I resumed my seat about paying the officials.

Hon. Mr. SCOTT—The hon. gentleman spoke of the offices we filled.

Hon. Sir MACKENZIE BOWELL—I spoke of the additions. I said nothing about salaries. I am fully in accord with the hon. Secretary of State, that where you secure a good man you should pay him a good salary. I never believed—and I have not changed my opinion yet—that Mr. Courtney received the salary he should have had, and that he could have commanded in any financial establishment in the country. I have always been an advocate of the principle of paying good men good salaries. That is not what I complain of. What I said was that I failed to recognize the necessity of an assistant to the deputy minister. There was no necessity for trying to shoulder upon me an argument which I never used, and as for the illustration the hon. gentleman gave us in reference to Nova Scotia—well if there were 50 at the time he speaks of, there are 141 now, so that you have three times as many.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Are there three times as many harbours that it is necessary to look after than there were, and if so by what means were they created? The hon. gentleman said that the members of the opposition condemned the government for reduction of the tariff. The opposition always contended that had the government reduced the tariff and carried out their pledges to the people they would have ruined all the industries. That is the position they have taken, and the only industry in which the government did reduce the tariff materially has been ruined in this country, and that is the woollen manufacturers. The hon. gentleman knows just as well as I do that they increased the duties on the other articles the first year they came into power, and then, like the pawnbroker's shop, put a notice in the window 'reduced from the original price' from the larger to the smaller. The government increased the duty upon some articles 33⅓ per cent and then promised the people by way of rebate on all goods coming under the preferential tariff to deduct 12½ per cent, and next year 25 per cent, and now it is 33⅓ per cent, so that really with the 33⅓ per cent taken off goods imported under the preferential tariff, it is only a protection about 12½ per cent over and above what you denounced as a protective tariff, and it was much larger for the first year, and larger under the 25 per cent reduction than it was under the old tariff, and the 33⅓ per cent makes it about 2½ less. That is the extent to which the present government has reduced the tariff upon the imports from other countries. We have heard that story told over and over again, but you fail to tell the whole truth and in failing to tell the whole truth you leave a false impression upon the minds of the people who both hear and read the statement without knowing the facts.

Hon. Mr. McMULLEN—My hon. friend, in his previous address, made some reference to me, and I ask the privilege of making a few remarks. He spoke with regard

to the civil service and with regard to the never ending use of the expression in the estimates 'notwithstanding anything in the Civil Service Act.' I admit that during the time I was in opposition in the House of Commons I criticised very severely and pointedly the abuse of that expression in dealing with the civil service. Our civil service was not then, nor is not now, in a satisfactory condition. It never has been since confederation, in my humble opinion. The hon. gentleman when in power appointed no less than two commissions to investigate the condition of the civil service with a view of putting it on a better footing than it was. There was never any one of the methods recommended by these reports adopted. One report recommended that there should be a civil service board of supervisers, men that would take charge virtually of the civil service, and that would introduce a system of appointments and promotions upon merit and take it to some extent, if not altogether, out of the hands of the government.

Hon. Sir MACKENZIE BOWELL—Quite correct. That report was never acted upon either by the late government or the present one.

Hon. Mr. McMULLEN—It was recommended that it should be adopted. It has not been acted upon by the present government nor by its predecessors.

Hon. Sir MACKENZIE BOWELL——If the hon. gentleman had the same experience that I have had and the experience the Secretary of State has had, he would not give utterance to the expressions which he has in reference to that being carried out, because it is impracticable in the interests of the service.

Hon. Mr. McMULLEN—Whether it was or not, the commission was appointed for the purpose of looking into the civil service with a view of putting it on a permanent basis, and in some way securing a better and more efficient and cheaper service, but the government never made any effort in that direction. They just carried it on from year to year making appointments and making additions to the staffs, and then making promotions and increased salaries notwithstanding anything contained in the Civil Service Act, and so we went on from year to year, and I am sorry to have to confess we are continuing in the same way still. I believe that the present Civil Service Act should be abolished and a new system introduced. What should it be? I would venture to say that there is not a minister of the Crown to-day who is not bored every day with letters from civil servants urging and pressing for increases. And members of parliament are everlastingly bored with applications and letters urging and pleading for increases. Half the time of a member of parliament is taken up answering those appeals, calling to see ministers, dancing attendance on them at their offices and trying to please those who are looking for increases. That condition of things should not continue. The civil service should be prohibited from writing either to a minister or a member of parliament urging and coaxing for an increase. Increases should be given on the basis of merit, efficiency and ability. Those who render faithful and efficient service to the country should be considered when vacancies take place, and should get promotions. When vacancies are filled, it should be on the principle of recognition of merit and not on the principle of political influence. Until you do that, you will never have a civil service in this country to which the people are entitled. I venture to say, that if we would abolish the present system and put the civil service on a proper basis we would save to this country a million dollars a year in that item alone. I admit the government has had a great deal to do; they have made a good many commendable reforms, and I hope when time and opportunity will permit of their taking hold of it, they will take up this question of the civil service and put it on a proper basis. Another thing to which my hon. friend drew attention was the question of charging to capital account items which should be charged to revenue. I am sorry to say that principle did not begin yesterday or the year before. It was not introduced by the present government. Away back year after year we complained of that principle being violated in connection with the Intercolonial Railway. I remember at one time when Sir Charles Tupper was Minister of Railways, a lot of frame or board snow sheds got burned down by a fire on the Interco-

lonial Railway, and the new snow sheds put up to replace them were charged to capital account.

Hon. Mr. SULLIVAN—That was right.

Hon. Mr. McMULLEN—Sir Chas. Tupper asked us to accept the new snow sheds in lieu of those that had been burned down, and charged them to capital account.

Hon. Mr. LANDRY—That was right if they were the same kind.

Hon. Mr. McMULLEN—No, the expenditure should have been charged to working expenses. My hon. friend from Belleville has also criticised the Intercolonial Railway. I have said, and I still adhere to it, that the Intercolonial Railway will never render the return to the country that it should render, until it is put under an independent commission. It never will pay while it is run as a political institution. I criticised the Intercolonial Railway year after year when I sat in the House of Commons and pointed out where the extravagance was plainly to be seen in the expenditure on that road, but no improvement took place. It has now gone to that extent that it is evidently not hoped to make the Intercolonial Railway pay a revenue to this country for the enormous amount sunk in it. I noticed a short time ago the minister expressed the hope that the Intercolonial Railway would come to the point where it would pay running expenses. Some have gone so far as to say that the canals should be an off-set to the Intercolonial Railway. That is absurd. The canals were here long before there was an Intercolonial Railway. Some of the canals were built by the British government, and did good service before there was a railway at all. Talk of off-setting the one against the other is folly. I give Mr. Emmerson credit for making an effort to get a better financial return from the Intercolonial Railway. I hope he may succeed, but it never will come up to the standard it should reach until it is put under an independent board of commissioners or removed absolutely or entirely from under political management. In Mr. Emmerson's speech with regard to the Intercolonial Railway, he admitted that the people of Nova Scotia, for instance, are getting a service for 60 cents on the dollar, which costs the people of Ontario in the west one dollar. We are paying in the older provinces one dollar for what the people of Nova Scotia and New Brunswick are getting for 60 cents.

In addition to that, we are paying the interest on $60,000,000 or $70,000,000 a year at about 3 per cent—a little over $2,000,000 a year on the debt which has been created to produce it; and after all we have to contribute towards the working expenses. Something should be done; a determined effort should be made to take that road out of the miserable rut in which it has run for years and place it on a basis where we should get some return for the money sunk in it. My hon. friend said something in regard to canals. Our canals unquestionably render us a great deal of service, and I believe they will be of more service in the future than in the past. I have not the slightest doubt but that the canals of Canada will yet be one of the best assets of the Dominion and will ensure cheap transportation for the enormous produce of the great west. The United States is the greatest country on earth for railways and they are to-day taking up the question of canals anew. They spent over $200,000,000 on canals before they had a railway at all. For a time those canals have lain idle, but now the Americans are beginning to extend their canal system. In the State of New York, they have one of the most efficient lines of Railway on the continent,—the New York Central, but, although that railway has adopted methods of carrying grain which are unequalled by any other road, New York is so afraid that trade will follow the course of our canals and lakes and eventually reach Montreal and Quebec, going to the European market through that avenue, that they are going to spend something over $100,000,000 to deepen the canal from Buffalo to Albany, in order to secure to New York a continuation of the advantages which she has enjoyed in the past in having a very cheap carrying trade. Our canals will undoubtedly be an advantage to us in the future, and I hope to live to hear at least of the construction of the Georgian bay canal. That would be in the interest of Canada a magnificent undertaking. I believe that it would accomplish

a great deal if it could be carried out. If we were to continue to develop for the next five or ten years at our present rate of progress, I would not be at all surprised to see Canada undertake the construction of that canal in order to facilitate the transportation of the produce of the west by the cheapest possible methods to our own ports in the east. I did not intend to speak as long as I have; if my hon. friend had not stirred me up I do not think I would have said anything, but he reminds me of old days. I used to endeavour to discharge my duty when I was in opposition in the House of Commons. I felt that I owed my country a debt, and I endeavoured to pay that debt. If there is one thing that any opposition is supposed to do it is to criticise expenditure, and I am glad to know that our friends in the House of Commons are getting educated in the discharge of that duty. They have not reached the standard of perfection which I hope to see them reach. I would like to see them criticise exhaustively and minutely every expenditure, and if the government do what is wrong I want to see it pointed out. The country has just as much right to expect the performance of that duty on the part of the opposition as to expect faithful administration on the part of the government. I hope my hon. friends will continue to criticise, and where there is any evidence that things are not conducted on a careful and economical basis it is their duty to point out the fact. We are all proud of the progress Canada has made, and I admit the truth of what the hon. Secretary of State says, that when the business increases it is necessary to increase the expenditure. The business of the country is just like the business of a firm or an individual. When a man extends his trade, he must employ more hands and expend more money. The business of the country has been extending very rapidly, and the government have been endeavouring to overtake it, as it is their duty to do. If they have been extravagant, it is right that the country should know it. I earnestly hope that the affairs of the country will be conducted carefully and that the basis upon which we start in the race to become a great country will be one creditable to ourselves and to the government in power. I care not who it may be.

Hon. Mr. ELLIS—I do not propose to enter upon the discussion at all, but I always regret when a member from the west thinks it necessary in speaking of the Intercolonial Railway to make reference to the people of the east as if they were poor relations who were getting something out of the purse of their richer brothers from the west. My hon. friend's reference to the Intercolonial Railway might have been handled somewhat differently and we would have felt better affected towards him. He was over the Intercolonial Railway not very long ago, and I think he is not justified in intimating in any way whatever that the people of the maritime provinces are getting any special advantage in connection with that railway over the people of the west.

Hon. Mr. McMULLEN—I simply intimated what Mr. Emmerson said. It is not my opinion. Read his speech.

Hon. Mr. ELLIS—The hon. gentleman went on in the same breath to make it appear as though the interest on the Intercolonial Railway was being paid by the people of the western part of Canada. Of course that is an error.

Hon. Mr. McMULLEN—I did not represent that.

Hon. Mr. ELLIS—The effect of the way in which my hon. friend stated it, was to convey that impression. I do not suppose he intended to do so.

Hon Mr. McMULLEN—I did not state it in that way at all. I said the Intercolonial Railway had to be paid by this country ; so it has.

Hon. Mr. ELLIS—It is hardly worth while to bandy words. My hon. friend was making it appear that the people of the maritime provinces were getting for 60 cents something which cost the people of the west $1. And then he went on in the same breath to say that in addition to that 'we are paying the interest.' I do not know whether my hon. friend always weighs his words ; sometimes I think he does, and a good many times I think he does not. This perhaps was one of the latter times.

Hon. Mr. McMULLEN—If the hon. gentleman will look over my utterances in this

House, he will find them as correct as his own.

Hon. Mr. ELLIS—I do not wish to offend my hon. friend at all. I call attention to the matter because it excites feeling in the country when a gentleman makes statements in that way. My hon. friend followed that up by reference to the canals of the country. While it is no harm perhaps to say that the expense of the canals is borne by the whole people, we in the maritime provinces pay our share of that expense whatever it may be. If the Georgian bay canal is built, we will pay our share of that, although I do not suppose we in the east will derive the direct benefit which you in the west will receive; but if the whole country is advantaged thereby, we will cheerfully bear our share of the burden. I think my hon. friend's criticism might have been made in a more generous spirit, and I hope he will think on this when he addresses the House again.

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

On motion for the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL—I desire to call the attention of the Secretary of State to the condition of the attendance in the House. It is discreditable to the Senate that we should be passing a Bill of the magnitude of the present Supply Bill with scarcely a quorum in the House. Part of the time during which I was speaking, and part of the time the hon. gentleman was addressing the House, there was not a quorum, and yet with a beggarly attendance of ten or twelve senators we are voting $75,000,000 of money. I am not going tc arouse my hon. friend from Wellington now, because I am going to agree with him. It is a pleasure to me to arouse him once in a while, because I like to hear the the manner in which he used to address the House of Commons in old times. It is always a pleasure to old timers to listen to his sweet tones, and more particularly when he is directing his fire against some member of the opposition. However, what I was going to say was, that I hope the hon. Secretary of State will introduce a Bill next session repealing that portion of the Indemnity Act which allows a deduction of 15 days. I do not hesitate to say that I think it is an outrage. Speaking for myself alone, the most I have ever lost in the way of attendance during any one session has been four days, except on one occasion when I had to go to California in connection with a family affliction. I have always deemed it my duty to come at the beginning of the session and stay until its end; but we have dozens of both senators and commoners, the moment they put in the required 31 days, and can count the 15 days allowance, are off attending to other business. A stop should be put to that. We have an exhibition of it to-night. When this Bill is passed, we have other Bills coming up affecting the House, imposing enormous penalties on members who violate the law when it is passed, and we are placing that on the statute-book with only 8 or 10 senators out of 100 present. I take this opportunity to speak strongly on the subject, and I hope the hon. Secretary of State will impress upon his colleagues the necessity of changing the law and instead of giving the 15 days allowance, impose a penalty of double the amount they should get.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—If my hon. friend will introduce a Bill to that effect I will assist him and let us test the result. There may be many of my colleagues with whom I am on intimate terms who will be hard hit by the language I am using, but it is about time for those senators who cannot attend to their business to resign and let others take their place who are prepared to serve the country better.

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

The SPEAKER—The Bill has been read the third time and is now ready to pass.

Hon. Mr. SULLIVAN—Before this Bill passes the third reading, I desire to say a word on this very solemn occasion——

The SPEAKER (Mr. Power)—I would appeal to the hon. gentleman that it is not the practice to have a debate on the motion for the Bill to pass.

Hon. Mr. SULLIVAN—I was only saying a word of approbation.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite right. There is no stage of a public or private Bill through which it passes that every member of the Senate or the House of Commons has not a right to speak or discuss it.

Hon. Mr. SULLIVAN—I wish to ask, when I look around and see the scant number of senators in attendance at the close of the session, what does it mean? Either that they have no idea what their position is, or they have no regard for the oath they have taken to be faithful to the interests of this country. I approve to the utmost degree of what the veteran statesman, the hon. member from Belleville has said. I think his words are words of wisdom, I think it is a reflection on this House to see so small a number of senators present to-night. French members, English members and the hon. members from Messapotamia and God knows where are not here to give their vote on a very important Bill of this session. Is not the Senate unworthy of its mission? Is it not time to call a halt and to say that we shall in the future act differently. I can remember scenes like this in times gone by. I know the hon. Secretary of State is delighted to get rid of the measure in a very peaceful manner, without more trouble. We have appointed a young man to lead the opposition; he is a man of great ability, a young man who has done his duty with extreme good sense and with extraordinary wisdom. He has been vigilant and assiduous, and he has conducted matters to the best of his ability in the political views which he has set forth in the Senate on public questions. I think it is a bounden duty of this Senate to say to this young man 'Go on; you have done well'; you have performed a good and noble work in this year 1906' and I am sure the hon. Secretary of State will corroborate every word of what has been said, that the hon. member for Calgary has been a model member for this House, that he has performed his duty with singular attention and singular industry and with singular wisdom. I am glad for Canada that a young man such as he is, reared up in this northwest country of ours, in so remote a place as Calgary, has been found to lead the opposition. The young men of the west are scions of a noble race, men who esteem liberty and freedom and men who will do their duty to this country in any station in life in which they may be placed. There is one particular feature that pervades this House and I am sorry I am so unwell that I cannot give it to hon. gentleman with all the force I would desire. There is a western spirit which has prevaded this House.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. SULLIVAN—A spirit of resurection a spirit of improvement, and we have found these gentlemen from the west have not been too forward, have not been too bold; we have kept them in restraint, and I tell them that the people of Ontario are bound to keep them in restraint and I say we will breed a race of statesmen—mark my words—who will be able to handle this country in any emergency which may arise. In the past, when an emergency arose, who rescued the country from the slough of despond?

Hon. Mr. WATSON—The west did.

Hon. Mr. SULLIVAN—Western Canada. Who rescued this country and placed it in the position in which it should be? Who was the active guiding spirit in the Treaty of Washington? It was a young Canadian, and if a young Canadian had had the guiding hand when Ashburton and other men like him had formed a treaty between the British government and the United States there would have been a different tale to tell. There would not have been the blot on the map of Canada which we see on the south eastern part of New Brunswick. I wish to ask the House to pardon me, as exuberance is generally pardonable in a young man at the close of the session. I took the liberty of speaking, but had not the good manners to ask what the Senate was discussing. Perhaps if I had I would not have addressed the remarks which I have given utterance to.

I wish, on parting this session, to give to the leader of the opposition credit and my thanks to him as a young Canadian for his efforts during the past session. He has discharged his duty with wisdom with assiduity and with industry and with a high regard to Canadian honour and Canadian independence whenever it came in question.

Hon. Mr. CHOQUETTE—I acquiesce in everything the hon. gentleman has said with regard to the leader of the opposition, but I should like to ask him if it is his opinion that the new leader is better than the ex-leader of the opposition in the Senate ?

Hon. Mr. SULLIVAN—I do not know about that ; comparisons are odious, and I would not say a word that would bring my loyal and gallant friend in competition with the present leader. I think he is a nonpareil ; he stands ahead of anybody in this country.

The Bill passed.

SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (10) An Act to amend the Act respecting the Senate and House of Commons.

Hon. Mr. LANDRY—I do not intend to oppose the second reading of this Bill, but I think it is my duty to call the attention of the government to its unconstitutionality. The Bill says:

18a. No member of the Senate or House of Commons shall receive or agree to receive any compensation, directly or indirectly, for services rendered, or to be rendered, to any person, either by himself or another, in relation to any bill, proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter before the Senate or the House of Commons, or before a committee of either House, or in order to influence, or to attempt to influence any member of either House.

Then there is a penalty imposed for any infraction of this Act which reads :

2. Every person offending against this section shall be liable to a fine of not less than five hundred dollars or more than two thousand dollars, and shall for five years after conviction of such offence be disqualified from being a member of the Senate or House of Commons and from holding any office in the public service of Canada.

If we refer now to the British North America Act you find clause 29, is as follows :—

A senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

Clause 30 says :

A senator may, by writing under his hand addressed to the Governor General, resign his place in the Senate and thereupon the same shall be vacant.

And then clause 31 provides :

The place of a senator shall become vacant in any of the following causes :

(1) If for two consecutive sessions of the parliament, he fails to give his attendance in the Senate :

(2) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience or adherence to a foreign power, or does an act whereby he becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen of a foreign power.

(3) If he is adjudged bankrupt or insolvent or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter.

(4) If he is attainted of treason or convicted of felony or any infamous crime.

(5) If he ceases to be qualified in respect of property or of residence, provided that a senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the seat of the government of Canada while holding an office under that government requiring his presence there.

Our constitution says that a senator is to hold office for life, and the only exceptions are set forth in the clause which I have read. Now what does this Bill propose to enact ? It says that :

2. Every person offending against this section shall be liable to a fine of not less than five hundred dollars or more than two thousand dollars, and shall for five years after conviction of such offence be disqualified from being a member of the Senate or House of Commons and from holding any office in the public service of Canada.

I claim that this Bill is unconstitutional, and that it should not pass. If we refer now to the Act concerning the Senate and the House of Commons, chapter II. of the Revised Statutes of Canada, we find that while a member of the House of Commons who may enter into a contract with the government becomes disqualified to hold a seat in that House, a senator who offends against the Act is subject to a penalty for every day he continues to be a party to the contract ; you will find no provision in the law which disqualifies a senator as it disqualifies a member of the House of Commons from holding his seat? Because the qualification of a senator is set forth by the British North America Act, and no Act of this parliament can disqualify him. I call the attention of the government to these facts, and they can do as they please under the circumstances.

Hon. Sir MACKENZIE BOWELL—I want to call the attention of the hon. gentleman to one fact. He stated that this

is not a government Bill, that it was introduced by Mr. Borden. I have made inquiry since the House rose, and find that this is not Mr. Borden's Bill. That Bill had the same object in view, but the matter was taken out of his hands by the then Minister of Justice, now Judge Fitzpatrick, and consequently it became more a government than a private Bill. I say that in justice to Mr. Borden, because I do not think he would ever have committed himself to the propositions contained in this Bill. The object of the Bill, to my mind, is very praiseworthy. It is unfortunately alleged, whether truly or not, out of doors that certain members of parliament are in the habit of taking fees to promote Bills in the House and before committees. That is highly reprehensible, and if such charges be true, there is no Bill that could be made sufficiently strong to condemn and punish members of parliament guilty of such offences. In the province of Ontario, those who have watched events know that a few years ago one member of that House—I will not mention any names—was charged with having received a certain sum of money to promote a Bill and put it through the legislature. My impression is that when the matter was brought before the House he was expelled. Certainly he left the House. Whether it was intimated to him that he would be expelled and he took advantage of the hint and resigned, I am not positive, but this I do know that the charge was sustained, that he had accepted a certain sum of money under the circumstances to which I had referred and he had to leave the House. The man who sits in the House and is supposed to be independent in voting on these questions, and receives money for what he is doing or expected to do, ought to be expelled. I do not propose to move any amendment to this Bill, because I should like to see it go on the statute-book, but I think, after reflection, at the next session some changes will be made. There is no way under this measure to punish a senator in the manner in which it is proposed to punish him. The only way we could reach a senator, if the Bill becomes law, will be by an amendment making any of the offences referred to in this Bill a felony under that section of the British North America Act which has been read by the hon. senator from Stadacona. We might set forth that any senator guilty of the offence mentioned here should be adjudged as having committed a felony. That will bring him under the clause of the British North America Act which disqualifies him. I have drafted some amendments in that direction, but I do not intend to submit them now. Even if they were adopted by the Senate, the Bill would have to go back to the House of Commons, and would probably be lost. Under all the circumstances, for the reasons I have given, I make no objection to the Bill; on the contrary I shall gladly assist in carrying it.

Hon. Mr. CHOQUETTE—I am completely in accord with the principle of the Bill. It will protect us against lobbyists, but I think the objections taken by the hon. member from Stadacona are correct, and that the Bill if passed will be ultra vires. Therefore, while I should be glad to pass the Bill when we go into committee we ought to strike out the words 'the Senate.' Then the Bill will be intra vires and a great advantage to the House, and also to us, because it will relieve us from being bothered with the promoters in our corridors.

Hon. Mr. SCOTT—It is regrettable that the House of Commons saw fit to draft the clause as it appears, but at the same time it would be rather invidious of us to strike it out. The popular sentiment outside would not really appreciate or comprehend our reasons for doing it; therefore, I think it would be unwise, and I would prefer myself to accept it just as it is. It will not affect any hon. gentleman's seat. No doubt, strictly speaking, the words 'the Senate' should be struck out, but our action would not be understood. The people would say we were actuated simply by a desire to preserve some of the privileges of the Senate which are already too large. It would give rise to criticism which would always reflect on us and therefore my advice is to let it go—not notice it.

Hon. Mr. DAVID—Does the Minister of Justice approve of the Bill?

Hon. Mr. SCOTT—I find on reference to the votes and proceedings of the House of Commons that Mr. Aylesworth presented the report of the select committee appointed

to report on this Bill, and on his motion it was ordered that this and other Bills be placed among the government orders at the next sitting of the House. It would appear that it was not among the government measures in the first place. I was wrong in supposing that Mr. Borden had introduced this Bill; it was another Bill of a similar character. I should certainly advise the Senate to take no notice of it; it is not going to affect us.

Hon. Mr. DeBOUCHERVILLE—I think this a very good Bill and I would be very glad to see it pass, but there is certainly an impediment in the way, which is the British North America Act. If we pass this Bill it would certainly be ultra vires. Could we not find some means of amending it so that the House of Commons and the people in the country would not say that we refused to accept the Bill because we were interested in it, and would not pass a Bill declaring that a senator should be disqualified if he is found guilty of the offence mentioned in the Bill. I hope there is no senator who would do such a thing, but we cannot pass a law saying we confide in the honour of such a person. Would it not be acceptable to the people and to the House of Commons if we declared that the penalty should be from $500 to $2,000. Supposing we strike out the words 'the Senate,,' and provide that a senator who is found guilty of this offence shall be mulucted to the amount of $4,000—say $1,000 to $4,000; pepole could not then say that we desired to place ourselves in a different position. We might say that the constitution prevents us passing such a law, but it does not forbid us enacting that we shall be condemned to a larger penalty than the House of Commons in case we violate this provision. People could not then say that we were unjust and were protecting our own interests.

Hon. Mr. SCOTT—Supposing an hon. senator was guilty of the offence charged there he certainly could not hold his seat. If he is found guilty of a felony he forfeits his seat.

Hon. Mr. LANDRY—It is not a felony.

Hon. Mr. DeBOUCHERVILLE—I think it would be very strange if we should amend this law when we are told by the hon. gentleman from Stadacona, and we have the admission of an ex-judge and a lawyer of good standing, that we cannot unless we violate the provisions of the British North America Act, declare that a senator shall be expelled from this House unless he is convicted of the offence which has been cited. I am fully in favour of a Bill which will prohibit a member taking advantage of his position to obtain fees for services in connection with his duty as a senator. I could not, however, vote for a Bill which would be in contravention of the British North America Act.

Hon. Mr. CHOQUETTE—While I must agree with what the hon. gentleman has said, I contend that we cannot easily amend the Bill in the direction he has suggested, and the only way is to let it go as it is. For my part, I cannot accept the reason given by the hon. leader of the government, because I will never vote for an unconstitutional measure for fear of public opinion. If the Bill is bad, I am not going to vote for it because the public might not understand my voting against it. We may expect that to-morrow the newspapers will explain the good reason given by the hon. gentleman from Stadacona, and those who take an interest in pubic affairs will see how things stand. Even if I were to be blamed, I would not for fear of blame vote for a Bill which is entirely unconstitutional. I will vote for it if it can be made constitutional, but if we include that clause which is unconstitutional I am going to vote against. We cannot vote here against the British North America Act. I would suggest that the Bill be amended in such a way as to make an addition to the various reasons for which a member of the Senate may be deprived of his seat. If it is too late to amend it in that way, let the government drop the Bill. As far as responsibility for the Bill is concerned, it would make no difference to me whether it was introduced in the House of Commons by the Minister of Justice or by the leader of the opposition. The Bill has passed the House and every member has a share in the responsibility. The leader of the opposition is just as responsible as the Minister of Justice and no more.

Hon. Mr. LANDRY—I think we might now dispose of the principle of the Bill and in committee we might see what we could do there towards amending it in this respect.

Hon. Mr. CLORAN—There is another amendment that could be made which would make the Bill constitutional. Instead of disqualification for the first offence, the penalty might be a fine of $500 or $1,000. or even $5,000. Then for the second offence provide that a member shall be sent to jail for two years. That would secure his disqualification; if he does not attend the Senate for two years he is disqualified. If the object of the government is to secure the disqualification of the member they can attain it in that way. If the object is, not to secure disqualification, but to prevent such conduct on the part of members of parliament, I think they could rely on the honour of a member not to sit in the House after he was found guilty and subjected to a fine.

Hon. Mr. LOUGHEED—Let us take the second reading now, and when the House is in committee it may be possible to remedy the defect.

Hon. Mr. SCOTT—It is easy to remedy it, but, as I said before, it discriminates against the House of Commons. I am quite aware that the Bill as it stands is a violation of the constitutional Act, but I do not think it is of that nature that the Senate should avail itself of the fact. If a man is convicted of such an offence he ought not to sit one hour in the Senate. The hon. gentleman talks about a second offence, but a man doing such a thing once should be excluded for ever from either the Senate or the House of Commons.

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

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

(In the Committee.)

On subclause 2, of clause 1,

Hon. Mr. BOSTOCK—I desire to move that the clause be amended so as to read in this way:

Every senator offending against this section shall be liable to a fine of not less than $1,000 or more than $4,000; and every member of the House of Commons offending against this section shall be liable to a fine of not less than $500 or more than $2,000, and shall for two years after conviction of such offence be disqualified from being a member of the House of Commons and from holding any office in the public service of Canada.

Hon. Mr. POWER—I think we should also disqualify the senator from holding any public office.

Hon. Mr. BOSTOCK—We could amend our rules in some way to deal with that point.

Hon. Mr. DeBOUCHERVILLE — Will that amendment be accepted by the government?

Hon. Mr. SCOTT—I would have preferred not to interfere with the Bill, but I find the sense of the House is in the direction of doubling the penalty with regard to senators, and I will not interfere.

Hon. Mr. DeBOUCHERVILLE—If the hon. gentleman has no objection to raise, I have one. We have not the right to impose a penalty; but there is another way of getting over the difficulty. It would be to have a conference and instruct those who would be sent from the Senate to inform the members of the House of Commons that we are ready to pass this Bill with this amendment, but as we have not the right to impose the penalty, they should take the amendment and pass it in the House of Commons.

Hon. Mr. POWER—I think there is no constitutional objection to our passing the amendment. This is not imposing any tax upon the public treasury. It is simply fixing the amount of a fine. There is no constitutional or parliamentary reason why you should alter this.

Hon. Mr. POIRIER—In my estimation there is no fine that we could impose in this Bill that would be equivalent to our losing our seat. I contend that this Bill ought to apply with as much severity to the Senate as it does to the House of Commons, but I do not believe that we have the power to give to an inferior court the right to dispose of us. The Senate is the highest court in the land, and it would be an anomaly, in my opinion, and unconstitutional, to give to a lower court the power of pronouncing that a senator is no more a senator. In the case of senators, or

lords, since we are to a certain extent imitating them, a guilty lord would be judged by his peers, and the House of Lords alone could have power to dismiss one of its members. I think the difficulty could be surmounted by leaving the Bill as it is, but adding a clause that the Senate will be empowered to cancel the patent of one of its members.

Hon. Mr. CHOQUETTE—That very point was discussed a few moments ago, and the amendment provides that the court will have no right to decide that matter.

Hon. Mr. POIRIER—Supposing the courts of law should declare that a senator is bankrupt, that declaration of itself would not put an end to the existence of the member, but on that being officially declared, the Senate itself would pronounce that seat vacant for want of proper qualification by the member.

Hon. Mr. LOUGHEED—I call my hon. friend's attention to the fact that the disqualification clause is stricken out of the Bill.

Hon. Mr. POIRIER—I am glad this clause has been expunged, and I am sorry to have taken up the time of the Senate with these remarks.

Hon. Sir MACKENZIE BOWELL—When I expressed my willingness to permit the Bill to pass through the House without any further suggestion or amendments, I also intimated that I had some amendments prepared, and I will read them to the House. They provide for the objection taken by the hon. Secretary of State. His objection was that while you impose the penalty upon a commoner and deprive him of his seat for the committing of these crimes, for such they are made, that you will only impose the money penalty upon the senator, and, therefore, it would be misunderstood by the people. I would strike out the word 'person' in the first line of the second clause, and add thereto, 'member of the House of Commons,' so that it would read in this way :

Every member of the House of Commons offending against this section shall be liable to a fine of not less than $500 nor more than $2,000, and that for five years after conviction of such offence he is disqualified from being a member of the House of Commons.

Hon. Mr. POIRIER.

Then leave out the word 'senator,' and the remainder of the clause will read :

And from holding any office in the public service of Canada.

I am using the same language as is used in the clause as applicable to the House of Commons, and I would substitute the following for the third paragraph :

Every senator offending against such section shall, upon conviction, be subject to the penalties imposed by this Act, and for the purpose of subsection 4 of section 31 of the Confederation Act be judged guilty of a felony.

Hon. Mr. SCOTT—That would cover it.

Hon. Sir MACKENZIE BOWELL—That leaves the penalties as imposed upon the member of the House of Commons as applicable to the Senate, and by declaring by Act of parliament that the commission of these crimes be adjudged a felony under the Confederation Act he has to lose his seat. That would meet the objection of the hon. Secretary of State. I move that as an amendment to the amendment.

Hon. Mr. CHOQUETTE—I think the hon. gentleman's amendment is very good. If a man is guilty of felony he will lose his seat. A member of the House of Commons will lose his seat only for five years.

Hon. Sir MACKENZIE BOWELL—As we occupy a higher position, the penalty should be greater.

Hon. Mr. CHOQUETTE—We should make it for ever.

Hon. Mr. LANDRY—Have we right to declare a matter a felony which the British North America Act never intended to be a felony ? I think we have not.

Hon. Mr. SCOTT—We are in the habit of making certain offences crimes which are not crimes. For instance we did so in the Sunday Bill to-day. That is the only way really that we put ourselves on record, as subjecting ourselves to the same conditions as the House of Commons does.

Hon. Sir MACKENZIE BOWELL—It seems to me that parliament has power to declare any offence a felony. I thought of the point raised by the hon. senator from Stadacona when I drafted that amendment and discussed the question with my hon. friend from Calgary as to whether the of-

fence would not have been a felony at the time of the passing of the British North America Act. My answer to that was—and I think he acquiesced in it—that parliament has power to make any crime a felony.

Hon. Mr. BOSTOCK—I do not see why, in the case of the Senate, we should declare it a felony, while there is no such declaration applying to the House of Commons ?

Hon. Sir MACKENZIE BOWELL—That is because they have no means of reaching the seat of a senator except for the four reasons laid down in the British North America Act. Hence it is necessary to bring the crime within the meaning of ths section or it is of no avail.

Hon. Mr. POIRIER—The amendment meets my views perfectly. We should not take it upon ourselves to enact that we should be dealt with more leniently than members of the House of Commons. It would not at all be accepted in the country. On the other hand, this amendment supports the view that I enunciated—instead of leaving it to the interference of a court to end our existence, it simply by a roundabout way comes under the British North America Act, and enables a senator who offends to die in a normal and constitutional manner. I therefore with great pleasure approve of and second the amendment of my hon. friend as meeting the requirements of this enactment.

Hon. Mr. KERR (Toronto)—Is it not a mistake to put in the words, 'for the purposes ?' Does not that, in point of fact, mean to say that we are taking a roundabout way of creating a vacancy in the Senate ? The object you have may be to reach that very point to disentitle a senator to continue in the Senate, but is it not a roundabout way of doing it, and such a way as will defeat your object ? It is only for that purpose that it is deemed a felony to bring it within the provisions of the British North America Act.

Hon. Sir MACKENZIE BOWELL—I have no objection to change it, if the hon. gentleman thinks so.

Hon. Mr. KERR (Toronto)—Is there any reason why, if you are making the Act a felony, there should be a distinction between a member of the House of Commons and a senator ?

Hon. Sir MACKENZIE BOWELL—My object in drafting that amendment as it is, was to make it apply particularly to that subsection which declares that a senator who is adjudged guilty of a felony forfeits his seat. That was the only object I had in view. I would not say 'for all purposes,' because it only refers to the offences mentioned in the Act itself, and we have no possible means of reaching a senator other than by declaring the act a felony in order to vacate his seat. It has been objected that that is a more grave penalty than the imposition of a fine or depriving a member of his seat for five years. We are supposed to occupy a more honourable and higher position than members of the other House, and the penalty should fit the crime. I do not object to a different wording of the clause if the legal gentlemen think the object I had in view can be obtained by a different form of amendment.

Hon. Mr. POWER—I was at first disposed to support the sub-amendment of the hon. gentleman from Belleville. But it occurs to me that there might be some difficulty in carrying it out. There seems to be some ground for the objection taken by the hon. senator from Toronto that you enact a penalty for one particular purpose; and then the British North America Act speaks of a senator being convicted of a felony. That involves a trial by his peers or by one of the courts of the land and being found guilty of a felony. I do not think we can, by simply putting these words in the Bill, bring about that result, that he would be held guilty of a felony. We would have to amend the criminal code to bring about the desired result, and, on the whole while, it may not be quite perfect. Looking at the short time we have to deal with the matter, it may be better to accept the amendment of the hon. Senator from Yale.

Hon. Mr. DAVID—If the amendment of the hon. senator from Belleville is accepted, there will be cases in which to declare the offence a felony would be unjust. The offence might not be very serious, but if the amendement of the hon. senator from Belle-

ville is accepted, it will be a felony in any case and there would be no remedy. The offender would be found guilty and would be ostracised for the whole of his life.

Hon. Mr. KERR (Toronto)—And so he should be.

Hon. Mr. BOWELL—The hon. senator from Halifax says that the offender would have to go before a jury and be tried. The same thing applies to a member of the House of Commons; he would have to be tried before he could be convicted.

Hon. Mr. LOUGHEED—There is a difficulty which has not been thought of, and which might possibly arise under the code with reference to my hon. friend's amendment, and that is, the Bill makes it a penal offence. We declare it to be a felony. If it is declared to be a felony, it can be prosecuted under the criminal code and the person so convicted subjected to a long term of imprisonment. It has been held, I know, that the commission of the felony would make one liable not only to penalties but also to imprisonment under the general clauses of the code. I think it is fraught with a very great deal of complication. Furthermore, I would venture to suggest that, at this very late hour of the session, if any amendments are made to the Bill it may be defeated. If we send it back to the House of Commons with amendments at this late hour, the House of Commons will scarcely deal with it. If there is any desire that the Bill should pass, the only assurance we have of its passing is to accept it in its present form, and if it is found to be defective, remedy it next session.

Hon. Mr. POWER—I do not think we would be justified in passing this second subclause which we know to be unconstitutional. We have no right to disqualify a senator.

Hon. Mr. POIRIER—If the Bill is to be passed now and amended next session, I would rather see it passed in accordance with the amendment of the hon. gentleman from Belleville than to be passed unconstitutionally.

Hon. Sir MACKENZIE BOWELL—I am not wedded to the amendment I have proposed. My object was to meet, as far as possible, the object of the hon. Secretary of State. The acceptance of money by a senator for the promoting, or assisting in carrying a Bill through the House ought to be visited with expulsion. If we have no power to do that, we should change the law to make the crime come within the British North America Act, and punish it accordingly.

Hon. Mr. CASGRAIN (de Lanaudière)—I think the amendment of the hon. gentleman from Yale should be accepted, and at another session, if further amendments are required, a more perfect Bill can be drafted. For the present, if the amendment of the hon. gentleman from Yale is adopted, and the Bill sent to the House of Commons this evening, the Commons might concur in the amendment and it would become law.

Hon. Sir MACKENZIE BOWELL—That does not answer the point taken by the hon. gentleman from Halifax.

Hon. Mr. CASGRAIN (de Lanaudière)—The hon. gentleman from Halifax is willing to vote in favour of the amendment proposed by the hon. gentleman from Kamloops.

Hon. Sir MACKENZIE BOWELL—I understood him to say that we should not pass an Act that would be unconstitutional.

Hon. Mr. KERR (Toronto)—I am entirely in accord with the principle of the Bill. There is no penalty too severe for an offence of this kind and it is in the interests of the House, as well as in the interest of good government, that such a law should be enacted and enforced. But there is a distinction between the provision of the British North America Act and the provision which appears in this Bill as to the punishment to be visited upon a member of the Senate who is guilty of such an offence. The British North America Act provides that the place of a senator shall become vacant in any one of certain cases which are enumerated. The Bill before us does not say that his place shall become vacant, but declares that he shall be disqualified. There is a distinction there, and I think this requires more working out. For the purpose of attaining the object which is desired here, of creating a vacancy

in the Senate, it would be necessary to introduce into the Bill a provision that the senator, so offending shall be convicted of a felony. That would probably have to be done by amending the Criminal Code, so as to create the offence. Under the circumstances, instead of trying to impose a lesser penalty than the Bill does as it stands, I would rather take the risk of passing the measure so as to have no mistake as to what the object of parliament is in dealing with the case, and at another session we can do what is necessary in the matter.

Hon. Sir MACKENZIE BOWELL—Are we to understand that you cannot create a crime by law without amending the Criminal Code? The very fact of passing this Bill would bring it within the meaning of the Criminal Code. Surely we can declare what is a crime without referring to the Code.

Hon. Mr. KERR (Toronto)—The fact of our declaring this offence to be a felony is not sufficient to render the seat vacant. The senator must be convicted of felony. The criminal law must create the offence; then the offender could be tried, and, on conviction, the Act would operate at once. Therefore it is not necessary to include anything about it in this Bill. The British North America Act would act automatically upon his being convicted of a felony, and if this offence were made a felony under the criminal law that would end the matter.

Hon. Sir MACKENZIE BOWELL—If a senator is convicted of a felony, would not the Senate have the power under that conviction to expel him from his seat? The Senate would declare the seat forfeited in the same manner as they declared the seat of a senator forfeited who has failed to attend for two years.

Hon. Mr. KERR (Toronto)—Upon his being convicted of a felony, his seat would, under the statute, become vacant. It would simply be necessary to record the fact that he had been convicted, because our records would not be complete without that statement, just as if a man has been absent for two years his seat becomes vacant, but the fact is placed on the record here to complete it. It is not the recording that makes the seat vacant.

Hon. Sir MACKENZIE BOWELL—If a senator fails to take his seat for two years it is declared vacant.

Hon. Mr. CLORAN—Under the criminal law, there are two things necessary to create a felony, the commission of the crime, and the punishment. I know of no act in the criminal law, either inside or outside the British empire, which can be made a felony without entailing a term of imprisonment. This crime is only punished by a fine, and you cannot fairly declare it to be a felony unless there is a term of imprisonment accompanying the fine. A felony is a crime which entails punishment by imprisonment. By this measure, parliament wishes to punish the man who gives the money more severely than the representative of the people who takes the money. The first named is liable to a year's imprisonment and to a fine. Why punish the giver more severely than the receiver? I have heard senators say that the act of a representative of the people in taking money under such circumstances, cannot be too strongly condemned and cannot be too severely punished. The proper way to punish an act of that kind is to send the offender to the penitentiary as they do in the United States without the option of a fine. We have had dozens of instances in the United States during the last four or five years, where the representatives of the people committing such an offence have had no option of a fine; they have been sent to penitentiary for a term of years. After the expression of opinion that this crime is so abominable, we can attain the object of the Bill in disqualifying the members by providing that the offender be sent to penitentiary for from two to five years. If senators are sincere in their denunciation of the conduct of members who receive money, that is a way out of the difficulty.

Hon. Mr. SCOTT—I still adhere to the opinion I have expressed. It is not likely that we will agree on this. I think it is much better we should not create any individous distinction between the two Houses, and should accept the Bill as it stands. If that is not the sense of the House, some-

thing else must be done, but it is a late period of the session to be discussing amendments which will not be accepted by the Commons. In order to ascertain the sense of the House I move the clause be adopted as it stands.

Hon. Mr. POWER—That is not in order. There is a second amendment before the House, and you cannot have a third. I further direct attention to the fact that it is not the Senate which makes the distinction between a senator and member of the House of Commons. It is the British North America Act, and if we pass it as it is, we pass it with the distinction between the two, because the words 'senate or' are not operative in this Bill, because they are contrary to the British North America Act.

The amendment to the amendment was declared lost on a division.

The amendment proposed by the hon. gentleman from Yale (Hon. Mr. Bostock) was carried on the following division :—

Contents, 21 ; non-contents, 14.

The clause as amended was adopted.

Hon. Mr. FROST, from the committee reported the Bill with one amendment which was concurred in.

The Bill was then read a third time and passed.

The SPEAKER—There is nothing before the House.

Hon. Mr. SCOTT—We have the pension Bill.

The SPEAKER—(Hon. Mr. Power)—The hon. gentleman will remember that he moved to suspend rule 41 with respect to that Bill and that motion was rejected so that Bill is not now before the House. The hon. gentleman cannot move the second reading now. He can move that it be placed on the Orders of the Day for a second reading at the next sitting of the House. But the objection having been taken by the hon. gentleman from Stadacona, the Bill cannot be read at this sitting of the House ; if the hon. gentleman adheres to the objection it cannot be read.

Hon. Mr. LANDRY—I took my objection and it stands. Although it is a small little Bill I cannot get a French copy.

The Senate adjourned during pleasure.

After some time the Senate resumed.

LORD'S DAY BILL—SENATE AMENDMENTS RETURNED FROM THE COMMONS.

A Message was received from the House of Commons with Bill (12) An Act respecting the Lord's Day, informing Senate that the House of Commons :

hath agreed to the 3rd, 4th, 7th, 8th, 10th, 11th, 12th, 13th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 25th, 26th, 27th, 28th, 29th and 30th of their amendments to the Bill No. 12, An Act respecting the Lord's Day.

And hath disagreed to the 1st, 2nd, 5th, 6th, 9th, 14th, 23rd, 24th and 31st of their amendments.

Hon. Mr. SCOTT—We had better take these amendments seriatim. The first amendment is changing the title of the Bill to the 'The Sunday Bill.' The Commons disagree to the first amendment, because Lord's Day is a well recognized legal expression and is preferable to the expression given by the amendment. I move that the Senate do not insist on this amendment.

The motion was agreed to.

The SPEAKER—Our second amendment was page 1, line 19, leave out 'public.' Paragraph (g) of the 1st clause, 'Provincial Act means any public act passed before or since confederation. We strike out 'public' and the Commons say they disagree to the amendment for the following reason :—

2nd amendment.—Because the expression in the amendment is incomplete and would leave private legislation exempt from the operation of the Act—but that this House will agree to the word 'public' if it remains in the clause being accompanied by the words 'the charter of any municipality or' inserted after the word 'means,' so that the clause will read : '(g) Provincial Act,' means 'the charter of any municipality or any public Act of any province whether passed before or since confederation.'

Hon. Mr. SCOTT—I move that we do not insist on our amendment, and that we concur in the amendments suggested by the House of Commons.

Hon. Sir MACKENZIE BOWELL—It seems to me some of these amendments and the reasons given for them can scarcely be comprehended on hearing them read. Why not take them up to-morrow morning ? The first two amendments are in accordance with the views of the minority in this House and for that reason I did not

object to accepting them, but as the Hon. Speaker is reading them we can scarcely comprehend their real meaning until we compare them with the original clause.

Hon. Mr. SCOTT—As the Bill came to us. it read 'Provincial Act means any public Act.' We passed it in that form, and afterwards several members of the House of Commons came over and said we ought to change that because the charter of the city of Montreal was a private Act, and they wanted Montreal to come under it. I endeavoured to assure them that we were quite right, that the charter of Montreal was a public Act. Mr. Gervais, a lawyer, said it was not. I looked up the Montreal charter and satisfied myself it was a public Act, but to satisfy the members of the House of Commons we struck out the word 'public' against our own judgment. Now they want it reinserted.

Hon. Mr. LOUGHEED—Does the same distinction not prevail in provincial statutes as in Dominion statutes? We call a public Act a measure of the government, or an Act affecting the public at large, whereas the Act of a corporation, be it a city, a street railway company, or any other railway company, is a private Act.

Hon. Mr. SCOTT—Provincial Act means any public Act of any province. The interpretation Act of the province should decide. I referred to the interpretation Act of the Province of Quebec, in the consolidated statutes of Quebec, and it says distinctly: 'All Acts passed by the legislature are public Acts unless the contrary is stated in the Act.' In the Act incorporating the city of Montreal, and granting it a charter, there is no reference whatever to its being a private Act. Therefore, practically, the House of Commons agrees with the view we took of it. We struck it out at the instance of the city of Montreal and not of our own accord.

Hon. Mr. YOUNG—Other cities have private Acts; Brandon for instance.

Hon. Mr. YOUNG—Some of these very Acts may not be public Acts.

Hon. Mr. SCOTT—True, but, as it is worded the municipal charter brings the Act under the provisions of this clause.

Hon. Sir MACKENZIE BOWELL—I do not understand the hon. Secretary of State saying that this was done at the instance of the House of Commons?

Hon. Mr. SCOTT—Yes. After the Bill was complete, two or three members of the House of Commons came over and said that they wanted a change made. They wished us to strike out the word 'public.' The Premier himself expressed a wish to that effect.

The motion was adopted.

On the 5th amendment, after 'travellers' insert 'and express matter.'

The SPEAKER—(Hon. Mr. Power)—The reason given in this case is, because there would be no restriction at all on express business on Sunday if the amendment were adopted.

Hon. Mr. SCOTT—I move that the Senate do not insist upon its amendment in that case.

Hon. Mr. KERR (Toronto)—By refusing to include these words, you are exposing the express matter which travels across the prairies, containing as it does valuables of all kinds, to the attacks of robbers who may attack the trains, and break into the cars. The idea at first was that express matter was covered by the word 'merchandise,' which appears in sub-clause (i); but express matter which often consists of packages of money, large sums in cash, bullion, &c., cannot be called merchandise.

Hon. Mr. LOUGHEED—My hon. friend might have pointed out that this express matter invariably goes by the same train as the travellers. To cut off an express car from the passenger cars and leave it at the point which was reached on Saturday night, would be the height of absurdity.

Hon. Mr. COX—I think that would be provided for by the Railway Commission. That is the idea that was entertained in the other House.

Hon. Mr. LOUGHEED—The Railway Commission will certainly be governed by this Act; that is to say that if the policy of this Act is against a particular action, they will not exercise so wide a discretion as to pursue a course repugnant to the

policy of the law. It is necessary, in my judgment, that express matter should be included among the exceptions.

The Senate divided on the motion which was agreed to.

Contents, 29 ; non-contents, 9.

The SPEAKER—(Hon. Mr. Power)—The 6th amendment is, page 2, line 20, after 'train' insert 'and car.'

Hon. Sir MACKENZIE BOWELL—I had forgotten that I was paired with the Speaker. I cannot tell which side he would have voted on.

An hon. GENTLEMAN—The names were not taken.

Hon. Sir MACKENZIE BOWELL—The names should have been taken. I wish it distinctly understood that I did not desire to break the pair I had made with the Speaker.

The SPEAKER—(Hon. Mr. Power)—The 6th amendment relates to subclause (h) of clause 3.

Hon. Sir MACKENZIE BOWELL—Before proceeding further, I desire to have this question decided. In the first place the members should have been called in and the names should have been recorded.

The SPEAKER—No one asked for the names. It is too late now ; the House has proceeded to other business.

Hon. Mr. WATSON—I do not quite agree with the Under Secretary of State that the word 'cars'——

Hon. Sir MACKENZIE BOWELL—I rise to a point of order. The yeas and nays were demanded and taken. Instead of recording the names, the clerk counted the number as if we were in committee, but we were not in committee—the Speaker was in the Chair.

The SPEAKER—I said that I could not decide, because the voices seemed to be nearly equal. The hon. gentlemen who are opposed to the motion perhaps spoke a little louder than those in favour of it, and the yeas and nays were asked for, and I simply asked hon. gentlemen to rise so that I might tell on which side there were more members. I think I was right in that.

Hon. Sir MACKENZIE BOWELL—It is not in order.

Hon. Mr. LOUGHEED.

The SPEAKER—And further, the hon. gentleman is not in order because another question has been put from the chair, and I understand the hon. Secretary of State has moved in reference to subclause (g).

Hon. Sir MACKENZIE BOWELL—I do not desire to have any controversy with the Speaker. I rose the moment that the Speaker rose to call attention to the other item to which they had agreed. I had no opportunity to do it before that.

Hon. Mr. FORGET—It was before the new business was taken up.

Hon. Mr. KERR (Toronto)—The hon. gentleman may not have heard the other motion, and may have been otherwise engaged, but the hon. Speaker had put another question, and a motion had been made by the hon. Secretary of State when the hon. gentleman rose to speak about the pair.

Hon. Sir MACKENZIE BOWELL—Quite correct. It would not have been necessary, except that I had supposed my name was recorded, which would have violated the pair.

Hon. Mr. WATSON—With regard to the vote now before the House, that we concur in striking out the word cars in 'x,' I do not consider that an important amendment in the way in which we understood the Bill when it was before us, because it was understood when we were discussing this clause that the termination of the right to entrain was at divisional points. If that was the case, I am sure it was not the intention of this House or parliament to say that through freight should be stopped at divisional points, because I understand that in railroading the termination of a train as a train as described here is at a divisional point, and for fear that that construction should be placed on it, I saw fit to move that the word 'cars' be added, and provided also that the work necessary to make up those cars in a train would be allowed on the Lord's day. I believe it was distinctly understood by the Commons, and I think by the Senate, when they agreed to this amendment, that in regard to live stock or through freight destined to some particular point, the destination of that freight is the destination to which it is billed, and not at a

divisional point, and if that is the understanding arrived at, I have no objection to concurring in the amendment; but if that was not the understanding I should insist on our amendment. With that understanding I have no objection to the motion of the hon. Secretary of State.

Hon. Mr. SCOTT—Nothing could be plainer than the word 'destination.' It may be Vancouver, Halifax or any other point. It is not a divisional point.

Hon. Mr. FORGET—It is just as plain as it was last night, and we all understood what it meant, but it is very well to take back water.

Hon. Mr. SCOTT—I stated that I did not see any object in putting in the word 'cars,' because a train is made up of cars, and some one said they might break a train, but it is the same train that originally started until it arrives at its destination.

Hon. Mr. WATSON—I wish to throw back the insinuation about taking back water. I think one can get information as this matter is being discussed. I am not satisfied that the interpretation of this clause is that cars should be allowed to proceed to destination of freight or cars.

The motion was agreed to.

Hon. Mr. SCOTT—The Commons disagree to the 9th amendment, because it is opposed to the spirit and scope of the measure. I move that the House do not insist on its amendment to sub-clause (1).

Hon. Mr. YOUNG—What may be a sin against the moral law for a lake vessel is quite proper and justifiable for an ocean vessel. Salt water is far stronger in the Sunday law than fresh water. There is no interpretation for the words 'ocean-going.' It should be 'sea-going vessels.' I must admit I do not quite understand the logic of it.

Hon. Mr. POIRIER—I should like to know what is the spirit and scope of the measure? I think this is discriminating against lake navigation, and if such is the spirit and the scope of the law it is an evil spirit and a scope that we should simply annihilate in this House. I do not see what equity there is in discriminating against all the shipping of the lakes and hampering them on Sundays to the extent they will be hampered. We are giving ocean shippers privileges which we are refusing to our inland shippers. Whatever may be the spirit of the Bill, latent or patent, and I protest by my voice and vote, if a vote is taken, against that spirit and scope likewise that favours one class of shippers as against another.

The House divided on the motion, which was carried on the following division:—

Contents:
The Honourable Messieurs

Bostock,	Legris,
Boucherville, de	Lovitt,
Carling (Sir John),	Macdonald (Victoria),
Casgrain (de Lanaudière),	Mackay (Alma),
Choquette,	McGregor,
Cloran,	McHugh,
Cox,	McLaren,
David,	Mitchell,
Edwards,	Ross (Moosejaw),
Ellis,	Roy,
Frost,	Scott,
Gibson,	Talbot,
Godbout,	Tessier,
Jaffray,	Thibaudeau (Rigaud),
Jones,	Watson,
King,	Wood,
	Yeo.—33.

Non-Contents:
The Honourable Messieurs

Bowell (Sir Mackenzie),	Landry,
Forget,	Lougheed,
Kerr (Toronto),	Poirier,
	Young.—7.

On the fourteenth amendment relating to subclause (s) of clause 3.

The SPEAKER—The reason given by the Commons is as follows:

"Because Railways under Provincial authority are already provided for by paragraph (k) section 3 of the Bill."

Hon. Mr. SCOTT moved that the Senate do not insist upon its amendment. He said: In the case which was brought up in the House when this subclause was under discussion I find that it is not a continuous railway. There is a ferry intervening. The argument was that the ferry was under the control of the proprietors of the railway on the American side and of the railway on the Canadian side. I asked whether the cars were transferred on the ferry, and was informed that they were, that it was a continuous road.

Hon. Sir MACKENZIE BOWELL—It was I who made the motion for the amend-

ment. The Bill provides for the continuous running of an electric car over an international or interprovincial bridge, and it gives the right to ferries to operate on Sunday. The explanation which I made to the Senate, and which induced them to accept the amendment, was this : that the owners of the electric railway at Sault Ste. Marie, on the Canadian side, are owners of the ferry and also of the electric road on the American side. At Niagara Falls there is a bridge running from the Canadian side to the American side. The owners of the electric railway there are permitted to continue the traffic over the bridge, but at the Soo the owners of the railway and the owners of the ferry upon which they transfer the cars are prohibited from continuing traffic on Sunday. The hon. Secretary of State was labouring under a mistake when he stated that the ferry was not owned by the railway people. It is. The electric railway on both sides of the river is owned by the company which controls the ferry ; and instead of having a bridge over which they could transfer their cars they run them on board the ferry boat. If they would unload them they could transfer all their passengers to the ferry and take them across to the American side. We give the right to run over a bridge but not to take a car across on the company's own ferry-boat, even though that boat is permitted under the law to carry passengers during the Sabbath.

Hon. Mr. SCOTT—I put the question distinctly, 'Are these cars taken on the ferry, and are they transferred to the rails on the opposite side ?' The answer was, 'No, the two railways, although owned by the same proprietor, are distinct railways. The cars from the United States do not come over to Canada, nor do the Canadian cars go to the United States. The passengers are transferred by ferry.'

Hon. Mr. KERR (Toronto)—The ground on which the Commons decline to accept this amendment was because the case of such a railway as was described in our amendment is dealt with in section 13, and by the Interpretation Act an electric railway is comprised within the definition of the word 'railway.' I supported the proposition here, and I wish to state the reasonable ground which is given for their action.

Hon Sir MACKENZIE BOWELL—I think the hon. Secretary of State has misunderstood the case.

Hon. Mr. SCOTT—No.

Hon. Mr. COX—The cars are not carried over on the boat. There is a ferry boat which connects the railways on both sides; they all belong to the one company, but the cars do not go on the boat.

Hon. Mr. GIBSON—The hon. gentleman from Belleville is misinformed. The only electric railway which crosses is at Queenston, and the arch bridge immediately below Niagara Falls. The railway running from Queenston runs up to Chippewa, and there the passengers are put on the steamer. There are no other cars carried over the waters of the Niagara river either above or below the falls. The only place they cross is on the upper and lower bridge, the one at Queenston and the other at Niagara Falls.

Hon. Sir MACKENZIE BOWELL—I wish to say that I have made inquiry and find my information was not correct, or I misunderstood the information. They do transfer, as the hon. gentleman from Toronto says, at the ferry boat.

The motion was agreed to.

The Senate adjourned till eleven o'clock a.m. to-day.

THE SENATE

OTTAWA, Thursday, July 12, 1906.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

ANNUITIES TO PRIVY COUNCILLORS BILL.

SECOND READING.

Hon. Mr. SCOTT—There is but one Bill left for us to consider ; Bill (220) An Act to repeal the Act respecting Annuities to certain Privy Councillors. I was commencing yesterday to explain the character of the Bill and move its second read-

ing, when exception was taken that no notice had been given for the suspension of the rules. I brought it up again in the evening and it was ruled out as not being in conformity with the rules of the House. I regret that, as it is an extremely unusual proceeding because I had suggested, that there should be two or three distinct sittings of the House some days ago and the hon. senator from Belleville remarked that that was quite unnecessary as no objection would be taken to suspending the rules under ordinary procedure, as it has been invariably the practice not to hold up Bills coming down at the eleventh hour. It is a matter of history that often as many as ten or twelve Bills have come down on the very last day, and neither side has ever taken advantage of it to interrupt the legislation. I therefore move that the rule be suspended in so far as it rerelates to Bill (220) An Act to repeal the Act granting annuities to ex-ministers.

Hon. Mr. LANDRY—I think the hon. gentleman is labouring under a misunderstanding when he asserts that he moved yesterday the second reading of the Bill.

Hon. Mr. SCOTT—I did move the second reading of the Bill.

Hon. Mr. LANDRY—I think the hon. minister is under a misunderstanding also, when he makes that statement to-day; the motion he made was for the suspension of the rules and not the second reading of the Bill. I objected to the suspension of the rules. I did not object to the second reading at all. The motion was not made.

Hon. Mr. SCOTT—I coupled with it the second reading of the Bill myself, and I said I proposed making a few observations on the second reading. Then the hon. gentleman objected to my proceeding at all.

Hon. Mr. LANDRY—With all deference to the hon. gentleman, I will state what, in my opinion, took place and I will leave it to the judgment of this House. When the hon. gentlemen rose, the motion he placed in the hands of the Speaker, was that rule 41 be suspended. I objected to that, as was my right. Then, if I am correct, the hon. gentleman proposed to make the night sitting a second sitting. I said that in declaring it six o'clock, we could continue at the evening sitting, and in the meantime adjourn until that time. That was done, and when evening came, the hon. gentleman did not make a single effort to place that Bill on the Orders of the Day.

Hon. Mr. SCOTT—I appeal to the Speaker as to whether I did not make the motion again in the evening ?

Hon. Mr. LANDRY—For what ?

Hon. Mr. SCOTT—For a suspension of the rules in order to enable the Bill to be read a second time.

Hon. Mr. LANDRY—I do not remember that, but at all events, if the hon. gentleman made a motion to suspend the rules, he had another course to take. If the suspension of the rules was objected to, the only thing he had to do was to move that the second reading take place at the next sitting of the House, which is to-day. He failed to do that, and left the matter in abeyance, and now there is no Bill on the order paper. There is no motion to read the Bill a second time to-day, and he wishes to suspend all the rules of the House so that he may be able not only to terminate his work, but to begin his work.

Hon. Mr. SCOTT—No, it was read the first time.

Hon. Mr. LANDRY—As a matter of fact, when it came from the House of Commons and was introduced here, that meant that it was read the first time, but he never made a motion for second reading, and I defy the hon. gentleman to find in our minutes that a motion has been placed in the hands of the Speaker proposing the second reading of the Bill.

Hon. Mr. SCOTT—Well, I make my motion now for the suspension of the rules in so far as it effects this Bill.

Hon. Mr. LANDRY—I think I would waive any objection on one condition ; that this Bill shall not be imposed upon us and that we have a right to amend it in committee.

Hon. Mr. SCOTT—I cannot agree to that.

Hon. Mr. LANDRY—If the hon. gentleman says that a Bill sent to the Senate cannot be amended, I maintain my objection.

Hon. Mr. De BOUCHERVILLE—I believe the hon. member for Stadacona is perfectly right; the more so as this Bill requires amendment; but the result will be, if he insists upon his objection, that we shall have to stay here another day and that will be putting his colleagues to great inconvenience. Some of them, probably, have made their arrangements to leave here to-day. The hon. gentleman is perfectly within his right in the demand he makes, but he is at liberty to waive that right and allow the hon. Secretary of State to move that the rules be suspended and I hope that he will do so, in consideration of the inconvenience to which he would put his colleagues. The amendment required is a very simple one. The Bill says that it shall go into force on the 1st of July. This is the 12th July. There is no doubt that the gentlemen who are entitled to annuities under the Act of last year will have that right until this Bill passes. Probably when the Bill was drafted it was thought that prorogation would take place before the 1st July. We ought to make the amendment which I suggest, unless we want to take away money which is due those gentlemen. The Bill should be amended to provide that it shall come into force when it is sanctioned by the Governor General. We do not want to declare that money which is due to certain persons shall be taken away. My principal object in rising is to request the hon. member from Stadacona to withdraw his objection and allow the Bill to pass.

Hon. Mr. SCOTT—I have no objection to the Bill being altered in the sense indicated by my hon. friend. It reads now that it shall take effect from the 1st July, 1906. It is not usual to declare that a law shall take effect twelve days antecedent to its passing. I have no objection to amending it, to say that it shall take effect from the day it has been given the Royal Assent.

Hon. Sir MACKENZIE BOWELL—If I were not personally interested in this, I would join most heartily with my hon. friend from Stadacona in paying back the debt we owe the hon. gentleman for some years, but, as the matter stands, I would advise my hon. friend to act on the suggestion made by the hon. senator to my right, (Hon. Mr. De Boucherville) and not insist upon his objection to which, under the rules, he is legally entitled. I would suggest that he let the Bill go in whatever shape the government think proper. I make the suggestion, because none of us desire to keep the House here until Monday morning, although I think the government richly deserve it.

Hon. Mr. SCOTT—Does the hon. gentleman from Stadacona withdraw his objection?

Hon. Mr. LANDRY—No, I asked the hon. gentleman if we would be allowed to amend the Bill, and he said 'no.'

Hon. Mr. SCOTT—I said 'no,' but I afterwards said I would accept an amendment allowing the Act to come into force from the date of the Royal Assent.

Hon. Mr. LANDRY—I asked the question, if we might amend the Bill and was answered in the negative. I asked if a Bill which comes from the House of Commons could be amended in the Senate, and the hon. Secretary of State said 'no.' Then another hon. member rises and asks the same question, and the hon. Secretary of State replies 'certainly.'

Hon. Mr. SCOTT—Because he indicated what he wanted. My hon. friend did not indicate what amendment he desired.

Hon. Mr. LANDRY—That is a compliment to me. I did not know what I wanted; and the other gentleman knew what he wanted. Because I did not give a reason when I made the request, it means I had no reason to give. That is the argument of the hon. gentleman.

Hon. Mr. SCOTT—No, my hon. friend called my attention to a defect in the Bill. I had not seen the Bill, but I took it from the table and noticed that it was to take effect, beginning twelve days ago. I did not consider that right.

Hon. Mr. LANDRY—I accept the hon. gentleman's declaration that he did not know anything about the Bill.

Some hon. GENTLEMEN—Order, order.

Hon. Mr. LANDRY—That is the hon. gentleman's declaration. If his declaration is out of order, he should have been called to order when he made it. If I repeat it, I am as much in order as he was when he

made the declaration I have been denied a request, which another member has been accorded and, therefore, my objection stands.

Hon. Mr. MACDONALD (B.C.)—The best way out of this dead-lock would be to let the hon. Secretary of State move now to place the Bill on the order paper for the next sitting of the House, and let the House now adjourn and have a special sitting at one o'clock.

Hon. Mr. WATSON—There is no doubt if the Senate is willing to pass this Bill it can pass through all its stages in time to allow prorogation to take place at three o'clock. I understand that the government is determined that the Bill should go through. If the hon. gentleman insists upon his objection, there is no doubt——

Hon. Mr. LANDRY—I came back specially for that.

Hon. Mr. WATSON—This Bill has been discussed for a year at least. We know the feeling of the country, and what our own feelings are on this matter. A Bill is presented to us for one specific purpose, and it is for us to decide whether we are going to pass that Bill or not. No doubt the hon. gentleman has the power to delay its passing, but there is no great credit in exercising that power.

Hon. Mr. LANDRY—It is not for that.

Hon. Mr. WATSON—Then I can't see any other objection. It is a government Bill, and it will pass. Everybody understands the provisions of the Bill, and unless the hon. gentleman insists upon his objection, we can suspend the rules and pass the Bill in time to prorogue at three o'clock.

Hon. Mr. LANDRY—I understand that. No doubt we could suspend the rules and put the Bill through in time to prorogue this afternoon. That is precisely what I do not want done. Let us stay here and perform our duty in a regular way.

Hon. Mr. WATSON—The hon. gentleman should have some regard for the convenience of the other members. Most of us have made arrangements for our transportation. The hon. senator from Belleville has mentioned an incident which I remember, when prorogation was delayed. I hope the present government will not be caught in that way. The soldiers were turned out and everything was in readiness for prorogation, and they had to telephone the Governor General not to come.

Hon. Mr. LANDRY—The hon. Secretary of State had better telephone to the Governor immediately.

Hon. Mr. De BOUCHERVILLE—It was the hon. senator himself (Hon. Mr. Landry) who called my attention to the fact that this would be a retroactive measure. I said 'no.' He said this is the 12th and a clause of the Bill provides that it shall take effect from July 1, 1906.

Hon. Mr. CHOQUETTE—That can be amended. Let us say it shall take effect from August 1.

Hon. Mr. De BOUCHERVILLE—It was because the hon. senator from Stadacona called my attention to the defect in the Bill that I asked to have it amended. The way the hon. senator has been treated, justifies the stand he has taken. He is insisting on his undoubted right. A suggestion could be made by which the hon. member would gain his point. Would he have any objection to another mode of going on with the Bill? If there is a way that will show the hon. senator that he is right in his objection, and also a way of getting on with the Bill would he object to that ?

Hon. Mr. LANDRY—I do not quite understand what the hon. gentleman wants me to do.

Hon. Mr. De BOUCHERVILLE—The hon. gentleman has declared, and I declare that the hon. gentleman is right.

Hon. Mr. LANDRY—Certainly I am right.

Hon. Mr. DeBOUCHERVILLE—If we can show a way of approving of the hon. gentleman's conduct, will he object again to another motion being made afterwards? Supposing we admit that the hon. gentleman is perfectly right, would he object to a motion that this House would adjourn until after 12.25 p.m., and that it be a new sitting.

Hon. Mr. LANDRY—If the Bill is to go through, we don't want any new sittings. We will pass it through immediately.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. LANDRY—The hon. gentleman must not be so joyous. I said if the thing was to go through at once it could go through without a second or third reading.

Hon. Mr. GIBSON—I regret that this mistake was made last night. We all admit that the hon. gentleman is within his rights, or the discussion would not have proceeded, but there is no one knows better than my hon. friend, that it was the intention of the Secretary of State when he asked for the suspension of the rule to move the second reading.

Hon. Mr. LANDRY—There is a road to a certain place which is paved with good intentions.

Hon. Mr. GIBSON—And the hon. gentleman should have followed it up by moving the second reading, and the difficulty would have been overcome. There is no one better qualified than my hon. friend from Stadacona to look after the rules of the House; at the same time he and every member has to ask for an indulgence of the House to allow Bills to go through, and when my hon. friend is good natured he permits Bills to go through. I appeal to him now. I think I have caught his ear because he smiles. As far as I am personally concerned, I am as anxious as any one to see the business of the House go through. If, at the same time, my honourable and genial friend would force us to stay here for a week, I am quite willing to stay. The Bill is a government measure, and one that meets with the approbation of the general public of Canada from the Atlantic to the Pacific, and it was hailed with delight when the government had the courage to propose to parliament the repeal of that Act. I hope my hon. friend will accede to the wishes of hon. gentlemen and permit the Bill to pass.

Hon. Mr. LANDRY—Where is the courage of the government? That measure was promised during the last elections by the Postmaster General, the present Minister of Justice, and the government shows its courage on the last day of the session, in coming forward with that measure and asking us to suspend all the rules. They have not the courage to put it on the orders of the day, and they ask us to be accomplices in sacrificing our rights and violating our rules. Is that the courage of the government?

Hon. Mr. CHOQUETTE—Does the hon. gentleman object to the Bill passing, or merely to the way in which it is proposed to be passed ?

Hon. Mr. LANDRY—I am not objecting to the Bill itself at all, but my hon. friend, who was a judge, knows est modus in rebus. When we have rules we must comply with them. Will the hon. gentleman consent to amend that Bill?

Hon. Mr. SCOTT—I have indicated the amendment I would agree to.

Hon. Mr. LANDRY—To the first of August?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Is that a money Bill?

Hon. Mr. SCOTT—Not to the extent that it could not be amended. I will take the chances.

Hon. Mr. LANDRY—I want to know if it is a money Bill?

Hon. Mr. SCOTT—Yes, because it suspends the payment of further amounts. It deals with certain payments that are now made under the law. I do not think any exception will be taken by anybody to it.

Hon. Mr. LANDRY—But I want the Senate to affirm the doctrine that money Bills should be amended by the Senate.

Hon. Mr. DAVIS—This is a non-money Bill.

Hon. Mr. LANDRY—Here is a Bill that comes to us from the House of Commons, relieving the public from the expenditure of money up to the 1st of July. By our amendment, putting it on the 1st of August we impose on the public the obligation to pay to the 1st of August. Is that a money Bill or not?

Hon. Mr. SCOTT—Yes, it is. If exception is taken to it it might operate.

Hon. Mr. JONES—Does the hon. gentleman from Stadacona desire to be a party to saying that a money Bill can be amended in this House? He is as anxious, more anxi-

ous than many probably, to see the rules of this House and its dignity maintained. I understand that he is asking that the Bill be amended in committee with a view to changing the amount that would be paid under the Bill, and if his views were met that would mean an increased expenditure. I was under the impression that the hon. gentleman from Stadacona would not desire to be a party to such a proceeding. I should think it would be clear that if we so changed the Bill it would be increasing the public expenditure. If we have no right to increase or decrease the expenditure, surely we would have no power to deal with the Bill?

Hon. Mr. LANDRY—There is a way out of the difficulty.

Hon. Mr. JONES. I was going to make a request of the hon. gentleman from Stadacona, and do it somewhat on the principle of the Irishman who was going through a dense forest and met a bear. He had not been in the habit of praying, but he prayed in this case and he promised that if his prayer were granted, he would never ask another favour so great. I would not like to promise that, but I hope as a favour to those of us who are anxious to see prorogation take place to-day, he will withdraw his objection. I am willing to stay if needs be, but the hon. gentleman should consider that the situation would be extremely awkward if he should persist, and we would appreciate it very much if he could see his way to allowing the matter to go through with an understanding, if it would be in order, that next session we should take up and thresh it out to our hearts content.

Hon. Mr. LANDRY—Did I understand the hon. gentleman to say that he never said his prayers before?

Hon. Mr. JONES. I did not say that.

Hon. Mr. ELLIS—There should be some finality to the discussion; I rise to a point of order. We are not discussing anything apparently.

Hon. Mr. LANDRY—There is a motion to suspend the rules.

Hon. Mr. YOUNG—Yes, and the hon. gentleman from Stadacona objected and that settled it.

Hon. Mr. LANDRY—I do not want to consent to this House committing itself to amending a money Bill. They did it once, but they never boasted of what they did at that time. They did it against the decision of the Speaker. A senator called for the Speaker's decision, and that decision was reversed, on a money Bill. I voted for the decision of the Speaker. In the present instance, if we incorporate in the Bill that it shall come into force only on proclamation by the Governor General, that will leave the matter in the hands of the executive and they will take the responsibility. How does that strike the leader of the government ?

Hon. Mr. WATSON—The Indemnity Bill was amended in this House, and the Commons objected because it was a money Bill. What is the use of amending this Bill, if it is only going to be objected to in the same way?

Hon. Mr. LANDRY—If there is no use in doing that, why does the minister promise to do it?

Hon. Mr. WATSON—The Commons might not agree to it.

Hon. Mr. GIBSON—My hon. friend knows this, that apart from any arrangements as regards the extension of the time in connection with this Bill, it still remains a money Bill and we cannot amend it. Until the pension stops it is an expenditure under authority of Act of parliament. It is a money Bill and we cannot amend it.

The SPEAKER—On the point raised by the hon. gentleman from St. John, I must say that there is nothing before the House. The hon. gentleman from Stadacona objected to the motion for the suspension of the rules, which was moved by the hon. Secretary of State, and that ends the matter. We have spent about an hour in beseeching the hon. gentleman to withdraw his objection, and I think that is enough. He is a man who knows his own mind.

Hon. Mr. LOUGHEED—It seems to me the matter might be disposed of without any further delay upon the assurance of the leader of the government that the Bill would be amended along the lines indicated.

Hon. Mr. GIBSON—I would take objection to that in toto. It might be killed in the House of Commons.

Hon. Mr. LOUGHEED—I was not submitting it to the hon. gentleman from Lincoln, but to the Secretary of State. It seems to me that would not be an amendment of the Bill, because the point could not be raised with reference to that suggestion. The government could bring it into operation at once and it therefore could not be said that we were adding to the expenditure.

Hon. Mr. GIBSON—I do not propose to beg for favours. If my hon. friend insists upon the objection, I think the next order of business should be called.

Hon. Mr. KERR (Toronto)—Now that objection has been taken, if it is persisted in, we cannot proceed until the House meet again. I think the best thing to do is to make up our mind that this Bill is going through as it stands. It is entirely beneath the dignity of the Senate to dicker and make terms with any one senator, no matter how important he may be. If it means sitting until Christmas, if it means sitting every night, let us do it.

Hon. Mr. LANDRY—I think the hon. gentleman should keep cool.

Hon. Mr. SCOTT—I have just been informed that prorogation has been postponed. I therefore move that this Bill be placed on the orders of the day for second reading at the next sitting of the House.

The motion was agreed to.

Hon. Mr. SCOTT—I now give notice that at the next sitting of the House I will move the suspension of rule 41 so as to carry the Bill through committee and third reading.

Hon. Mr. LANDRY—Does the hon. gentleman give that as a notice only?

The Senate then adjourned until three o'clock this afternoon.

SECOND SITTING.

ANNUITIES FOR CERTAIN PRIVY COUNCILLORS BILL.

MOTION TO SUSPEND THE RULES.

Hon. Sir RICHARD CARTWRIGHT moved:

That rules 17 and 41 be suspended in so far as they relate to Bill (220) an Act to repeal the Act respecting annuities for certain Privy Councillors.

Hon. Mr. LANDRY—Rule 17 reads as follows:—

No motion to suspend, modify or amend any rule or part thereof shall be in order except on one day's notice in writing specifying precisely the rule proposed to be suspended, modified or amended and the purpose of such suspension.

I claim that this motion is not in order. There is a distinction to be made between one day's notice and the previous day, and this distinction has been made in the rules themselves. If you look at page 24, of the rules of the Senate you find the following:

No important amendment may be proposed to any private Bill in a committee of the whole or at the third reading of the Bill unless notice of the same shall have been given on a previous day.

Here is a case where a notice may be made or given on a previous day. In such cases there is no need of twenty-four hours notice, but when a motion is made to suspend, modify or amend any rule or part thereof, the rule says that, to be in order, it should be made after one day's notice. What is one day's notice? Is it not twenty-four hours in advance? A motion having been made a few days ago declaring that there would be two sittings a day, there is no doubt that the sitting of this afternoon is to be compared to a sitting of the following day, but that does not give the twenty-four hours notice. When we want to give twenty-four hours notice to make an amendment or suspend a rule, we must give it the day before. There must be an intermediate day between the two; and I claim there must be in this case an intermediate day between the notice that is given and the sitting at which the motion is to be made. You cannot get a day's notice without that.

Hon. Mr. YOUNG—Correct.

Hon. Mr. LANDRY—The second objection to the notice is this: it is provided that a motion to suspend, modify or amend any rule or part thereof shall only be in order on one day's notice in writing. The notice given this morning was verbal. It did not specify precisely the rule proposed to be suspended, and the purpose of such

suspension, but in a vague way it referred to the Bill now under consideration. For all those reasons I claim that the motion is not in order, and I ask the ruling of the Chair on the point.

The SPEAKER—The hon. gentleman called attention to rules 17 and 71. Rule 71 which refers to private Bills says :

> No important amendment may be proposed to any private Bill in a committee of the whole, or at the third reading of the Bill, unless notice of the same shall have been given on a previous day.

I do not see that there is any particularly close relation between that and rule 17. Rule 17 reads :—

> No motion to suspend, modify or amend any rule or part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule proposed to be suspended, modified or amended, and the purpose of such suspension.

In the present case, the hon. Secretary of State gave the verbal notice at the last sitting of the House that he would move at the next sitting—that is this sitting, that rules 17 and 41 be suspended in so far as they related to Bill (220). I think that there is no vagueness about the notice. The notice is to do just what the hon. gentleman proposes to do—to suspend rules 17 and 41. Rule 41, of course, is the rule which says that a Bill shall not take more than one stage the same day. The hon. gentleman has stated correctly that this sitting this afternoon is, under a resolution of the House, the same as though this meeting of the House were being held to-morrow. A day elapses. This rule says that there is to be one day's notice.

Mr. LANDRY—In writing.

The SPEAKER—As to the notice in writing, the object of course of a notice is to notify the members in attendance at the sitting that the motion for the suspension of the rule is to be made, and all hon. gentlemen, I think, have had notice. I understood the hon. Secretary of State to say that he would reduce his notice to writing, and I find that the notice is here on our paper for to-day and I would assume that the hon. gentleman did what I understood him to say that he proposed to. I think it would be putting too technical a construction upon our rules to hold that because I have not seen the written notice that it has not been given. I direct attention also to the fact that in rule 13, where it is proposed there should be more than one day's notice, the rule states that there shall be one intermediate day's notice in writing. I hold that there is no necessity for the intermediate day, and that the notice given at the last sitting of the House is sufficient for the purpose. By way of confirming that view; in our rules, which come into operation after the close of this session, which I suppose embody the views of the House on parliamentary procedure, I find that new rule 24 states :

> One day's notice in writing must be given of any of the following motions : to suspend any rule or standing order.

Hon. Mr. LANDRY—These are not our rules.

The SPEAKER—I only wish to say that that seems to express the feeling of the House. Paragraph (k) of rule 4 says :

> One day's notice—a notice given on one sitting day for a motion or inquiry to be made on the next succeeding sitting day.

My impression—and I so rule—is that the notice given by the hon. Secretary of State is sufficient.

The motion was agreed to.

Hon. Mr. SCOTT moved the second reading of the Bill.

He said: When the Bill was introduced last year, it was following the principles that prevail in the parliament which we take as our guide. We know that for a very long period of time, in the imperial parliament, those ministers who have given some years time and attention to the affairs of the empire, when they leave the government, if they are in need, if they are not in a position to support themselves as becomes members who have occupied important positions of that kind, the country recognizes that it is a reasonable thing that they should receive a pension in order that they may not be reduced to penury. I think myself that the example is a good one to follow. It has been a benefit in Great Britain, not alone as regards men who have sat on the treasury benches, but also among the men who have rendered services to the state on the ocean or o.

land. We know very well that if you go back in English history for many centuries you will find that in the army or the navy, men who have rendered special service to their country have not been forgotten when they were retired from the service. In this country we have, in a measure, for many years, adopted the principle of pension. We know that when we appoint a gentleman to the bench of this country, his salary is limited to just such an amount as will enable him to maintain the position in which he is placed, and he is sure that when he retires, either from illness or on account of years, that the country has provided such an allowance for him that he is relieved from poverty. In this country very many years ago, we considered it would be an essential benefit to our civil service if, when the time came for retiring, they were placed in a position above poverty, and so we adopted the superannuation plan. I do not agree with the action taken by my friends that it was a good plan to repeal the superannuation. I think this country will have to go back and face the conditions.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. SCOTT—If we are to get honest service, and men are paid only reasonable amounts, it would be infinitely better that they should understand that in their declining years they are to be taken care of. In looking back on the statesmen that have made this Canada of ours, and whose memories we hold in very great regard, and when we speak of them we speak of the fathers of confederation and of the men who brought about the condition of things in this country to-day, we speak in a grateful sentiment. During the last 60 years, not one per cent of our public statesmen—and it has been my privilege to know the leading men of this country during that time—can be charged with what is called graft. To their honour be it spoken when they died, unless through the benevolence of friends, they were poor. That distinguished statesman whom my hon. friends so often speak of, the late Sir John A. Macdonald, would have been in the sheriff's hands time and again, but for the benevolence of his friends. It was just through the benevolence of his friends that he was able to keep up his position, and that his widow is now able to maintain her position. In other instances, I could point to the same course having been adopted. In those cases, where it was not adopted, the public men of this country who are spoken of in terms of appropriation and admiration, were in many instances allowed to die paupers, buried at public expense or the expense of their friends.

Take Sir George Cartier; no man deserved better of his country than he did. Any one who has followed his personal history recognizes that, yet we found that when he died the state felt obliged to give an annuity to Lady Cartier and to support his two daughters. Thomas D'Arcy McGee was buried at the public expense, and the public gave to his widow and children annuities while they lived. A gentleman who figures very largely in confederation times, a man with strong mind and great force of character, who made several trips to England in the last fifteen years of his life, was supported by a relation of his own wife. He had not a dollar, I allude to the late William McDougall. When he died, parliament felt that at all events some recognition should be made and so allotted a pension to his widow. It does not speak well for a country in the prosperous position Canada is now in, when they laud the public men of the past, to be reminded that they failed to take care of them in their latter days, when they were no longer able to maintain the position in life in which they had originally moved. I mention these instances to show that the principle has incidentially been recognized by giving to those who remain, the widows and children, some compensation for the omission to do to the actors themselves that justice that their merits really deserve. Hon. gentlemen will recognize, from these observations, that I am in sympathy with the Bill passed last year. No doubt it was hastily adopted, and the public mind was not educated on the subject. There were many conditions that would have been modified in time, but, in the main, I think the principle is a sound one. If a country like Canada wants to secure honest service from its public men and keep them from speculation, it had better make them feel that when their usefulness is gone

they will not be obliged to seek refuge in a poor house. I could name very many gentlemen who have distinguished themselves in the past history of this country who have gone down and left nothing whatever behind. In their latter days they were really in needy circumstances. Any provision of this kind should only be applied under exceptional conditions. I need not enlarge upon the rule followed in England, because I presume in the discussions that have taken place on this subject, everybody probably understands it. Only those who show such a statement as to convince the powers that be at the time that they really need it, receive the pension. That was not a provision in the present Bill. I need not mention now a number of conditions and circumstances that, in my judgment, ought to be thoughtfully considered before any absolute conclusion is reached. The mistake made in the passage of the Act of last year was that it was rushed in the House of Commons. Nobody liked to say a word about it, and it was put through there and put through in the Senate without any practical discussion taking place. The public were startled; it was a new principle, and it had not been thought out. The newspapers in the country were divided one way or the other, but so far as I have been able to judge, those newspapers that hold extreme views one way or the other favoured the proposition, not perhaps in the crude shape in which it was submitted to parliament, but approved of making some such provision as would be reasonable and fair and proper from the standpoint which I like to see adopted, that is, the practice which prevails in England. I am one of those who believe always in candour. Sometimes my views may not accord with those of others, but I have at least this quality: I am never afraid to express what I think, and in doing that, I have no hesitation in giving at any time the public the benefit of my judgment. I could say a good deal more in support of the view I entertain, but I think it quite unnecessary on the present occasion. This Bill will close the legislation of this session. I notice that in another place the expressions that fell from gentlemen on both sides of the House rather indicated that this matter would be taken up on a future occasion. No absolute promise was made in that direction, but it was simply indicated that the Bill of last year was a very crude one, was one that did not meet and could not meet with general approbation, because it was too unconditional. There were not proper limitations to it, but it was intimated by those who expressed opinions on the subject, that it was not unlikely that the subject would come up on a future occasion. With those observations, I move the second reading of the Bill.

Hon. Mr. LOUGHEED—I have listened with some degree of pleasure to the expressions of my hon. friend the Secretary of State, more on account of his candour than by reason of any other virtue which he has displayed in introducing this Bill. It is a very desirable thing on the part of a member of the government that he should be candid and frank, to say the least, when introducing a measure of this kind where the government is to recede from the position taken by them upon a very important question. It is certainly very much more desirable that we should have an expression so candid and frank as that of my hon. friend than that any evasion should be resorted to.

Hon. Mr. SCOTT—I was speaking for myself alone.

Hon. Mr. LOUGHEED—The reasons advanced by my hon. friend are the very best possible reasons why this measure should not have been introduced now. I desire to say, in the first instance, that I never was in sympathy with this Act. I think pension Bills, particularly of the character which this refers to, are not in harmony with the democratic institutions by which we are governed in this country. Therefore, I am not an advocate of the legislation embraced within the four corners of the Act just about to be repealed. Once the government of this country, or of any other country, in all solemnity commits itself on an important question of this kind, that government should certainly be sufficiently courageous, even though mistaken in its legislation, to adhere to the position which they had taken, and regard as sacred the arrangements they have entered into

with those interested in such a measure. One may safely say that it has been the boast of all British institutions that the provisions of an Act of parliament should ever be regarded as sacred, and that where rights are involved, particularly rights so important as those involved in this Bill, repudiation should be the last resort of a government. One might understand an individual attempting to repudiate obligations of this kind, but the government of Canada once having placed the Act upon the statute-books is not justified in deliberately coming down to parliament the following session and repudiating the responsibility they had assumed towards the beneficiaries under this Act. The position is a most humiliating one, for which you will scarcely find a precedent in any self-governing nation. Exception was taken to the course pursued by my hon. friend (Hon. Mr. Landry) objecting to the suspension of the rules. My hon. friend was entirely within his right, and although I do not say it with authority, there is no gentleman in this House more opposed to the principle embodied in the Act of last session, namely the pension clauses, than the hon. member from Stadacona. It is certainly not by reason of his being in sympathy with the principle embraced within those clauses that he has taken the position which he assumed to-day in objecting to the suspension of the rules. I think the object which my hon. friend had in view was this, that it should be a standing protest against the course pursued by the government, not only this session, but in previous sessions, and not only by this government but by previous governments, of bringing down the most important legislation of the session at its dying moments. Now, without drawing any invidious distinction between the proceedings of this session and the proceedings of previous sessions, I ask hon. gentlemen to recall the many important measures which have been introduced in this House within the present week and last week, without this Chamber having an opportunity to give proper consideration to them. We have been anxious for weeks, yes for months, that the government should introduce into this Chamber early in the session those measures in which the public are more deeply interested. But whether it is for the purpose of preventing this Chamber from giving proper consideration to such measures or not, I am not at present able to say; but it must be obvious to every one that there is no manifest excuse for the policy of delay which has been systematically pursued by the government session after session respecting measures of the kind to which I have just alluded. This measure was foreshadowed—I might say, by the government before parliament met. When the present Minister of Justice appealed to the electors for his election, although parliament was not then sitting, he committed the government to a repeal of this measure, so that I have no hesitation in saying that the Minister of Justice, in making that statement on the public hustings, must have known what the intention of the government was respecting the repeal of the pension clauses of last year's Indemnity Act.

And yet, notwithstanding the fact that that statement was made publicly to the electors of North York before parliament met, we find this Bill introduced into this Chamber and senators are asked to pronounce upon the most important principle which has come before us for consideration this session, at a moment when the flags are flying for prorogation. I appeal to my hon. friends on the opposite side of the House, who showed a considerable degree of heat this morning on account of the course pursued by the hon. member for Stadacona, in view of the position which they occupy and of the duties they are called upon to discharge—I would ask them if it is what is due to this Chamber that legislation such as this should be introduced in the dying moments of the session? Was not the hon. gentleman from Stadacona justified in demanding that further consideration be given to this measure, when we find, on referring to the debate which took place in the House of Commons the day before yesterday, that the Prime Minister announced on the floor of parliament that this measure would not become law during the present session; that he was opposed to an absolute repeal of the pension clauses, and promised not only parliament but the country that the measure would be withheld, and that further consideration would be given to it; that at the next session of parliament a well considered scheme would be intro-

duced in the place of the one which we are now called upon to deal with. The language of the Prime Minister on this question was as follows:

> I do not want to speak as head of the government, but personally, hoping perhaps my opinion would have some weight on such a question as this, at least on this side of the House. We are not far away from another session. The matter can be laid over and thought over and debated and looked into and a report made and discussion had in the press so that we could have such a scheme devised as would, I believe, meet the general conditions which would arise, as stated by my hon. friend, Mr. Foster. After all, I think it would meet the approval if not all, then almost all, the people of the country.

That is the language employed by the Prime Minister on the floor of parliament in discussing this measure only the day before yesterday. I would ask what are we to rely on in this country if we cannot rely upon the deliberate statement of the Prime Minister made in such a manner? What are we to rely upon if we cannot rely on a statute solemnly embodied in our law, involving a sacred compact between the country and the beneficiaries of that measure? What are we to rely upon for stability, if the word of the Prime Minister and a statute deliberately placed upon our books are to be disregarded? Is public clamour upon such questions to take the place of solemn deliberation and sacred compact? It is due to this country ; it is due to our intelligence and to our honour and to the binding nature of the contract, that some deliberate consideration should be given to this matter. We have often heard the question asked: What is the Senate for? During the period I have had the honour of occupying a seat in this Chamber, I know of no occasion when the functions of the Senate might so reasonably be called into exercise as in dealing with this particular measure. We have been discussing at length during the present session the functions of the Senate and we have been told over and over again—ever since confederation it has been re-echoed year after year, that the principal function of the Senate is to check hasty legislation, to revise, and to prevent undue haste being employed in the work of legislating. Any hon. gentleman reading 'Hansard' will observe that within half an hour from the time when the Prime Minister made the statement which I have quoted, the Minister of Finance, in a moment I must say of petulance, repudiated the obligation which the Prime Minister had assumed, and, apparently, upon his own responsibility, took the Bill out of the hands of the First Minister and insisted upon parliament passing it through all its stages. I think I am safe in saying that in no country where the English language is spoken, where representative institutions exist, where a parliament properly legislates for its people, will you find a precedent of this kind—a precedent where there has been an express repudiation of a solemn obligation without any reasonable explanation being made to parliament for so doing. This matter has been discussed over and over again in the British parliament. Time and again as the result of clamour, that parliament has been called upon to cancel pensions, but the British parliament has ever stood firm as a rock against anything like repudiation, no matter how unreasonable or seemingly unjust these pensions may have appeared to be, and to-day many of them, after centuries, stand in all their integrity. Taking all these matters into consideration, I know of no occasion when the Senate might more properly assert itself entirely irrespective of all political or party sympathies and declare that no legislation of this kind should be passed without every hon. gentleman within the four walls of this Chamber having an opportunity of giving his best thought and consideration to the principle involved in such a repeal. I beg to say again, that the remarks which I have made have not been uttered by reason of being in sympathy with a Pension Bill; but I say that the honour of the country and of our parliamentary institutions is at stake, and it is more important that this should be upheld than that the country should be relieved of a burden which, possibly, in a moment of improvidence, was placed upon our statute-books, involving the payment of considerable money for years to come. It is, therefore, with a desire to thus place myself on record as to my disapproval of this class of legislation at this particular moment, that I have made these few observations.

Hon. Mr. GIBSON—I do not know that I would have taken up the time of the House, but my hon. friend who has just

taken his seat appealed to the members on this side of the House. If my hon. friend was so much in sympathy with the Bill, or the hon. gentleman from Stadacona for whom he apologizes, this Bill would have gone through this morning, but the hon. gentleman from Stadacona wanted a condition attached to the Bill and then he would allow it to go through, the condition being that it should be amended. No one in this House knows better than these two gentlemen that the Bill cannot be amended in this House, because it is a money Bill, and the extension of one day's time beyond that stipulated in the Bill would mean a further expenditure of money which we are not in a position in this House to justify. My hon. friend sheds crocodile tears for the members on this side of the House because we are obliged to accept legislation brought down at the eleventh hour, forgetting the number of years he sat in this House as a supporter of the Conservative government and had to accept legislation brought down at the eleventh hour every term he attended here. We are under a different condition to-day, because we have accepted the provisions that are laid down by this House and the rules that guide us, and we are here patiently and willing to wait for this Bill to take its proper course without asking any consideration from the hon. gentleman from Stadacona or any other hon. gentleman. That hon. gentleman wished to hold up the government, under an idea that we would compromise in order that prorogation might take place. I think that idea is dispelled by the stand that every hon. member on this side of the House has taken with regard to prorogation; that we are here to support and maintain the government of this country in the legislation which is before the House, and, if necessary, if it takes a month to put the Bill through, I for one—and I think I am speaking for those sitting around me—am prepared to stay here for months if necessary to do this work properly. So that there is nothing hasty about this legislation at all. If my hon. friend was as much in favour of the Bill as he pretends to be, it would have been passed before now, because he would not have taken the technical objections which he has. Every one knows that when the Secretary of State moved the suspension of the rules to allow the second reading to take place, it was equivalent to a notice being given, but unfortunately it was not moved for to-day. My hon. friend took advantage of that and held up the government, and the House is prepared to wait until the Bill is put through each stage in the proper way. I am afraid my hon. friend had more sympathy for friends of his who are being deprived of the advantages under this Bill and he was more anxious to defeat this Bill, so that they might for another year reap the benefit of it, if this measure should be defeated by the tactics which my hon. friend has adopted. I am sure it does not reflect credit on the hon. leader of the opposition to cast any reflection on this side of the House because we are fully alive to our duties here, and, being alive to our duties, we have resolved to remain here until this Bill becomes law.

Hon. Mr. LANDRY—I have no apology to make for my course in this matter. If any one should apologize it should be the government. We simply asked that the proper course be followed. We have been following the proper course. The hon. gentleman cannot say I did not gain my point, because I did. I am not one of those who form in this House a power party. I am not one of the power that rules. I am not one of those who govern the government in this House.

Hon. Mr. GIBSON—We are glad of that.

Hon. Mr. LANDRY—I am one of those who belong to the opposition, and if anything goes wrong in the government ranks they cannot accuse me; they know I am against them, but they should accuse the hon. gentlemen sitting behind the government—behind the leader of this House. All the row came from that power room. I observe by the smiles of hon. gentlemen that I am understood. The hon. gentleman is very indignant because I asked the government to amend this Bill. He says we cannot do so, because it is a money Bill. I hope that he gained that knowledge from what I said this morning because he did not find it out himself. Supposing it is a money Bill, why is the hon. gentleman so indignant when, two years ago, after the decision given by the Speaker of this House

on a money Bill, he voted against the decision of the Speaker. He intervened and amended a money Bill. What has he to say to that accusation? I suppose he is converted to-day. He has better feelings and more knowledge to-day. He has acquired knowledge since the days when he voted against a money Bill, and, at that time, he did not feel so indignant. I do not think he is a symbol of consistency. The hon. gentleman took upon himself to say that I was more in sympathy with my friends the beneficiaries of this Pension Act and perhaps on that account I took this position. The hon. gentleman is not serious. I never saw Mr. Sifton, I never saw Mr. Mulock, I never saw the other parties who are beneficiaries of this Pension Act. I may tell my hon. friend I was never approached by any beneficiary under this Act. What I do in this House I am able to do of my own accord, and I do not want any suggestion or imputation coming from the power room. I am not against the repeal of the law if the government desires it.

Hon. Mr. GIBSON—You want it to be amended.

Hon. Mr. LANDRY—I still want it to be amended.

Hon. Mr. GIBSON—The hon. gentleman will not succeed.

Hon. Mr. LANDRY—No, because I am not going to address myself to the reason nor the justice of the hon. gentleman. If I addressed myself to the justice of the hon. gentleman, I would not get anything at all. I will tell hon. gentlemen why I want it amended. This law says that it shall take effect on July 1. That is enacting a law with a retroactive effect. On what principle is such legislation introduced? making a law to-day or to-morrow that is to take effect from fifteen days ago? What does the hon. gentleman call that if it is not retroactive in its effect. I think the principle is a vicious one.

Hon. Mr. GIBSON—I may tell my hon. friend that there is no provision being made in the estimates passed by parliament for the continuation of these pensions beyond June 30. They expire on that date.

Hon. Mr. LANDRY—Is that a sufficient answer? Is that all the hon. gentleman can say? Because he does not see the money, he says it has not a retroactive effect. Is money the supreme argument in his eyes?

Hon. Mr. GIBSON—That is the trouble in this Bill.

Hon. Mr. LANDRY—This Bill has a retroactive effect, and I defy the hon. gentleman to say it has not. It provides that it will be in force on the 1st July, and the first July is past. The Bill must take effect on the 1st July. Is that not retroactive? I am ashamed of the hon. gentleman from Beamsville. For the reasons I have given, I ask that the Bill should be amended. What does the government say? They did not acquiesce when I made the request, but they acquiesced when the hon. gentleman from Montarville made the suggestion. The government in this House is not the government. The government of this House is the power room, and they decided that we would not go into committee and would not amend the Bill. So that the government has acquiesced in one thing to-day, and that is to yield to the desires and decisions of my hon. friend. They do that nicely, and my hon. friend will feel satisfied when he goes home with the grand victory, not over us, but over his own friend and over the government of the day. These are the reasons I wish to advance to justify the position I took, because I had a right to take it, and I think from the observations I have made that my hon. friend from Beamsville is convinced that I was correct—at all events he has yielded, and he is doing what I suggested—following the rules of this House.

Hon. Mr. ELLIS—It seems to me that under the legislation of last year the government has contracted an obligation, and, whatever the result, I think the beneficiaries under this Act should be paid up to the time the Act expires. The country cannot repudiate that. The fact that no provision is made in the estimates does not relieve the country from the obligation it undoubtedly owes to these gentlemen. I hope the government will consider that matter. While not agreeing with the hon. Secretary of State in regard to the principles of pensions,

I naturally would vote for this Bill, but I think the country is under an obligation which should be fulfilled.

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

Hon. Mr. SCOTT—It is not usual to go into committee with a small Bill of this kind, a money Bill. Therefore I move the third reading.

Hon. Mr. LANDRY—I think the hon. gentleman should not give the reason that it is a small Bill; it is a money Bill.

Hon. Mr. SCOTT—The practice is to have them read at the table, unless there are details which require the committee stage.

Hon. Mr. LOUGHEED—Is the hon. gentleman at liberty to say what course the government will take at the next session of parliament to pass a measure in place of the one now repealed? As indicated by the premier the other day, a new scheme was to be brought before parliament, a better considered scheme than the one we are now dealing with. Am I to understand from my hon. friend that this Bill is being repealed in view of the legislation which will be introduced next session?

Hon. Mr. SCOTT—I cannot speak for the future. The premier was apparently candid like myself, but he spoke for himself, as I spoke for myself. There are the views of some twelve other gentlemen which have to be considered, and no proposition can be foreshadowed of the nature indicated by my hon. friend. The hon. gentleman from Stadacona stated that while I was ready to accept an amendment from another gentleman I would not accept one from him. When he spoke, my attention had not been called to the date, the 1st July. When the hon. gentleman from Montarville spoke of retroactive legislation. I thought it was highly improper, and I was quite prepared, on my own responsibility, to have the change made. I am not now in a position to do so. Speaking as I do for the government, I would have consented to go further and make it the 1st August, but I am not in a position to do that now.

Hon. Mr. LANDRY—Yes, that is just what I said. It is not the government that governs here.

Hon. Mr. JONES—What position is the opposition in?

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

The Senate adjourned until eleven o'clock to-morrow.

THE SENATE.

OTTAWA, Friday, July 13, 1906.

The SPEAKER took the Chair at Eleven a.m.

Prayers and routine proceedings.

PROROGATION OF PARLIAMENT.

His Honour the Acting Speaker informed the Senate that he had received the following communication from the Governor General's Secretary:

Ottawa, July 12, 1906.

Sir,—I have the honour by command of the Governor General to inform you that His Excellency will proceed to the Senate Chamber on Friday, the 13th instant, at twelve o'clock, for the purpose of proroguing the session of Parliament.

I have the honour to be, sir,
Your obedient servant,
J. HANBURY-WILLIAMS, Colonel,
Governor General's Secretary.

The Senate adjourned during pleasure.

BILLS ASSENTED TO.

After some time the Senate was resumed.

His Excellency the Right Honourable Sir Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the county of Northumberland, in the peerage of the United Kingdom, and a baronet; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada, being seated on the throne.

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

It is His Excellency's pleasure that they attend him immediately in the Senate.

Who being come with the Speaker,

The Clerk of the Crown in Chancery read the titles of the Bills to be passed, as follow :

An Act to incorporate the Canadian-Minnesota Bridge Company.

An Act respecting the Manitoulin and North Shore Railway Company.

An Act respecting the Ontario, Northern and Timagami Railway Company.

An Act respecting the Huron and Ontario Railway Company.

An Act respecting the Niagara, St. Catharines and Toronto Railway Company.

An Act to incorporate the Hamilton, Waterloo and Guelph Railway Company.

An Act for the relief of Mary Emeline Preston.

An Act respecting the Pacific Bank of Canada, and to change the name to United Empire Bank of Canada.

An Act respecting the Vancouver, Westminster and Yukon Railway Company.

An Act to incorporate the Quebec, Montreal and Southern Railway Company.

An Act respecting the Algoma Central and Hudson Bay Railway Company.

An Act respecting the British Canadian Loan and Investment Company (Limited.)

An Act respecting the Alberta Railway and Irrigation Company.

An Act to incorporate the Toronto Terminals Railway Company.

An Act to amend the Fruit Marks Act, 1901.

An Act respecting the Quebec Harbour Commissioners.

An Act to incorporate the Western Trust Company.

An Act to amend the Act respecting the Currency.

An Act to incorporate the Grand Trunk Pacific Telegraph Company.

An Act to incorporate the Windsor, Chatham and London Railway Company.

An Act to incorporate the Fort William Terminal Railway and Bridge Company.

An Act respecting the Standard Trusts Company.

An Act respecting Queen's College at Kingston.

An Act respecting certain patents of Franklin Montgomery Gray.

An Act respecting the Central Railway Company of Canada.

An Act to amend the Interpretation Act.

An Act to amend the Indian Act.

An Act respecting the Fiscal Year.

An Act respecting the Monarch Bank of Canada.

An Act for the relief of William Napoleon Vaughan.

An Act for the relief of Eileen Mary Mackintosh.

An Act for the relief of Asenath Ramsay.

An Act for the relief of Jane Frances Fields.

An Act for the relief of James Allen.

An Act for the relief of Frederick William Wight.

An Act to amend the Militia Pension Act, 1901.

An Act to amend the Militia Act.

An Act respecting roads and road allowances in the provinces of Saskatchewan and Alberta.

An Act to incorporate the Fording Valley Railway Company.

An Act respecting La Banque Provinciale du Canada.

An Act to incorporate the Pacific Marine Insurance Company.

An Act for the relief of Muriel Violet Spencer.

An Act respecting the St. Mary's River Bridge Company.

An Act respecting the Empire Trust Company and to change its name to the Dominion Trust Company.

An Act to incorporate the Cobalt Range Railway Company.

An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

An Act to incorporate the Sterling Life Assurance Company.

An Act respecting the Court of Appeal for Manitoba.

An Act respecting the Bell Telephone Company of Canada.

An Act respecting the Southern Central Pacific Railway Company.

An Act to amend the Grain Inspection Act.

An Act to amend the Manitoba Grain Act, 1900.

An Act respecting Revillon Brothers, Limited.

An Act respecting La Compagnie d'Assurance Mutuelle contre le feu des Comtés de Rimouski, Témiscouata et Kamouraska, and to change its name to La Compagnie d'Assurance contre l'incendie de Rimouski.

An Act to incorporate the Anglo-Canadian Insurance Company.

An Act respecting the Northern Commercial Telegraph Company, Limited.

An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

An Act to incorporate the Hillcrest Railway, Coal and Coke Company.

An Act to incorporate the Burk's Falls and French River Railway Company.

An Act for the relief of William Edward Ogden.

An Act respecting Forest Reserves.

An Act respecting the Grand Valley Railway Company.

An Act respecting Penitentiaries.

An Act respecting the Pacific and Atlantic Railway Company.

An Act to incorporate the General Accident Assurance Company of Canada.

An Act to incorporate the Chartered Bank of London and Canada.

An Act respecting Money-Lenders.

An Act to incorporate the Grand Trunk Pacific Branch Lines Company.

An Act for the relief of Nettie M. Bulmer.

An Act to incorporate the Sovereign Trust Company.

An Act respecting the Royal Bank of Canada.

An Act to amend the National Transcontinental Railway Act.

An Act to provide for further advances to the Harbour Commissioners of Montreal.

An Act to amend the Fisheries Act.

An Act respecting certain Loan Companies.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

An Act respecting Immigration and Immigrants.

An Act to amend the Act respecting the Safety of Ships and the Prevention of Accidents on board thereof.

An Act relating to the Supreme Court of Judicature of the province of New Brunswick.

An Act to incorporate the Twelve-Mile Power Company, Limited.

An Act respecting the Manitoba and Keewatin Railway Company.

An Act respecting the Northwest Commercial Travellers' Association of Canada.

An Act to incorporate the Prince Albert and North Saskatchewan Railway Company.

An Act to incorporate the Trans-Niagara Bridge Company.

An Act to incorporate the United Empire Life Insurance Company.

An Act to incorporate the Timagami, Cobalt and Temiskaming Railway Company.

An Act respecting the sale and marking of manufactures of Gold and Silver.

An Act to amend the Act respecting the Senate and House of Commons.

An Act respecting Placer Mining in the Yukon Territory.

An Act further to amend the Criminal Code, 1892.

An Act to amend the Criminal Code, 1892, as respects Lotteries.

An Act to amend the Railway Act, 1903.

An Act respecting the Lord's Day.

An Act to amend the Act respecting the Senate and House of Commons.

An Act to repeal the Act respecting Annuities for certain Privy Councillors.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :

In His Majesty's name, His Excellency the Governor General doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General as follows :

May it please Your Excellency :

The Commons of Canada have voted the supplies required to enable the government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following Bill :

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 30th June, 1906, and the period of nine months ending the 31st March, 1907.

Then, after the Clerk of the Crown in Chancery had read the title of the Bill,

The Clerk of the Senate, by His Excellency's command, did thereupon say :

In His Majesty's name, His Excellency the Governor General thanks His loyal subjects, accepts their benevolence, and assents to this Bill.

After which His Excellency the Governor General was pleased to close the Second Session of the Tenth Parliament of the Dominion with the following Speech :

SPEECH :

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

In relieving you from further attendance in parliament, I desire to thank you for the care and assiduity exhibited in the discharge of your laborious and exacting duties.

Your invitation to His Majesty the King to visit this part of his Dominions was duly forwarded to Buckingham Palace. That it would be a source of great rejoicing in Canada if His Majesty would favourably entertain the invitation is confirmed by many similar addresses adopted in the several provinces, cities and towns—all expressing the hope that His Majesty may honour us with another visit.

It is very gratifying to note that Canada continues to enjoy a prosperity rarely equalled in the history of nations. The volume of exports and imports during the year just closed exceeds that of any previous record. The revenue also shows a remarkable increase, the receipts on account of the consolidated fund having doubled in the last ten years. The large number of private Bills that have received your approval—having for their object the incorporation of railway and other industrial enterprises—affords additional evidence of the general prosperity prevailing over the Dominion.

The stream of immigrants seeking homes in the western provinces continues to flow in increasing volume, and owing to the favourable conditions now existing in Alberta and Saskatchewan their vacant lands are being rapidly taken up.

Several Acts of great public utility have been added to the laws in the session now drawing to a close. Among the number, I am glad to note :

An Act for the better observance of the Lord's Day.

An Act in restriction of Usury.

An Act to secure the better Marking of Fruit.

An Act requiring that certain articles containing a proportion of gold and silver when offered for sale should be honestly marked.

An Act relating to immigrants and immigration, which, among other provisions, will enable the authorities to deport undesirable persons.

It is earnestly to be hoped that your example in passing the Act setting apart large areas for forest reserves will be followed by those provincial legislatures having jurisdiction over their public domain ; and that a system of reforestation may be adopted in all parts of the Dominion thereby preserving the uniform flow of our rivers and of our valuable water-powers.

In view of the many important Acts passed, and of the numerous amendments made to existing laws during this session, it has been deemed expedient to stay the issue of the volumes of the revised statutes, in order that the recent legislation may be embodied.

Gentlemen of the House of Commons :

I thank you in His Majesty's name for the supplies you have so liberally voted.

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

A copy of the convention regarding commercial relations between Japan and Canada has now been received. The treaty has been duly ratified and exchanged, thereby giving Canada material advantages in our trade with Japan.

I now beg to express the hope that on your return to your several homes you will find evidences that the coming harvest will be a bountiful one, thus assuring another year's prosperity throughout the Dominion.

The Speaker of the Senate then said :

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

It is His Excellency the Governor General's will and pleasure that this parliament be prorogued until Tuesday, the twenty-first day of August next, to be here holden, and this parliament is accordingly prorogued until the twenty-first day of August next.

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PART I—SENATORS

The following abbreviations are used: 1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings; *, without remark or debate; Accts., Accounts; Adjn., Adjourn; Adjd., Adjourned; Amd., Amend; Amt., Amendment; Amts., Amendments; B., Bill; B.C., British Columbia; Can., Canada or Canadian; Cl., Clause; Com., Committee; Co., Company; Consdn., Consideration; Cor,, Correspondence; Dept., Department; Govt., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry: Man., Manitoba; Mess., Message; M., Motion; *m.*, moved; N.B., New Brunswick; N.W.T., North West Territories; N.S., Nova Scotia; Ont., Ontario; Parlt., Parliament; P.E.I., Prince Edward Island; P. O., Post Office; Prov., Province; Ques., Question: R.A., Royal Assent; R. T. & H., Railways, Telegraphs and Harbours; Rem., Remarks; Rep., Reported; Ret., Returned; Ry., Railway; S. O., Standing Orders; Sel., Select; 6 m h., 6 months hoist; Withdn., Withdrawn.

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(II) An Act for the relief of Muriel Violet Spencer (Mr. Perley). Int., 679 ; 2nd R.*, 722 ; 3rd R.*, 781 ; R.A., 1273 (c. 164).

(JJ) An Act to incorporate the Temagami, Cobalt and Temiscaming Railway Company (Mr. McHugh). Rep. of Com. on petition concurred in, 739 ; B. int., 781 ; 2nd R.*, 832 ; rep. from Com. on R., T. & H. (Mr. Casgrain, de Lanaudière), 935 ; amts. concurred in, 3rd R.*, 936 ; R.A., 1274 (c. 167).

(KK) An Act for the relief of William Edward Ogden (Mr. Frost). Int., 820 ; 2nd and 3rd R.*, 850 ; R.A., 1273 (c. 135).

(LL) An Act for the relief of Nettie M. Bulmer (Mr. Frost). 1st and 2nd R.*, 936 ; 3rd R.*, 969 ; R.A., 1274 (c. 68).

(4) An Act further to amend the Criminal Code, 1892 (Mr. Scott). 1st, 2nd and 3rd R., 1226 ; R.A., 1274 (c. 7).

(6) An Act in amendment of the Railway Act, 1903. Int., 260.

(10) An Act to amend the Act respecting the Senate and House of Commons (Mr. Scott). 1st R., M. (Mr. Scott) to suspend rules, rem., Sir M. Bowell, Mr. Landry, 1225 ; Sir M. Bowell, Mr. Lougheed, Mr. Scott, 1226 ; M. 2nd R. (Mr. Scott), rem., Mr. Landry, Sir M. Bowell, 1246 ; Mr. Choquette, Mr. Scott, 1247 ; Mr. de Boucherville, Mr. Choquette, 1248 ; Mr. Landry,

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Mr. Cloran, Mr. Lougheed, Mr. Scott, M. agreed to, 1249 ; in Com., on sub-cl. 2 of 1st cl., M. in amt. (Mr. Bostock), rem., Mr. de Boucherville, Mr. Power, Mr. Poirier, 1249 ; Mr. Choquette, Mr. Poirier, 1250 ; M. to amd. sub-cl. 2 (Sir M. Bowell), rem., Mr. Landry, Mr. Scott, 1250 ; Mr. Poirier, Mr. Kerr (Toronto), Sir M. Bowell, Mr. Power, Mr. David, 1251 ; Mr. Lougheed, Mr. Power, Sir M. Bowell, Mr. Casgrain (de Lanaudière), 1252 ; Sir M. Bowell, Mr. Kerr (Toronto), Mr. Cloran, Mr. Scott, 1253 ; amt. to amt. lost, amt. agreed to (c. 21 ; n.c. 14), 1254 ; B. rep. from Com. (Mr. Frost), 3rd R.*, 1254 ; R.A., 1274 (c. 49).

(11) An Act respecting Money Lenders (Mr. Scott). 1st R., rem., Mr. Scott, Mr. Lougheed, Mr. Wilson, 1024 ; Mr. Ross (Halifax), Mr. McMullen, Mr. Lougheed, 2nd R., 1025 ; in Com., on 2nd cl., rem., Mr. McMullen, Mr. Scott, Sir M. Bowell, 1035 ; Mr. Lougheed, Mr. Kerr (Toronto), Mr. McMullen, Mr. Speaker, 1036 ; Mr. McMullen, Mr. Speaker, 1037 ; Sir M. Bowell, Mr. Scott, 1038 ; on 3rd cl., Mr. Speaker, 1038 ; Sir M. Bowell, Mr. McGregor, 1039 ; Mr. Gibson, Mr. Power, Mr. McMullen, 1040 ; Mr. de Boucherville, Mr. McMillan, Sir M. Bowell, Mr. Ross (Moosejaw), 1041 ; on 10th cl., Mr. Lougheed, M. to strike out cl. (Mr. Speaker), rem., Mr. de Boucherville, Mr. Power, Mr. Sullivan, Mr. Bolduc, 1042 ; Mr. Lougheed, Mr. Scott, Mr. Power, Mr. de Boucherville, Mr. Gibson, 1043 ; M. rejected on div. (c. 8 ; n.c. not counted), 1044 ; B. rep. from Com. (Mr. McKay, Truro), 3rd R.*, 1044 ; R.A., 1274 (c. 32).

(12) An Act respecting the Lord's Day (Mr. Scott). Int., 1113 ; M. 2nd R., rem., Mr. Scott, 1120 ; Mr. Choquette, Mr. Scott, 1126, 1127 ; Mr. Bolduc, Mr. Scott, 1128 ; Mr. Ellis, Mr. Scott, Mr. Choquette, Sir M. Bowell, Mr. Lougheed, 1129 ; Mr. Davis, Mr. Lougheed, Mr. Choquette, Mr. Ross (Halifax), Mr. McMullen, 1130 ; Mr. Cloran, Mr. McMullen, 1131, 1134 ; Mr. Bostock, 1136 ; Mr. Cloran, 1138, 1149 ; Mr. Frost, 1154 ; Mr. Landry, 1156 ; Mr. Choquette, Mr. Scott, 1157 ; M. agreed to, 1158.

M. to go into Com. (Mr. Scott), rem., Mr. Landry, Mr. Speaker, 1158; in Com., on 1st cl., sub-cl. (a), M. in amt. (Mr. Power), rem., Mr. Cloran, Mr. McMullen, Mr. Choquette, 1159; Mr. Ross (Halifax), Mr. Mitchell, amt. agreed to on div. (c. 31 ; n.c. 13), 1160 ; rem., Mr. Bostock, M. in amt. (Mr. Cloran), rem., Mr. de Boucherville, Mr. Power, 1160 ; amt. rejected (c. 11 ; n.c. not counted), 1161 ; sub-cl. (e), rem., Mr. Forget, Mr. Scott, 1161. Sub-cl. (g), rem., Mr. Davis, Mr. Gibson, Mr. Power, Mr. Lougheed, 1161.

On 2nd cl., rem., Sir M. Bowell, Mr. Gibson, Mr. Forget, Mr. Scott, the Chairman (Mr. Young), 1162; Mr. Scott, Mr. Lougheed, Mr. Landry, 1163; Mr. Forget, M. to amd., Mr. Lougheed, 1164.

On 3rd cl., rem., Mr. Davis, 1164. Sub-cl. (c), rem., Mr. Landry, 1164. Sub-cl. (e), rem., Mr. Jones, 1165. Sub-cl. (g), M. in amt. (Mr. Watson), 1165. Sub-cl. (h), M. in amt. (Mr. Watson), rem., Mr. Thompson, 1165 ; Mr. Scott, Mr. Thompson, Mr. Wood, Mr. Mitchell, Mr. Davis, amt. agreed to, 1166. Sub-cl. (i), rem., Sir M. Bowell, Mr. Gibson, 1166 ; Mr. Power, Mr. Cloran, Mr. Gibson, 1167 ; Mr. Wood, Mr. Gibson, Mr. Davis, Mr. Ross (Halifax), Mr. Power, 1168 ; M. in amt. (Mr. Gibson), rem., Mr. Ross (Halifax), Mr. Scott, Mr. Edwards, 1169 ; Mr. Choquette, Mr. Davis, Mr. McMullen, 1170 ; Mr. Scott, Mr. McMullen, Mr. Power, prog. repted. (Mr. Young) 1171.

Consdn. resumed, amt. withdn., 1172. Sub-cl. (1), M. in amt. (Mr. Watson), rem., Mr. Cloran, amt. agreed to, 1172. Sub-cl. (l), rem., Mr. Davis, 1172 ; M. in amt. (Mr. Power), rem., Mr. Scott, Mr. Bostock, Mr. Davis, Mr. McGregor, further amt. *m.*, Mr. Scott, 1173 ; rem., Sir M. Bowell, Mr. Davis, Mr. Scott, Mr. Bostock, Mr. Kerr (Toronto), Mr. McMullen, Mr. Bolduc, 1174 ; amt. to the amt. agreed to, M. in amt. (Mr. Power), rem., Mr. Davis, Mr. McMullen, amt. agreed to, 1175. Sub-cl. (m), M. in amt. (Mr. Casgrain, de Lanaudière), rem., Mr. Power, Mr. Wood, 1175 ; Mr. Scott, Mr. Bostock, Mr. Lougheed, Mr. Kerr (Toronto), Mr. Casgrain (de Lanaudière), Mr. Cloran, 1177. Sub-cl. (n), M. in amt. (Sir M. Bowell), rem., Mr. Forget, Mr. Cloran, Mr. McMullen, 1177 ; Mr. Forget, Mr. Scott, Mr. Power, Sir M. Bowell, 1178 ; Mr. Choquette, Mr. Scott, Mr. Forget, Mr. Landry, 1179 ; Mr. Forget, Mr. Scott, Mr. Cloran, Sir W. Hingston, M. in amt. (Mr. Landry), 1180 ; rem., Mr. Wood, Mr. Sullivan, Mr. Scott, Mr. Baird, Mr. Ross (Halifax), Mr. Forget, Mr. Landry, 1181 ; Sir M. Bowell,

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Mr. LaCndry, Mr. Scott, Mr. McMillan, Mr. Davis, 1182. Sub-cl. (g), M. in amt. (Mr. Scott), rem., Mr. Lougheed, Mr. Forget, Mr. Kerr (Toronto), 1183. Sub-cl. (o), rem., Mr. Davis, Mr. Power, 1183 ; Mr. Cloran, M. in amt. (Mr. Choquette), rem., Sir M. Bowell, Mr. Scott, Mr. Jones, 1184. Sub-cl. (r), 1185. Sub-cl. (s), M. in amt. (Sir M. Bowell), rem., Mr. Scott, Mr. Lougheed, 1158 ; Mr. Scott, Mr. Kerr (Toronto), Mr. Forget, Mr. Power, 1186 ; Mr. Forget, Mr. Power, Mr. Landry, Mr. Kerr (Toronto), Mr. Macdonald (B.C.), 1187. Sub-cl. (t), 1187. Sub-cl. (x), M. in amt. (Mr. Kerr, Toronto), rem., Mr. Landry, Mr. McMullen, Mr. Wood, Mr. Scott, Mr. Power, 1188 ; M. in amt. (Mr. Bostock), rem., Mr. Scott, Mr. Power, Mr. Kerr (Toronto), 1189 ; Mr. Scott, Mr. McMullen, Mr. Kerr (Toronto); M. that Com. rise (Mr. Landry) lost on div. (c. 3 ; n.c. not taken), 1190.

On 4th cl., M. to amd. (Mr. Watson) 1190, 1191; rem., Mr. McMullen, Mr. Ross (Halifax), Mr. de Boucherville, Mr. Watson, 1191 ; Mr. de Boucherville, the Chairman, 1192. Sub-cl. (2), M. t oamd. (Mr. Cloran), 1192.

On 5th cl., M. to amnd. (Mr. Bostock), rem., Mr. Scott, Sir M. Bowell, Mr. McMullen, 1193 ; Mr. Landry, Mr. Dandurand ; M. to amd (Mr. Bostock), rem., Mr. Ross (Halifax), Mr. Cloran, Sir M. Bowell, Mr. Scott, 1194. Sub-cl. (2), M. in amt. (Mr. Cloran) rejected on div. (c. 4 ; n.c. not taken), 1195.

On 6th cl., M. in omt. (Mr. Bostock), 1196,

On 7th cl., 1196.

On 9th cl., rem., Sir M. Bowell, Mr. Cloran, Mr. Scott, 1196 ; Mr. Cloran, Sir M. Bowell, Mr. Power, 1197.

On 12th cl., M. in amt. (Mr. Kerr, Toronto), rem., Mr. Power, Mr. Lougheed, Mr. Jones, Sir M. Bowell, 1198 ; Mr. Cloran, Mr. Kerr,

On 13th cl., rem., Mr. Lougheed, 1192,-

(Toronto), Mr. McGregor, Mr. Jones, 1199.

On 13th cl., rem., Mr. Lougheed, 1199 ; Mr. Scott, Mr. Power, 1200.

On 14th cl., M. in amt (Mr. Forget), rem., Sir M. Bowell, 1200.

On 15th cl., M. in amt. (Mr. Kerr (Toronto), 1201 ; Mr. Baird, Sir M. Bowell, 1202 ; Mr. Power, Mr. McMullen, Mr. Wood, 1203 ; Mr. Dandurand, 1204 ; Mr. McMullen, Mr. Ross Halifax), 1205 ; Mr. Cloran, amt. agreed to on div. (c. 32 ; n.c. 19), 1206.

M. (Mr. Kerr, Toronto) to add 17th cl., rem., Mr. Macdonald (B.C.), 1206 ; Mr.

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Speaker, Mr. Landry, Sir M. Bowell, Mr. Scott, Mr. McGregor, amt. rejected (c. 18 ; n.c. 24), 1207.

On sub-cl. (g) of 1st cl., M. in amt. (Mr. Kerr, Toronto), 1207.

On 2nd cl., M. in amt. Mr. Bostock), 1207.

On sub-cl. (1) og 3rd cl., M. to amnd. (Mr. Kerr, Toronto), rem., Mr. Scott, Sir M. Bowell, Mr. Wood, 1208 ; amt. agreed to on div. (c. 19 ; n.c. 17), rem., Sir M. Bowell, 1209 ; Mr. McMullen, Mr. Casgrain (de Lanaudière), 1210.

B. rep. from Com. (Mr. Young), amts. concurred in, rem., Sir M. Bowell, Mr. Scott, 1210.

M. 3rd R. (Mr. Scott), rem., Sir M. Bowell, 1211 ; Mr. Scott, Mr. Lougheed, 1212 ; Mr. Scott, 1216 ; Mr. Macdonald (B.C.), 1217 ; Mr. David, 1218 ; Mr. Ross (Halifax), 1220 ; Mr. Choquette, Mr. Lougheed, 1223, 1224; Mr. Kerr (Toronto), Sir M. Bowell, Mr. Young.

M. (Mr. Scott) t cohange title, rem., Mr. Sullivan, 1224 ; 3rd R., 1225.

Senate amts. returned from Commons, M. (Mr. Scott) *re* 1st and 2nd amts., rem., Mr. Speaker, Sir M. Bowell, 1254 ; Mr. Scott, Mr. Lougheed, Mr. Speaker. M. (Mr. Scott) *re* 5th amt., rem., Mr. Kerr (Toronto), Mr. Lougheed, 1255 ; M. agreed to on div. (c. 20 ; n.c. 9), 1256. On 6th amt., rem., Sir M. Bowell, Mr. Speaker, Mr. Watson, 1256. On 9th amt., M. (Mr. Scott), rem., Mr. Young, Mr. Poirier, M. agreed to on div. (c. 33 ; n.c. 7), 1257. On 14th amt., M. (Mr. Scott), rem., Sir M. Bowell, 1257 ; Mr. Scott, Mr. Kerr (Toronto), Mr. Cox, Mr. Gibson, M. agreed to, 1258 ; R.A, 1274 (c. 27).

(14) An Act to amend the Weights and Measures Act (Sir Richard Cartwright). Int., 487 ; 2nd R., 513 ; in Com., rem., Mr. Lougheed, Sir R. Cartwright, 646 ; rep. from Com. (Mr. Ellis), 3rd R.*, 647 ; R.A., 921 (c. 52).

(19) An Act respecting the South Ontario Pacific Railway Company (Mr. McMullen). Int., 260 ; 2nd R. postponed, 287 ; 2nd R.*, 314 ; 3rd R.*, 331 ; R.A., 400 (c. 161).

(20) An Act to incorporate the Canadian Bible Society, Auxiliary to the British and Foreign Bible Society (Sir Mackenzie Bowell). Int., 364 ; 2nd R.*, 393 ; 3rd R.*, 569 ; R.A., 921 (c. 74).

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(21) An Act respecting the Huron and Erie Loan and Savings Company (Mr. McHugh). Int., 494 ; 2nd R., 558 ; 3rd R.*, 739 ; R.A., 921 (c. 110).

(22) An Act respecting the Canadian Pacific Railway Company (Mr. Young). Int., 260 ; 2nd R. postponed, rem., Mr. Young, Mr. Wilson, 285 ; Sir M. Bowell, Mr. Wilson, Mr. Young, 286 ; 2nd R.*, 314 ; 3nd R., rem., Mr. Wilson, Mr. Young, 331 ; R.A., 400 (c. 77).

(23) An Act to incorporate the Quebec Midland Railway Company (Mr. Mitchell). Int., 260 ; M. 2nd R., rem., Mr. McHugh, Mr. Wilson, Mr. Casgrain (de Lanaudière), 286 ; Mr. de Boucherville, Mr. Gibson, Mr. Wilson, Mr. Macdonald (B.C.), M. agreed to, 287 ; rep. from Com. (Mr. Casgrain, de Lanaudière), with amts., rem., Mr. de Boucherville, amts. concurred in, 326 ; 3rd R.*, 331 ; R.A., 563 (c. 149).

(24) An Act respecting the Campbellford, Lake Ontario and Western Railway Company (Mr. Kerr, Cobourg). Int., 260 ; 2nd R. postponed, 288 ; 2nd R.*, 314 ; 3rd R.*, 331 ; R.A., 400 (c. 72).

(25) An Act respecting the Niagara, Queenston and St. Catharines Railway Company (Mr. Gibson). Int., 494 ; 2nd R., 558 ; 3rd R.*, 636 ; R.A., 921 (c. 131).

(26) An Act respecting the West Ontario Pacific Railway Company (Mr. Coffey). Int., 260 ; 2nd R.*, 314 ; 3rd R.*, 331 ; R.A., 400 (c. 178).

(27) An Act to incorporate the Kamloops and Yellowhead Pass Railway Company (Mr. Bostock). Int., 335 ; 2nd R.*, 371 ; 3rd R.*, 707 ; R.A., 921 (c. 115).

(28) An Act respecting the Esquimalt and Nanaimo Railway Company (Mr. Bostock). Int., 260 ; 2nd R.*, 314 ; 3rd R., rem., Mr. Davis, 331 ; Mr. Bostock, 332 ; R.A., 400 (c. 92).

(29) An Act respecting the Vancouver and Lulu Island Railway Company (Mr. Riley). Int., 335 ; 2nd R.*, 350 ; 3rd R.*, 466 ; R.A., 563 (c. 174).

(30) An Act respecting the Kootenay and Arrowhead Railway Company (Mr. Bostock). Int., 260 ; 2nd R.*, 314 ; 3rd R.*, 331 ; R.A., 400 (c. 119).

(31) An Act respecting the Whitehorse and Alsek Railway Company (Mr. Bostock). Int., 260 ; M. 2nd R., rem., Mr. Scott, Sir M. Bowell, Mr. Bostock, M. agreed to, 289 ; 3rd R.*, 331 ; R.A., 400 (c. 181).

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(32) An Act respecting the Nakusp and Slocan Railway Company (Mr. Bostock). Int., 260 ; 2nd R.*, 297 ; 3rd R.*, 331 ; R.A., 400 (c. 130).

(33) An Act respecting the British Columbia Southern Railway Company (Mr. Bostock). Int., 335 ; 2nd R.*, 350 ; 3rd R., 466 ; R.A., 563 (c. 60).

(34) An Act respecting the Columbia and Kootenay Railway and Navigation Company (Mr. Bostock). Int., 335 ; 2nd R.*, 350 ; 3rd R.*, 491 ; R.A., 921 (c. 84).

(35) An Act to incorporate the Western Trust Company (Mr. Watson). Int., 494 ; 2nd R.*, 559 ; B. rep. from Com. on B. & C. (Mr. Kerr, Toronto), rem., Mr. Watson, 777 ; Mr. Ferguson, Mr. Young, 778 ; Mr. Power, Mr. Kerr (Toronto), Mr. Wood, Sir M. Bowell, 779 ; 3rd R.*, 844 ; R.A., 1273 (c. 180).

(37) An Act respecting the Montreal Park and Island Railway Company (Mr. Béique). Int., 409 ; 2nd R.*, 467 ; 3rd R.*, 561 ; R.A., 921 (c. 129).

(39) An Act respecting the Canada Atlantic Railway Company (Mr. Lougheed). Int., 393 ; 2nd R.*, 440 ; 3rd R.*, 561 ; R.A., 921 (c. 73).

(40) An Act respecting certain Loan Companies (Mr. Kerr, Toronto). 1st R., rem., Mr. Kerr (Toronto), 1060 ; Mr. Lougheed, Sir Geo. Drummond, 1061 ; Mr. Kerr (Toronto), Mr. Lougheed, 1062 ; Sir M. Bowell, Sir Geo. Drummond, 1063 ; Mr. Kerr (Toronto), Mr. Power, 1064 ; Sir Geo. Drummond, 1065 ; 2nd R., rem., Mr. Kerr (Toronto), Sir M. Bowell, 1077 ; 3rd R., 1078 ; R.A., 1274 (c. 26).

(41) An Act respecting the Vancouver, Westminster and Yukon Railway Company (Mr. Bostock). Int., 260 ; M. 2nd R., rem., Sir M. Bowell, M. agreed to, 289 ; 3rd R. postponed, rem., Mr. Scott, 381 ; Mr. Lougheed, Mr. Gibson, Mr. Davis, Mr. Bostock, Mr. Ferguson, 382 ; Mr. Watson, Sir M. Bowell, Mr. Scott, 383 ; N. of amt., Mr. Scott, 403 ; 3rd R., rem., Mr. Bostock, M. in amt. (Mr. Landry), 457 ; Mr. McMullen, 458 ; Mr. Gibson, 462 ; deb. adjd., 464 ; deb. resumed, rem., Mr. Gibson, 520 ; Mr. Davis, 524 ; Mr. Bostock, 528 ; Mr. Macdonald (B.C.), 530; Mr. Wilson, 531 ; Mr. Frost, 532 ; Mr. Roy, Mr. De Veber, 533 ; Mr. Watson, 535 ; Mr. Jaffray, Mr. Kerr (Cobourg), 541 ; Mr. Power, 545 ; amt. rejected,

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547 ; M. (Mr. Scott) to amd. 1st cl. agreed to, 547 ; M. (Mr. McMullen) in amt., 548 ; rem., Mr. Davis, 553 ; amt. rejected (c. 16 ; n.c. 28), 558 ; M. (Mr. Landry) to strike out sub-cl. (d) of 1st cl. rejected, 3rd R., 558 ; R.A., 1273 (c. 176).

(42) An Act to incorporate the Buffalo, Niagara and Toronto Railway Company (Mr. Gibson). Int., 560 ; 2nd R.*, 597 ; 3rd R.*, 720 ; R.A., 921 (c. 67).

(43) An Act to incorporate the Brandon Transfer Railway Company. Int., 335 ; 2nd R., May 4th (omitted from p. 355) ; M. (Mr. Ellis) to concur in amts., 708 ; Mr. McMullen, Mr. David, 710 ; Sir M. Bowell, Mr. Young, 711 ; Mr. Jones, 712 ; Mr. David, Mr. Forget, Mr. Young, Mr. Kerr (Toronto), 713 ; Mr. Landry, Sir M. Bowell, 714 ; Mr. Watson, 715 ; Mr. Wilson, amts. concurred in on div. (c. 26 ; n.c. 14), 716 ; 3rd R., 720 ; R.A., 921 (c. 63).

(44) An Act respecting the Kingston and Pembroke Railway Company (Mr. Sullivan). Int., 260 ; 2nd R.*, 297 ; 3rd R.*, 331 ; R.A., 400 (c. 118).

(45) An Act respecting a Patent of the Anderson Puffed Rice Company (Mr. Cox). Int., 335 ; 2nd R.*, 350 ; rep. from Com., with amt. (Mr. Cloran), rem., Mr. Kerr (Toronto), Mr. Cloran, Sir M. Bowell, 375 ; Mr. Lougheed, Mr. McHugh, Mr. Cox, Sir M. Bowell, 376 ; Mr. Kerr (Toronto), Mr. Lougheed, Mr. Cloran, 377; Mr. McHugh, 378 ; Mr. Ferguson, Mr. Kerr (Toronto), Mr. Cox, Mr. Lougheed, 379 ; Mr. Kerr (Toronto), Mr. Cloran, Mr. Wilson, 380 ; amts. concurred in, 381 ; 3rd R.*, 395 ; R.A., 921 (c. 56).

(46) An Act respecting the St. Clair and Erie Ship Canal Company (Mr. Lougheed). Int., 260 ; 2nd R., 289 ; 3rd R.*, 321 ; R.A., 400 (c. 158).

(47) An Act respecting Forest Reserves (Mr. Scott). 1st R., rem., Mr. Scott, Mr. Ellis, Sir M. Bowell, 872, 873 ; 2nd R.*, 915 ; in Com., rem., Mr. Scott, Mr. Macdonald (B.C.), 974 ; Mr. Lougheed, 975 ; Mr. Scott, 976 ; Mr. Bernier, 977 ; Mr. Bostock, Mr. Baird, 978 ; Mr. McMullen, 979 ; Sir M. Bowell, 980 ; Mr. Owens, 982. On 2nd cl., rem., Mr. Lougheed, Mr. Scott, Mr. Bostock, 983 ; Sir M. Bowell, Mr. Scott, Mr. Lougheed, 984. On 3rd cl., rem., Sir M. Bowell, Mr. Scott, Mr. Lougheed, 984. On 8th and 9th cls., rem., Mr. Lougheed, Mr. Scott, Sir M. Bowell, 985. On 10th cl., Mr. Lougheed, Sir M. Bowell, Mr. Scott, 986. On 13th cl., Mr. Young, Mr. Lougheed, Mr. Power, 986 ; Mr. Ellis, Mr. Power, Mr. Lougheed, 987 ; B. rep. from Com. (Mr. Cloran), 3rd R.*, 988 ; R.A., 1273 (c. 14).

(48) An Act respecting the Safety of Ships and the prevention of accidents on board thereof (Mr. McGregor). Int., M. 2nd R., rem., Mr. McGregor, 1044 ; Mr. Lougheed, Mr. Gibson, Sir M. Bowell, 1045 ; Mr. Ellis, Mr. Lovitt, 2nd R., 1046 ; consdn. postponed, 1091 ; in Com., 1098 ; B. rep. from Com. (Mr. Sullivan), 3rd R.*, 1099 ; R.A., 1274 (c. 46).

(49) An Act respecting La Banque Provinciale de Canada (Mr. Casgrain, de Lanaudière). Int., 487 ; 2nd R., rem., Mr. Power, Mr. Casgrain (de Lanaudière), 491 ; amts. of Com. on B. & C. concurred in, M. 3rd R., Mr. Casgrain (de Lanaudière), M. to amd. (Mr. Landry), 850 ; rem., Mr. Gibson, Mr. Landry, Mr. Lougheed, 851 ; Mr. Gibson, Mr. Power, Mr. Scott, Mr. Cox, Mr. Kerr (Toronto), 852 ; Mr. Lougheed, Mr. McMullen, amt. adopted, 3rd R., 853 ; R.A., 1273 (c 145).

(50) An Act respecting the Pacific Bank of Canada, and to change its name to the United Empire Bank of Canada (Mr. Kerr, Toronto). Int., 487 ; 2nd R.*, 489 ; 3rd R.*, 597 ; R.A., 1273 (c. 139).

(51) An Act respecting the patent of Henry Luther Houk (Mr. Kerr, Cobourg). Int., 409 ; 2nd R.*, 467 ; M. 3rd R., Mr. Kerr (Cobourg), rem., Mr. Kerr (Toronto), Mr. Jones, 627 ; Mr. Power, 631 ; Mr. Sullivan, Mr. Kerr (Toronto), 632 ; Sir M. Bowell, Mr. Kerr (Toronto), 635 ; Sir M. Bowell, M. agreed to, 636 ; R.A., 921 (c. 109).

(53) An Act respecting the Crawford Bay and St. Mary's Railway Company (Mr. Bostock). Int., 260 ; M. 2nd R., rem., Mr. Wilson, 288 ; M. agreed to, 289 ; 3rd R.*, 350 ; R.A., 400 (c. 85).

(54) An Act to incorporate the Pacific Marine Insurance Company (Mr. Bostock). Int., 494 ; 2nd R.*, 559 ; amts. of Com. on B. & C. concurred in, 831 ; 3rd R.*, 844 ; R.A., 1273 (c. 140).

(55) An Act respecting the powers of the Harbour Commissioners of Montreal (Mr.

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Scott). Int., 335 ; 2nd R., 350 ; in Com., rem., Mr. Scott, Mr. Bernier, B. rep. from Com. (Mr. McDonald, C.B.), 355 ; 3rd R.*, 361 ; R.A., 563 (c. 34).

(56) An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 30th June, 1906 (Mr. Scott). Int., 1st, 2nd and 3rd R., rem., Mr. Macdonald (P.E.I.), Mr. Scott, 253 ; R.A., 254 (c. 1).

(57) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company (Mr. Edwards). Int., 776 ; 2nd R., rem., Mr. Bernier, Mr. Lougheed, 831 ; 3rd R.*, 935 ; R.A., 1273 (c. 128).

(60) An Act to incorporate the Inter-Ocean Fire Insurance Company (Mr. Watson). Int., 560 ; 2nd R.*, 597 ; 3rd R.*, 739 ; R.A., 921 (c. 112).

(61) An Act to incorporate the Grand Trunk Pacific Telegraph Company (Mr. Gibson). Int., 707 ; 2nd R.*, 722 ; 3rd R.*, 874 ; R.A., 1273 (c. 101).

(62) An Act to amend the Railway Act, 1903 (Mr. Scott). 1st and 2nd R., 1095 ; in Com., on 6th cl., rem., Mr. Scott, Mr. Lougheed, 1113 ; on 8th cl., Mr. Lougheed, Mr. Scott, 1114 ; on 9th, 10th and 14th cls., Sir M. Bowell, Mr. Scott, Mr. Lougheed, Mr. Davis, 1115 ; on 17th cl., Mr. Lougheed, Mr. Baird, Mr. Scott, 1116 ; on 21st cl., Sir M. Bowell, 1117 ; Mr. McMullen, Sir M. Bowell, Mr. Lougheed, Mr. Watson, 1118 ; Mr. Lougheed, Mr. Watson, Mr. Jones, 1119 ; on 26th cl., Mr. Scott, Mr. Davis, M. in amt., Mr. Lougheed, 1119 ; amt. agreed to, prog. reptd (Mr. Young), 1120 ; H. again in Com., on sub-cl. 7 of 2nd cl., rem., Mr. Scott, Mr. Lougheed, Mr. Power, 1133 ; on 17th cl., Mr. Scott, Sir M. Bowell ; on 21st cl., Mr. Scott, M. to strike out cl., Mr. Davis, rem., Mr. Power, Mr. McMullen, M. agreed to, B. rep. from Com. (Mr. Young), 3rd R.*, 1134 ; R.A., 1274 (c. 42).

(64) An Act respecting the Atlantic, Quebec and Western Railway Company (Mr. Young). Int., 260 ; 2nd R.*, 297 ; 3rd R.*, 331 ; R.A., 400 (c. 59).

(65) An Act respecting the Richelieu and Ontario Navigation Company (Mr. Mitchell). Int., 494 ; 2nd R.*, 559 ; 3rd R.*, 636 ; R.A., 921 (c. 155).

(69) An Act respecting certain Patents of Henry Edmunds (Mr. Young). Int., 335 ; 2nd R., rem., Mr. Lougheed, Mr. Young, 350 ; 3rd R.*, 383 ; R.A., 563 (c. 89).

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(70) An Act respecting the British Canadian Loan and Investment Company, Limited (Mr. Kerr, Toronto). Int., 487 ; 2nd R.*, 558 ; 3rd R.*, 597 ; R.A., 1273 (c. 65).

(71) An Act to incorporate the Calgary and Fernie Railway Company (Mr. Bostock). Int., 278 ; 2nd R.*, 314 ; 3rd R.*, 350 ; R.A., 400 (c. 71).

(72) An Act to incorporate the Quebec, Montreal and Southern Railway Company (Mr. David). Int., 494 ; 2nd R.*, 559 ; rep. from Com. (Mr. Casgrain, de Lanaudière), 3rd R.*, 585 ; R.A., 1273 (c. 150).

(73) An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company (Mr. Bostock). Int., 278 ; 2nd R.*, 314 ; 3rd R.*, 331 ; R.A., 400 (c. 62).

(74) An Act respecting the Harbour of North Sydney in Nova Scotia (Mr. Scott). Int., rem., Mr. McDonald (C.B.), Mr. Scott, 336 ; 2nd R.*, 362 ; in Com., rem., Mr. Lougheed, Mr. Scott, Mr. McDonald (C.B.), 396, 397, 398 ; rem., Mr. Power, B. rep. from Com. (Mr. Young), 398 ; 3rd R.*, 491 ; R.A., 921 (c. 37).

(75) An Act to incorporate the Grand Trunk Pacific Branch Lines Company (Mr. Watson). 1st and 2nd R.*, 1020 ; rep. from Com. on R., T. & H. (Mr. Casgrain, de Lanaudière), amts. concurred in, 1026 ; 3rd R., rem., Mr. Macdonald (B.C.), Mr. Watson, 1026, 1027 ; R.A., 1274 (c. 99).

(76) An Act respecting Revillon Brothers, Limited (Mr. Coffey). Int., 776 ; 2nd R., rem., Mr. Macdonald (B.C.), Mr. Coffey, Mr. Lougheed, Mr. Jaffray, 818 ; rep. from Com. on B. &C. (Sir Geo. Drummond), rem., Mr. Scott, 917 ; Sir Geo. Drummond, Mr. Scott, 918 ; amts. of Com. concurred in, rem., Mr. Coffey, 958 ; M. to amd. 1st cl., rem., Mr. Scott, 959 ; Mr. Talbot, 960 ; Mr. Macdonald (B.C.), Mr. Kerr (Toronto), Sir M. Bowell, 961 ; Mr. Scott, Sir M. Bowell, 962 ; Mr. Ross (Moosejaw), Mr. Kerr (Toronto), 963 ; Mr. Roy, Mr. Scott, Mr. Wilson, Mr. Ross (Moosejaw), 964 ; Mr. Gibson, Mr. Kerr (Toronto), 965 ; Sir M. Bowell, Mr. Choquette, amt. to 1st cl. withdn., 966 ; M. to amd. 3rd cl. (Mr. Scott), rem., Mr. Power, 966 ; Mr. Ross (Moosejaw), 967 ; Mr. Jaffray, cl. adopted, 968 ; on 1st cl., rem., Sir M. Bowell, 968 ; 3rd R., 969 ; R.A., 1273 (c. 154).

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(77) An Act respecting the Calgary and Edmonton Railway Company (Mr. Lougheed). Int., 278 ; 2nd R., rem., Mr. Wilson, Mr. Lougheed, 352, 353 ; 3rd R., 466 ; R.A., 563 (c. 70).

(78) An Act respecting the Great Northwestern Central Railway Company (Mr. Watson). Int., 278 ; 2nd R.*, 314 ; 3rd R.*, 331 ; R.A., 400 (c. 105).

(79) An Act respecting certain Patents of Chester Burnell Duryea (Mr. Poirier). Int., 335 ; 2nd R., rem., Mr. McMullen, Mr. Poirier, Mr. Power, 351 ; 3rd R.*, 561 ; R.A., 921 (c. 88).

(80) An Act respecting the Pacific Northern and Omineca Railway Company (Mr. Gibson). Int., 335 ; 2nd R.*, 362 ; 3rd R.*, 707 ; R.A., 921 (c. 141).

(81) An Act respecting the Bell Telephone Company of Canada (Mr. Lougheed). 1st and 2nd R.*, M. to suspend rules and refer to Com. on R., T. & H. (Mr. Lougheed), rem., Mr. Kerr (Toronto), Mr. Wilson, Mr. Scott, 988 ; Sir M. Bowell, Mr. Power, Mr. Lougheed, Mr. Watson, M. agreed to, 989 ; 3rd R.*, 989 ; R.A., 1273 (c. 61).

(83) An Act to amend the Act respecting the Judges of Provincial Courts (Sir Richard Cartwright). Int., 278 ; M. (Mr. Scott) for 2nd R., rem., Mr. Lougheed, Mr. Scott, Mr. Landry, M. agreed to, 325 ; in Com., rem., Mr. Scott, Mr. Ferguson, Mr. Lougheed, 353, 354 ; B. rep. from Com. (Mr. MacKeen), 354 ; 3rd R.*, 361 ; R.A., 563 (c. 22).

(84) An Act respecting the Grand Trunk Pacific Railway Company (Mr. Gibson). Int., 393 ; 2nd R.*, 440 ; rep. from Com. (Sir Geo. Drummond), 3rd R., 464 ; R.A., 563 (c. 100).

(85) An Act for the enfranchisement of Jamieson Webster Lewis, an Indian of the Moravian Band of the Thames, in the province of Ontario (Mr. Young). Int., 403 ; 2nd R.*, rem., Mr. Lougheed, Mr. Watson, Mr. Wilson, 445 ; M. to commit (Mr. Watson), rem., Mr. Landry, Mr. Scott, 514 ; Sir M. Bowell, Mr. Ferguson, consdn. postponed, 515 ; 3rd R., 560 ; R.A., 921 (c. 25).

(86) An Act respecting the Qu'Appelle, Long Lake and Saskatchewan Railway and Steamboat Company (Mr. Kerr, Toronto). Int., 393 ; 2nd R.*, 440 ; 3rd R.*, 561 ; R.A., 921 (c. 147).

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(87) An Act to incorporate the Vancouver, Fraser Valley and Southern Railway Company (Mr. Bostock). Int., 409 ; 2nd R.*, 467 ; rep. from Com. (Mr. Casgrain, de Lanaudière), 585 ; 3rd R.*, 656 ; R.A., 921 (c. 175).

(88) An Act respecting La Compagnie d'Assurance Mutuelle contre le feu des Comtés de Rimouski, Temiscouata et Kamouraska, and to change its name to La Compagnie d'Assurance contre l'incendie de Rimouski (Mr. Tessier). Int., 676 ; 2nd R. postponed, rem., Mr. Kerr (Cobourg), Mr. Kerr (Toronto), 761 ; 2nd R.*, 813 ; rep. from Com. on B. & C. (Sir Geo. Drummond), 839 ; amts. concurred in, 840 ; M. 3rd R. (Mr. Tessier), M. in amt. (Mr. Landry), 877 ; rem., Mr. Tessier, 878 ; Mr. Bolduc, Mr. McSweeney, 879 ; Mr. Power, amt. rejected on div. (c. 8 ; n.c. 28), 3rd R., 880 ; R.A., 1273 (c. 116).

(89) An Act to incorporate the Ashcroft, Barkerville and Fort George Railway Company (Mr. Riley). Int., 364 ; 2nd R.*, 393 ; consdn. of amts. postponed, 655 ; 3rd R.*, 707 ; R.A., 921 (c. 58).

(90) An Act to incorporate the United Empire Life Insurance Company (Mr. Watson). Int., 1024 ; 2nd R., 1048 ; rep. from Com. on B. & C. (Sir Geo. Drummond), 3rd R.*, 1065 ; R.A., 1274 (c. 173).

(91) An Act to incorporate the Minnesota Canadian Bridge Company (Mr. Frost). Int., 487 ; 2nd R.*, 492 ; 3rd R.*, 656 ; R.A., 1273 (c. 76).

(92) An Act respecting the Essex Terminal Railway Company (Mr. Casgrain, Windsor). Int., 335 ; 2nd R.*, 350 ; 3rd R.*, 466 ; R.A., 563 (c. 93).

(94) An Act respecting the Rio de Janeiro Tramway, Light and Power Company, Limited (Mr. Young). Int., 364 ; 2nd R.*, 403 ; 3rd R.*, 467 ; R.A., 567 (c. 156).

(95) An Act respecting the Mexican Light and Power Company, Limited (Mr. Young). Int., 364 ; 2nd R.*, 403 ; 3rd R.*, 467 ; R.A., 563 (c. 126).

(96) An Act respecting the Mexican Consolidated Electric Company, Limited, and to change its name to 'Mexico Tramways Company' (Mr. Young). Int., 364 ; 2nd R.*, 403 ; 3rd R.*, 467 ; R.A., 563 (c. 125).

(97) An Act to amend the Act respecting the Senate and the House of Commons (Mr. Scott). 1st R., rem., Mr. Scott, Mr.

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Lougheed, Mr. Macdonald (B.C.), Mr. Power, 1094 ; Sir M. Bowell, Mr. Scott, 2nd R., 1095 ; in Com., on 1st cl., rem., Sir M. Bowell, 1107 ; Mr. McMullen, M. in amt., Mr. Lougheed, 1109 ; amt. agreed to, rem., Mr. Cloran, Mr. Lougheed, Mr. Sullivan, Mr. Power, 1110 ; Mr. Cloran, Mr. Power, 1111 ; on sub-cl. 2, M. in amt. (Sir M. Bowell), rem., Mr. Scott, 1111 ; Sir M. Bowell, Mr. Cloran, Mr. Jones, 1112 ; Sir M. Bowell, Mr. Scott, B. rep. from Com. (Mr. Davis), 3rd R.*, 1113 ; R.A., 1274 (c. 48).

(98) An Act respecting the Central Ontario Railway Company (Mr. McHugh). Int., 409 ; 2nd R.*, 467 ; 3rd R.*, 561 ; R.A., 921 (c. 78).

(99) An Act respecting the Mather Bridge and Power Company (Mr. Gibson). Int., 364 ; 2nd R.*, 393 ; 3rd R.*, 491 ; R.A., 921 (c. 124).

(100) An Act respecting the Alberta Railway and Irrigation Company (Mr. Lougheed). Int., 487 ; 2nd R., 570 ; rep from Com. (Mr. Casgrain, de Lanaudière), M. (Mr. De Veber) to refer back to Com., rem., Mr. Lougheed, M. agreed to, 614 ; 3rd R.*, 720 ; R.A., 1273 (c. 53).

(101) An Act to amend the Fruit Marks Act, 1901 (Sir Richard Cartwright). Int., 364 ; 2nd R., 513 ; in Com., on 1st cl., rem., Mr. McMullen, 723 ; Sir R. Cartwright, Mr. Ferguson, 724 ; Sir R. Cartwright, 725 ; Mr. Ferguson, Mr. Bostock, Mr. Ross (C.B.), Sir R. Cartwright, 726 ; B. rep. from Com. (Mr. Thibaudeau, de la Vallière), 3rd R.*, 727 ; R.A., 1273 (c. 15).

(102) An Act respecting the Schomberg and Aurora Railway Company (Mr. Kerr, Toronto). Int., 364 ; 2nd R.*, 393 ; rep. from Com. (Mr. Casgrain, de Lanaudière), amt. concurred in, 445 ; 3rd R.*, 466 ; R.A., 921 (c. 160).

(103) An Act respecting the Quebec and Lake Huron Railway Company (Mr. Choquette). Int., 494 ; 2nd R.*, 559 ; 3rd R.*, 636 ; R.A., 921 (c. 148).

(104 An Act to incorporate the Hamilton, Waterloo and Guelph Railway Company (Mr. McMullen). Int., 494 ; 2nd R., May 31 (omitted from list on p. 559); 3rd R. postponed, 639 ; 3rd R., M. 6 m. h. (Mr. Landry), rem., Mr. McMullen, 656 ; rem., Mr. Landry, M. withdrawn, 657 ; R.A., 1273 (c. 106).

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(105) An Act to incorporate the Sterling Life Assurance Company (Mr. Ferguson). Int., 819 ; 2nd R.*, 832 ; 3rd R.*, 938 ; R.A., 1273 (c. 166).

(106) An Act respecting applications for Patents of Henry Wurts, jr. (Mr. Poirier). Int., 336 ; 2nd R., rem., Mr. Ferguson, Mr. Poirier, Mr. Scott, 351 ; 3rd R.*, 396 ; R.A., 563 (c. 185).

(107) An Act respecting the Erie Ontario Power Company (Mr. Gibson). Int., 364 ; 2nd R.*, 403 ; 3rd R.*, 467 ; R.A., 563 (c. 91).

(108) An Act respecting the Kettle River Valley Railway Company (Mr. Bostock). Int., 364 ; 2nd R.*, 393 ; 3rd R.*, 707 ; R.A., 921 (c. 117).

(109) An Act to repeal the Act to provide for the collection and publishing of Labour Statistics (Sir Richard Cartwright). Int., 336 ; 2nd R., 351 ; rem., Mr. Lougheed, Sir R. Cartwright, Mr. Ferguson, 352 ; in Com., rem., Sir R. Cartwright, rep. from Com. (Mr. Sullivan), 364 ; 3rd R.*, 368 ; R.A., 563 (c. 23).

(111) An Act respecting the Lake of the Woods Milling Company, Limited, and the Keewatin Flour Mills Company, Limited (Mr. Young). Int., 409 ; 2nd R.*, 467 ; 3rd R.*, 569 ; R.A., 921 (c. 120).

(112) An Act respecting the Huron and Ontario Railway Company (Mr. Frost). Int., 495 ; 2nd R.*, 559 ; 3rd R.*, 656 ; R.A., 1273 (c. 111).

(113) An Act respecting the Great Northern Railway Company of Canada (Mr. Legris). Int., 364 ; 2nd R.*, 393 ; 3rd R.*, 466 ; R.A., 563 (c. 104).

(114) An Act to incorporate the Anglo-Canada Insurance Company (Mr. Casgrain, de Lanaudière). Int., 762 ; 2nd R.*, 813 ; 3rd R.*, 938 ; R.A., 1273 (c. 57).

(115) An Act respecting Leprosy (Mr. Scott). Int., 336 ; M. 2nd R., rem., Mr. Scott, 368 ; Mr. McMillan, Mr. Douglas, Mr. Ellis, 369 ; Mr. Scott, Mr. Sullivan, Mr. Lougheed, Mr. Ferguson, 370 ; Mr. Ellis, Sir M. Bowell, Mr. Scott, M. agreed to, 371 ; M. to go into Com. (Mr. Scott), rem., Mr. Sullivan, 410 ; Mr. Scott, 411 ; in Com., rem., Mr. Scott, 412 ; Mr. Douglas, Mr. Scott, Mr. Robertson, 413 ; Mr. Speaker, Mr. Power, Mr. de Boucherville, Mr. Poirier, Mr. Sullivan, 414 ; Mr. Power, Mr. Robertson, Mr. Béique, Mr.

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Poirier, 416 ; Mr. Robertson, Mr. Power; (on 2nd cl.), Mr. Robertson, Mr. Scott, 417 ; Mr. Robertson, Mr. Scott, Mr. Douglas, 419 ; Mr. Douglas, Mr. Béique, Mr. Robertson, cl. adopted ; on 3rd cl., Mr. Landry, Mr. Scott, Mr. de Boucherville, 420 ; Mr. Power, cl. adopted, prog. reptd, (Mr. Tessier), 421.

H. again in Com., 667 ; on 5th cl., rem., Mr. Roberston, Mr. Scott, Mr. Sullivan, Mr. Béique, 668 ; Mr. Robertson, Mr. Landry, Mr. Ellis, Mr. Lougheed, 669 ; Mr. Scott, Mr. Landry, 670 ; Mr. Scott, Mr. Landry, Mr. Power, Sir M. Bowell, 671 ; Mr. Scott, Sir M. Bowell, Mr. Landry, Mr. Macdonald (B.C.), 672 ; Mr. Lougheed, Mr. Ferguson, Mr. Gibson, 673 ; Sir M. Bowell, Mr. Gibson, Mr. Robertson, Mr. Ferguson, 674 ; Mr. Wilson, Mr. Scott, cl. adopted, 675 ; on 8th cl., rem., Mr. Robertson, cl. adopted, 675 ; on 12th cl., rem., Mr. Robertson, Mr. Ferguson, 675 ; Mr. Scott, Mr. Ferguson, Mr. Poirier, cl. adopted, 676 ; 16th cl. added, B. rep. from Com. (Mr. Baker), 676 ; 3rd R., rem., Mr. Landry, Mr. Scott, Mr. Ferguson, Mr. Sullivan, 708 ; R.A., 921 (c. 24).

(117) An Act to incorporate the Erie, London and Tilsonburg Railway Company (Mr. Watson). Int., 585 ; 2nd R.*, 646 ; 3rd R.*, 720 ; R.A., 921 (c. 90).

(120) An Act respecting the Fort William Terminal Railway and Bridge Company (Mr. Riley). Int., 776 ; 2nd R., rem., Sir M. Bowell, Mr. Watson, 819 ; 3rd R.*, 874 ; R.A., 1273 (c. 97).

(121) An Act respecting the Manitoulin and North Shore Railway Company (Mr. Kerr, Toronto). Int., 487 ; 2nd R.*, 492 ; 3rd R.*, 656 (c. 123).

(122) An Act respecting a certain Patent of Franklin Montgomery Gray (Mr. Kerr, Toronto). Int., 676 ; 2nd R., Mr. Power, Sir M. Bowell, Mr. Kerr (Toronto), Sir M. Bowell, 717 ; Mr. Kerr (Toronto), 718, 722, 723 ; Mr. McMullen, Mr. Lougheed, Mr. Power, 723 ; rep. from Com. on Misc. Private Bills (Mr. Kerr, Toronto), rem., Mr. Power, 840 ; on 3rd R., M. (Mr. Power) to amd., rem., Mr. Kerr (Toronto), 880 ; Mr. Sullivan, 881 ; Mr. Power, Mr. Edwards, Mr. Landry, 882; Mr. McMullen, amt. lost on div., 3rd R., 883 ; R.A., 1273 (c. 103).

(124) An Act respecting the Harbour Commissioners of Montreal (Sir Richard Cartwright). Int., 364 ; 2nd R., 402 ; in Com., rem., Sir R. Cartwright, 3rd R.*, 489 ; R.A., 563 (c. 33).

(125) An Act respecting the Algoma Central and Hudson's Bay Railway Company (Mr. Kerr, Toronto). Int., 487 ; 2nd R.*, 492 ; 3rd R.*, 636 ; R.A., 1273 (c. 54).

(126) An Act respecting the Thorold and Lake Erie Railway Company (Mr. Kerr, Cobourg). Int., 409 ; 2nd R.*, 467 ; 3rd R.*, 561 ; R.A., 921 (c. 168).

(127) An Act respecting the Farmers' Bank of Canada (Mr. Coffey). Int., 487 ; 2nd R.*, 492 ; 3rd R.*, 570 ; R.A., 921 (c. 94).

(128) An Act respecting Puebla Light and Power Company, Limited, and to change its name to 'Puebla Tramway, Light and Power Company' (Mr. Frost). Int. 364 ; 2nd R.*, 393 ; 3rd R.*, 466 ; R.A., 563 (c. 146).

(129) An Act to incorporate the Sovereign Trust Company (Mr. Ferguson). 1st and 2nd R.*, 958 ; 3rd R.*, 1065 ; R.A., 1274 (c. 163).

(130) An Act respecting the Grand Valley Railway Company (Mr. Coffey). 1st and 2nd R.*, 958 ; 3rd R.*, 989 ; R.A., 1273 (c. 102).

(131) An Act respecting the Royal Bank of Canada (Mr. McKay, Truro). 1st and 2nd R.*, 958 ; 3rd R.*, 1065 ; R.A., 1274 (c. 157).

(132) An Act respecting the Ontario, Northern and Temagami Railway Company (Mr. McHugh). Int., 495 ; 2nd R.*, 559 ; 3rd R.*, 656 ; R.A., 1273 (c. 136).

(133) An Act respecting the Niagara, St. Catharines and Toronto Railway Company (Mr. Kerr, Toronto). Int., 560 ; 2nd R.*, 570 ; 3rd R.*, 656 ; R.A., 1273 (c. 132).

(134) An Act respecting the Toronto and Hamilton Railway Company, and to change its name to the Toronto, Niagara and Western Railway Company (Mr. Kerr, Toronto). Int., 596 ; 2nd R.*, 655 ; 3rd R.*, 720 ; R.A., 921 (c. 169).

(135) An Act respecting the Empire Trust Company, and to change its name to the Dominion Trust Company (Mr. Mitchell). Int., 874 ; 2nd R.*, 916 ; 3rd R.*, 917 ; R.A., 1273 (c. 87).

(136) An Act respecting a Patent of the Cyclone Woven Wire Fence Company, Limited (Mr. Watson). Int., 409 ; 2nd R.*, 467 ; 3rd R.*, 636 ; R.A., 921 (c. 86).

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(138) An Act to incorporate the Toronto Terminals Railway Company (Mr. Gibson). Int., 597 ; 2nd R.*, 655 ; 3rd R.*, 720 ; R.A., 1273 (c. 170).

(139) An Act respecting the Northern Commercial Telegraph Company, Limited (Mr. Lougheed). Int., 597 ; 2nd R.*, 646 ; rep. from Com. on R., T. & H. (Mr. Casgrain, de Lanaudière), 874 ; M. to concur in amt. (Mr. Lougheed), rem., Mr. Macdonald (B.C.), 969 ; Mr. Watson, Mr. Bolduc, Mr. McMullen, 970 ; Mr. Power, 971 ; Mr. Gibson, 972 ; amts. concurred in on div. (c. 22 ; n.c. 17), 973 ; 3rd R., M. to amd. 2nd cl. (Mr. Watson), 973 ; amt. rejected (c. 20 ; n.c. 24), 974 ; R.A., 1273 (c. 133).

(140) An Act respecting the Southern Central Pacific Railway Company (Mr. Wilson). 1st and 2nd R.*, 958 ; 3rd R.*, 989 ; R.A., 1273 (c. 162).

(141) An Act respecting the Quebec, Saguenay and Gulf of St. Lawrence Railway Company (Mr. Tessier). Int., 495 ; 2nd R.*, 559 ; 3rd R.*, 636 ; R.A., 921 (c. 151).

(146) An Act to incorporate the Windsor, Chatham and London Railway Company (Mr. Casgrain, Windsor). Int., 762 ; 2nd R.*, 769 ; 3rd R.*, 874 ; R.A., 1273 (c. 183).

(147) An Act respecting the Standard Trusts Company (Mr. Watson). Int., 707 ; 2nd R.*, 722 ; 3rd R.*, 875 ; R.A., 1273 (c. 165).

(149) An Act respecting the Central Railway Company of Canada (Mr. Lo t. 776 ; 2nd R.*, 819 ; 3rd R.*, 895 ; R.A., 1273 (c. 79).

(150) An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company (Mr. Casgrain, Windsor). Int., 776 ; 2nd R.*, 819 ; 3rd R.*, 935 ; R.A., 1273 (c. 184).

(151) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company (Mr. Young). Int., 487 ; 2nd R.*, 492 ; 3rd R.*, 636 ; R.A., 921 (c. 137).

(153) An Act respecting Placer Mining in the Yukon Territory (Sir Richard Cartwright). Int., 676 ; 2nd R., rem., Mr. Scott, 828 ; Mr. Lougheed, 829 ; Mr. Scott, Mr. Macdonald (B.C.), 830 ; Mr. Scott, 831. In Com., on 1st cl., rem., Mr. Macdonald (B.C.), Mr. Ross (Moosejaw), 853; on 3rd cl., Mr. Lougheed, 854 ; on 4th cl., Mr. Lougheed, Mr. Scott, 854 ; on 5th cl., Mr. Lougheed, Mr. Scott, 854, 855 ; on 6th cl., Mr. Lougheed, Mr. Scott, 855 ; on 18th cl., Mr. Lougheed. Mr. Scott. 855 ; Mr. Ross (Moosejaw), 856 ; on 27th cl., Mr. Ross (Moosejaw), 856 ; on 29th cl., Mr. Lougheed, Mr. Scott, 856 ; on 30th cl., Mr. Lougheed, Mr. Scott, Mr. Ross (Moosejaw), 857, 858 ; on 31st cl., Mr. Lougheed, Mr. Scott, Mr. Ross (Moosejaw), 858 ; on 37th cl., Mr. Lougheed, Mr. Scott, 859 ; on 39th cl., Mr. Lougheed, Mr. Ross (Moosejaw), 859 ; Mr. Macdonald (B.C.), Sir M. Bowell, 860 ; on 40th cl., Mr. Lougheed, 860 ; Mr. Scott, Mr. Ross (Moosejaw), Mr. Macdonald (B.C.), 861 ; Sir M. Bowell, Mr. Scott, Mr. Lougheed, 862 ; on 41st cl., Mr. Lougheed, Mr. Ross (Moosejaw), 863 ; on 45th cl., Sir M. Bowell, Mr. Ross (Moosejaw), Mr. Lougheed, Mr. Bostock, 863 ; on 46th cl., Sir M. Bowell, Mr. Lougheed, Mr. Scott, 864 ; on 47th cl., Mr. Lougheed, Mr. Ross (Moosejaw), 864, 865 ; Mr. Ross (Moosejaw), Sir M. Bowell, 865 ; on 49th cl., Sir M. Bowell, 865 ; Mr. Scott, 866 ; on 61st cl., Sir M. Bowell, Mr. Ross (Moosejaw), Mr. Lougheed, 866, 867 ; on 64th cl., Mr. Lougheed, Sir M. Bowell, 867 ; on 85th cl., Mr. Lougheed, Sir M. Bowell, 867 ; on 88th cl., Mr. Lougheed, Mr. Scott, 868 ; on 91st cl., Mr. Lougheed, Mr. Ross (Moosejaw), 868 ; on 92nd cl., Mr. Scott, Mr. Lougheed, 869 ; on schedule D, Mr. Macdonald (B.C.), Mr. Scott, Mr. Wilson, 869 ; B. rep. from Com. (Mr. McDonald, C.B.), 869 ; 3rd R.*, 875 ; R.A., 1274 (c. 39).

(154) An Act to amend the Unorganized Territories Game Preservation Act, 1894 (Mr. Scott). Int., 403 ; 2nd R., 445 ; in Com., rem., Mr. Scott, 3rd R.*, 488 ; R.A., 563 (c. 16).

(155) An Act to amend the Criminal Code, 1892 (Mr. Scott). Int., 487 ; 2nd R., 558 ; in Com., rem., Mr. Scott, Mr. Power, Mr. Lougheed, rep. from Com. (Mr. Wood), 3rd R.*, 654 ; R.A., 921 (c. 5).

(156) An Act to amend the Exchequer Court Act (Mr. Scott). Int., 495 ; 2nd R., 559 ; in Com., rem., Mr. Scott, 654 ; B. rep. from Com. (Mr. McKay, Truro), 3rd R.*, 655 ; R. A., 921 (c. 11).

(157) An Act to incorporate the Hillcrest Railway, Coal and Coke Company (Mr. Ferguson). Int., 597 ; 2nd R., rem., Mr. Wilson, Mr. Ferguson, 657 ; 3rd R.*, 922 ; R.A., 1273 (c. 107).

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(158) An Act to incorporate the Burk's Falls and French River Railway Company (Mr. Talbot). Int., 776 ; 2nd R.*, 819 ; rep. from Com. on R., T. & H. (Mr. Casgrain, de Lanaudière), 3rd R.*, 936 ; R.A., 1273 (c. 69).

(159) An Act to incorporate the Cobalt Range Railway Company (Mr. McHugh). Int., 819 ; 2nd R.*, 832 ; 3rd R.*, 935 ; R.A., 1273 (c. 82).

(160) An Act respecting Queen's College of Kingston (Mr. Sullivan). Int., 560 ; 2nd R.*, 570 ; 3rd R.*, 875 ; R.A., 1273 (c. 152).

(161) An Act to incorporate the Trans-Niagara Bridge Company (Mr. Kerr, Toronto). 1st and 2nd R.*, 958 ; 3rd R.*, 989 ; R.A., 1274 (c. 171).

(162) An Act respecting the Fiscal Year (Mr. Scott). Int., 874 ; 2nd and 3rd R., rem., Mr. Power, 915 ; Mr. Lougheed, Mr. Ferguson, 916 ; R.A., 1273 (c. 12).

(163) An Act to authorize the exchange of certain school lands for other Dominion lands (Mr. Scott). Int., 763 ; 2nd R., rem., Mr. Scott, Mr. Lougheed, 769 ; in Com., rem., Mr. Scott, 813 ; Mr. Lougheed, Mr. Scott, Mr. Ferguson, 814 ; Mr. Scott, Mr. Lougheed, Sir M. Bowell, 815 ; Mr. Perley, Sir M. Bowell, Mr. Watson, 816 ; Mr. Scott, Mr. Lougheed, 817 ; B. rep. from Com. (Mr. Jaffray), 3rd R.*, 818 ; R.A., 921 (c. 47).

(164) An Act to amend the Rocky Mountains Park Act (Mr. Scott). Int., 676 ; 2nd R., rem., Mr. Scott, 720 ; Mr. Lougheed, Mr. Scott, 721 ; in Com., rem., Mr. Scott, Mr. McMullen, B. rep. from Com (Mr. Coffey), 3rd R.*, 759 ; R.A., 921 (c. 44).

(170) An Act respecting Immigration and Immigrants (Mr. Scott). 1st R., 874 ; 2nd R.*, 916 ; in Com., rem., Mr. Scott, Mr. Lougheed, 992 ; on 2nd cl., rem., Mr. Scott, Mr. Lougheed, 993 ; on 4th cl., Mr. Macdonald (B.C.), Mr. Scott, 994 ; on 5th cl., Mr. Scott, Mr. Wilson, 994 ; Mr. Sullivan, Mr. Power, Mr. Lougheed, 995 ; Mr. Jones, Mr. Wilson, 996; Mr. Watson, 997; Mr. Sullivan, Sir M. Bowell, 998 ; Mr. Watson, Mr. Power, 999 ; Sir M. Bowell, Mr. Macdonald (B.C.), cl. adopted, 1000 ; on 11th cl., Mr. Power, 1000 ; on 15th cl., Mr. Macdonald (B.C.), Mr. Ellis, Mr. Wilson, Mr. Power, 1001 ; on 16th and 18th cls., Mr. Sullivan, Mr. Scott, Mr. Power, Mr. Edwards, 1002 ; on 24th cl., Mr. Scott, 1002 ; on 25th cl., Mr. Wilson, Mr. Scott, 1003 ; on 26th cl., Mr. Power, Mr. Lougheed, Mr. Wilson, 1003, 1004 ; on 27th cl., Mr. Sullivan, Mr. Scott, Mr. Lougheed, 1005 ; on 28th cl., Mr. Power, Mr. Scott, Mr. Wilson, 1005 ; Mr. Scott, Mr. Wilson, Mr. Ellis, M. in amt., Mr. Power, 1006 ; amt. rejected, 1007 ; on 31st and 32nd cls., Mr. Scott, Mr. Wilson, 1007 ; on 33rd cl., Mr. Power, Mr. Scott, Mr. Lougheed, 1008 ; on 36th, 38th, 39th, 42nd and 43rd cls., 1009 ; on 71st and 72nd cls., Mr. Scott, Mr. Lougheed, 1010 ; B. rep. from Com. (Mr. Kerr, Cobourg), 1010 ; M. (Mr. Scott), 3rd R., M. to amd. 26th cl. (Mr. Power), 1012 ; rem., Mr. Scott, Mr. Lougheed, 1013 ; Mr. Watson, Mr. Lougheed, Mr. McMillan, Sir R. Cartwright, 1014 ; Mr. Bernier, Mr. Macdonald (B.C.), Mr. Sullivan, 1015 ; Mr. Power, Mr. Wilson, 1016; Mr. de Boucherville, amt. rejected on div. (c. 12 ; n.c. 24), 1017 ; M. to amd. 28th cl. (Mr. Power), 1017 ; rem., Mr. Sullivan, Mr. Wilson, Mr. Watson, 1018 ; Mr. Edwards, Mr. de Boucherville, Mr. Scott, 1019 ; amt. lost on div., 3rd R., 1020 ; R.A., 1274 (c. 19).

(171) An Act to amend the Interpretation Act (Mr. Scott). Int., 833 ; 2nd R., 869 ; in Com., rem., Mr. Scott, B. rep. from Com. (Mr. Jones), 3rd R.*, 909 ; R.A., 1273 (c. 21).

(174) An Act respecting the Quebec Harbour Commissioners (Mr. Scott). 1st R., 655 ; 2nd R., rem., Mr. Landry, Mr. Scott, Sir M. Bowell, 718 ; in Com., rem., Mr. Scott, Mr. Lougheed, 727 ; Mr. Choquette, Mr. Scott, Mr. Lougheed, Mr. Ellis, 728 ; B. rep. from Com. (Mr. Godbout), 3rd R.*, 729 ; R.A., 1273 (c. 41).

(175) An Act to amend the Customs Tariff, 1897 (Mr. Scott). Int., rem., Sir M. Bowell, Mr. Scott, 707 ; 2nd R., 759 ; in Com., on 1st cl., rem., Mr. Scott, 763 ; Mr. Lougheed, Mr. Scott, Sir M. Bowell, cl. adopted, 764 ; on 2nd cl., rem., Sir M. Bowell, Mr. Jones, Mr. Scott, Mr. Lougheed, 764, 765, 766 ; Mr. Ferguson, cl. adopted, 766 ; on 3rd cl., rem., Mr. Ellis, 766 ; Sir M. Bowell, Mr. Jones, 767 ; Mr. McMullen, Mr. Lougheed, Mr. Power, Mr. Edwards, 768 ; cl. adopted, 769 ; B. rep. from Com. (Mr. Gibson) and 3rd R.*, 769 ; R.A., 921 (c. 9).

(176) An Act respecting Penitentiaries (Mr. Scott). Int., 819 ; 2nd R., rem., Mr. Scott, Mr. Ferguson, Mr. Lougheed, 832,

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833 ; in Com., rem., Mr. Scott, Mr. Lougheed, 883 ; Sir M. Bowell, 884 ; on 3rd cl., rem., Mr. Scott, 884 ; on 6th cl., Mr. Lougheed, Mr. Ferguson, Mr. Scott, 884, 885 ; on 11th cl., Mr. Lougheed, Mr. Scott, 885 ; on 13th cl., Mr. Lougheed, Mr. Scott, Mr. Ferguson, Mr. Wilson, 886, 887 ; Mr. Sullivan, Sir M. Bowell, 888 ; on 22nd cl., Mr. Lougheed, Mr. Scott, 888 ; on 23rd cl., Sir M. Bowell, Mr. Scott, 889 ; on 26th cl., Mr. Lougheed, Sir M. Bowell, 889 ; Sir M. Bowell, Mr. Wilson, 890, 891 ; on 32nd cl., Mr. Lougheed, 891 ; Mr. Ferguson, Sir M. Bowell, 892 ; on 33rd cl., Sir M. Bowell, Mr. Ferguson, Mr. Scott, 892, 893 ; on 34th cl., Mr. Lougheed, Mr. Ferguson, 893 ; Mr. Power, Mr. Sullivan, Sir M. Bowell, 894 ; Mr. Scott, Mr. Lougheed, Mr. Power, 895 ; amt. (Mr. Power), rem., Mr. Scott, Sir M. Bowell, Mr. Sullivan, 896 ; Mr. Lougheed, Mr. Power, Mr. Watson, 897 ; Mr. Ferguson, Mr. Scott, Mr. Cloran, 898 ; M. to strike out cl. (Mr. Watson), 899 ; rem., Mr. Lougheed, Mr. Scott, Mr. Power, Sir M. Bowell, Mr. Wood, 900 ; Mr. Scott, Mr. Ferguson, Mr. Sullivan, 901 ; cl. struck out on div. (c. 25 ; n.c. 11), 902 ; on 35th cl., rem., Mr. Lougheed, Mr. Scott, 902 ; on 36th cl., Mr. Scott, Mr. Power, 902 ; on 37th cl., Mr. Lougheed, Mr. Scott, 903 ; on 45th cl., Mr. Lougheed, Mr. Scott, Mr. Sullivan, Mr. Ferguson, Sir M. Bowell, 903 ; Mr. Lougheed, Mr. Ferguson, 904 ; Mr. Lougheed, 908 ; Mr. Scott, 909 ; on 51st cl., Mr. Scott, Sir M. Bowell, 904 ; on 55th cl., Mr. Scott, Mr. Ferguson, Sir M. Bowell, 905 ; on 57th cl., Mr. Scott, Sir M. Bowell, Mr. Lougheed, 905, 906 ; on 66th cl., Sir M. Bowell, Mr. Scott, 906 ; on 70th cl. and schedule (a), Mr. Scott, 906 ; on 32nd cl., Mr. Power, Sir M. Bowell, Mr. Scott, 908 ; on 6th cl., Mr. Lougheed, Mr. Watson, 909 ; B. rep. from Com. (Mr. Bostock), amts. concurred in, 909 ; 3rd R., rem., Mr. Scott, 918 ; Mr. Lougheed, Mr. Power, Mr. Scott, 919 ; R.A., 1273 (c. 38).

(177) An Act to make further provision respecting grants of land to members of the Militia Force on active service in the Northwest (Sir Richard Cartwright). Int., 676 ; 2nd R., rem., Sir R. Cartwright, 721 ; Mr. Lougheed, Sir R. Cartwright, 722 ; in Com., rem., Mr. Scott, 759 ; Mr. Power, Mr. Davis, Mr. McMullen, 760 ; Mr. de Boucherville, Mr. Watson, B. rep. from Com. (Mr. Bernier), 3rd R.*, 761 ; R.A., 921 (c. 30).

(178) An Act for granting to His Majesty a certain sum of money for the public service for the financial year 1906 (Mr. Scott). Int., rem., Mr. Lougheed, Mr. Scott, Mr. McMullen, 1st, 2nd and 3rd R., 562 ; R.A., 563 (c. 2).

(183) An Act to incorporate the Twelve-Mile Power Company, Limited (Mr. Kerr, Cobourg). 1st and 2nd R.*, 958 ; amts. concurred in, rem., Mr. Edwards, Mr. Kerr (Cobourg), 3rd R., M. (Mr. Edwards) to add 25th cl., 1012 ; R.A., 1274 (c. 172).

(194) An Act to amend the Indian Act (Mr. Scott). Int., rem., Mr. Scott, Mr. Lougheed, 833 ; 2nd R., rem., Mr. Scott, 869 ; Sir M. Bowell, Mr. Scott, 870 ; in Com., rem., Mr. Scott, 909 ; Sir M. Bowell, Mr. Watson, 910 ; Sir M. Bowell, Mr. Power, Mr. Watson, 911 ; Mr. Macdonald (B.C.), Mr. Scott, Sir M. Bowell, 912 ; Mr. Riley, Mr. Watson, Mr. Jones, 913 ; Mr. Macdonald (B.C.), Mr. Jones, Mr. Scott, Sir M. Bowell, B. rep. from Com. (Mr. Thibaudeau, Rigaud), 3rd R.*, 914 ; R.A., 1273 (c. 20).

(195) An Act respecting the Court of Appeal for Manitoba (Mr. Scott). Int., 833 ; 2nd R., rem., Mr. Scott, 914 ; Mr. Ferguson, Mr. Lougheed, Mr. Power, 915 ; in Com., rem., Mr. Lougheed, Mr. Scott, 929 ; B. rep. from Com. (Mr. Tessier), 930 ; 3rd R., rem., Mr. Scott, 938 ; Mr. Lougheed, Mr. Scott, 939 ; R.A., 1273 (c. 4).

(196) An Act respecting the Currency (Mr. Scott). 1st R., 833 ; 2nd and 3rd R., rem., Sir M. Bowell, Mr. Scott, 870 ; R.A., 1273 (c. 8).

(198) An Act respecting the British American Assurance Company (Mr. Watson). Int., 819 ; rep. from Com. on S. O. (Mr. Young), 841 ; 2nd R.*, 883 ; 3rd R.*, 917 ; R.A., 921 (c. 64).

(199) An Act respecting the Western Assurance Company (Mr. Watson). Int., 833 ; rep. from Com. on S. O., 841 ; 2nd R.*, 883 ; 3rd R.*, 917 ; R.A., 921 (c. 179).

(200) An Act to amend the Militia Pension Act, 1901 (Mr. Scott). 1st R., 834 ; 2nd R., rem., Mr. Lougheed, Mr. Scott, Sir M. Bowell, 871 ; in Com., rem., Mr. Scott, Mr. Lougheed, 919 ; Mr. Scott, Mr. Power, Mr. Lougheed, Mr. Ferguson, B. rep. from Com. (Mr. David), 3rd R.*, 920 ; R.A., 1273 (c. 31).

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(201) An Act to amend the Militia Act (Mr. Scott). 1st R., 834 ; 2nd R., rem., Mr. Scott, Sir M. Bowell, 871 ; 3rd R.*, 922 ; R.A., 1273 (c. 29).

(202) An Act respecting roads and road allowances in the provinces of Saskatchewan and Alberta (Mr. Scott). 1st R., 834 ; 2nd R., 872 ; 3rd R.*, 922 ; R.A., 1273 (c. 45).

(206) An Act to amend the Manitoba Grain Act, 1900 (Mr. Scott). Int., 958 ; 2nd R., rem., Mr. Scott, 974 ; in Com., rem., Mr. Lougheed, Mr. Scott, Mr. Bernier, B. rep. from Com. (Mr. Kerr, Toronto), 3rd R.*, 1011 ; R.A., 1273 (c. 28).

(207) An Act to amend the Grain Inspection Act (Mr. Scott). Int., 935 ; 2nd R.*, 969 ; in Com., rem., Sir R. Cartwright, 1010 ; Mr. Bernier, Mr. Lougheed, B. rep. from Com. (Mr. Ellis), 3rd R.*, 1011 ; R.A., 1273 (c. 18).

(214) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned (Mr. Scott). 1st and 2nd R., 1046 ; in Com., rem., Mr. Scott, Mr. Lougheed, Sir M. Bowell, 1066, 1067 ; on sub-cls. 7, 29, 32 and 35 of 1st cl., Sir M. Bowell, Mr. Scott, 1068 ; on sub-cl. 40, Sir M. Bowell, Mr. Scott, 1069 ; Mr. Lougheed, Sir M. Bowell, Mr. Scott, 1070 ; Sir M. Bowell, Mr. Power, 1071 ; on 6th cl., Mr. Lougheed, Sir R. Cartwright, 1072 ; on preamble, Sir M. Bowell, 1072 ; Sir R. Cartwright, Mr. Lougheed, 1073 ; B. rep. from Com. (Mr. Roy), 1074 ; R.A., 1274 (c. 43).

(215) An Act to amend the National Transcontinental Railway Act (Mr. Scott). 1st and 2nd R., rem., Mr. Scott, Mr. Lougheed, Sir M. Bowell, 1046, 1047 ; in Com., rem., Mr. Lougheed, Mr. Scott, Mr. Power, 1074; 3rd R.*, 1075 ; 3rd R., rem., Mr. Scott, Sir M. Bowell, 1090 ; R.A., 1274 (c. 36).

(220) An Act to repeal the Act respecting annuities to certain Privy Councillors (Mr. Scott). 1st R., rem., Mr. Landry, Mr. Scott, 1233, 1234 ; rem., Mr. Scott, Mr. Speaker, Mr. Landry, 1254 ; M. to suspend rule (Mr. Scott), 1258 ; rem., Mr. Landry, Mr. Scott, 1259 ; Mr. de Boucherville, Mr. Scott, Sir M. Bowell, Mr. Landry, 1260 ; Mr. Macdonald (B.C.), Mr. Watson, Mr. Landry, Mr. de Boucherville, 1261 ; Mr. Landry, Mr. Gibson, Mr. Jones, 1262 ; Mr. Landry, Mr. Jones, Mr. Ellis, Mr. Gibson, Mr. Speaker, 1263 ; Mr. Gibson, Mr. Lougheed, Mr. Kerr (Toronto), N. of M. (Mr. Scott), 1264 ; M. (Sir R. Cartwright) to susp. rules, rem., Mr. Landry, 1264 ; ruling, Mr. Speaker, M. agreed to, 1265 ; M. 2nd R. (Mr. Scott), 1265 ; rem., Mr. Lougheed, 1267 ; Mr. Gibson, 1269 ; Mr. Landry, 1270 ; Mr. Gibson, Mr. Landry, Mr. Ellis, 1271 ; M. agreed to, 1272 ; 3rd R., rem., Mr. Scott, Mr. Lougheed, Mr. Landry, 1272 ; R.A., 1274 (c. 40).

(222) An Act to provide for further advances to the Harbour Commissioners of Montreal (Mr. Scott). 1st and 2nd R., 1047 ; in Com., rem., Mr. Lougheed, Mr. Scott, 1075 ; Sir M. Bowell, Mr. Ellis ; on 2nd cl., Mr. Lougheed, Sir R. Cartwright, 1076 ; B. rep. from Com. (Mr. Baird), 3rd R.*, 1077 ; R.A., 1274 (c. 35).

(223) An Act to amend the Fisheries Act (Mr. Scott). 1st and 2nd R., rem., Mr. Scott, Sir M. Bowell, Mr. Lougheed, 1048; 3rd R.*, 1077 ; R.A., 1274 (c. 13).

(224) An Act relating to the Supreme Court of Judicature in the Province of New Brunswick (Mr. Scott). 1st R., rem., Mr. Scott, 1091 ; Mr. Lougheed, Mr. Scott, 1092 ; Mr. Ellis, 2nd R., 1093 ; in Com., rem., Sir M. Bowell, Mr. Scott, 1099 ; Sir M. Bowell, Mr. Scott, Mr. Thompson, 1100 ; Mr. Scott, Mr. Thompson, Mr. Ellis, 1101 ; Mr. Lougheed, 1102 ; Mr. Power, 1103 ; Mr. Lougheed, 1104 ; M. (Mr. Power) to add cl., rem., Mr. Scott, 1105 ; Mr. Power, Mr. Ellis, Mr. McMullen, amt. rejected on div (c. 7 ; n.c. not counted), 1106 ; B. rep. from Com. (Sir J. Carling), 3rd R.*, 1107 ; R.A., 1274 (c. 51).

(225) An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 30th June, 1906, and the period of nine months ending the 31st March, 1907 (Mr. Scott). 1st R., rem., Mr. Scott ; on 2nd R., rem., Mr. Lougheed, Mr. Macdonald (B.C.), 1227 ; Mr. de Boucherville, Mr. Edwards, 1228 ; Mr. Ellis, Mr. Landry, Mr. David, Sir M. Bowell, 1229 ; Mr. Lougheed, Mr. Frost, 1231 ; Sir R. Cartwright, Mr. Ellis, 1233 ; Sir M. Bowell, 1234 ; Mr. Scott, 1237 ; Sir M. Bowell, 1240 ; Mr. McMullen, 1241 ; Mr. Ellis, Mr. McMullen, 1243 ; Mr. Ellis, 1244 ; 3rd R., rem., Sir M. Bowell, Mr. Sullivan, 1244, 1245 ; R.A., 1274 (c. 3).

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On M. (Mr. McMullen) to amd. Vancouver, Westminster and Yukon Ry. Co. B., amt. rejected (c. 16 ; n.c. 28), 558.

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